STATE OF NEW YORK

7839--A

2025-2026 Regular Sessions

IN ASSEMBLY

April 11, 2025

Introduced by M. of A. FITZPATRICK -- read once and referred to the Committee on Local Governments -- ordered to a third reading -- committed to the Committee on Local Governments in accordance with Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 19 of the laws of 1964, relating to incorporating the Nesconset Volunteer Exempt Firemen's Benevolent Association, and providing for its powers and duties, in relation to the purpose of such association and the use of foreign fire insurance premium taxes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections 1, 2, 3 and 7 of chapter 19 of the laws of 1964, relating to incorporating the Nesconset Volunteer Exempt Firemen's Benevolent Association, and providing for its powers and duties, are amended to read as follows:

Section 1. Incorporation; membership. A membership corporation by the name of "Nesconset Volunteer Exempt [~~Firemen's~~] **Firefighter's** Benevolent Association" is hereby created. It shall be composed of such persons eligible to membership therein as hereinafter provided as shall (a) notify the secretary of the Nesconset volunteer fire department in writing prior to the organization meeting of such corporation hereinafter provided for of their desire to become members, or (b) shall attend such meeting or an adjournment thereof, and also such persons so eligible as may become members of such corporation pursuant to its by-laws.

§ 2. Persons eligible to membership. All persons who are now, or who have been, or who hereafter shall be active volunteer members of the Nesconset volunteer fire department, or of any fire corporation in the Nesconset fire district, and who have heretofore acquired or shall hereafter acquire the status of exempt volunteer [~~firemen~~] **firefighters** as defined in section two hundred of the general municipal law or any other applicable law by virtue of having rendered service in the Nesconset

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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volunteer fire department, or of any fire corporation in the Nesconset fire district, and all persons who are active volunteer members of the Nesconset volunteer fire department shall be eligible for membership in the corporation created by this act, except that any [~~fireman~~] **fire-fighter** who has been removed for cause, expelled or dropped from the rolls of any fire company or department, and who has not been reinstated therein, shall not be eligible for membership in such corporation. The membership of any such person in such corporation shall terminate upon the withdrawal of such person as an active volunteer member of the Nesconset volunteer fire department prior to the actual performance by such person of five years service as an active volunteer member of the Nesconset volunteer fire department. Whenever a member who is not an exempt [~~fireman~~] **firefighter** as defined by section two hundred of the general municipal law shall move from such fire district or from territory provided with fire protection as aforesaid or if the territory in which a member resides shall no longer be provided with fire protection, [~~his~~] **such member's** membership in such corporation shall cease. **Paid firefighters, if any, of the Nesconset fire district or Nesconset volunteer fire department, shall not be eligible for membership in the corporation.**

§ 3. Purposes. [~~The purposes of such corporation shall be the maintenance of suitable headquarters for, and the promotion of fraternal intercourse among the members of such corporation, the relief, aid and assistance of such members and their families who are disabled or indigent, and the promotion of the welfare if the volunteer fire service within the Nesconset fire district and territory provided with fire protection by contract with such fire district.~~] **The purposes of the corporation created by this act shall be: to provide relief, aid and assistance to the volunteer members of such corporation who are disabled, indigent or injured in the performance of their duties, and their families; to promote and safeguard the welfare of the volunteer members of such corporation, and their families; to maintain a suitable headquarters for the members of such corporation; to provide for the health and safety of the volunteer members of such corporation; and to enhance the morale of the volunteer members of such corporation by providing social and recreational activities for the volunteer members of such corporation, and the promotion of the volunteer fire service within the territory protected by the Nesconset volunteer fire department.**

§ 7. Precept for payment of foreign fire insurance premium taxes. Such corporation shall collect and there shall be paid to it all taxes imposed by section [~~five hundred fifty-three~~] **nine thousand one hundred four** of the insurance law, for fire department use and benefit, upon premiums for insurance against loss or damage by fire covering property situated within the territory protected by the Nesconset volunteer fire department, located in the town of Smithtown, Suffolk county, New York, or within any duly organized territory in which the Nesconset volunteer fire department is or may be obligated to render fire protection. The officer of said corporation designated by its by-laws to collect and receive the aforesaid tax shall have all the powers and to be subject to all the provisions of the insurance law, relating to treasurers of fire departments. Such corporation shall also be entitled to receive a share of the tax imposed by section [~~five hundred fifty-four~~] **nine thousand one hundred five** of the insurance law, based upon the business written in the territory with respect to which it is entitled to collect and receive the tax under section [~~five hundred fifty-three~~] **nine thousand one hundred five** of the insurance law. Such taxes shall only be used

[~~for the care and relief of disabled or indigent volunteer and exempt volunteer firemen and their families~~] **by the corporation in furtherance of its purposes as set forth under section three of this act**.

§ 2. This act shall take effect immediately; provided, however, that the amendments to section 7 of chapter 19 of the laws of 1964 relating to incorporating the Nesconset Volunteer Exempt Firemen's Benevolent Association, and providing for its powers and duties, made by section one of this act shall apply to taxes due and premiums received on and after January 1, 2027.