

SENATE — ASSEMBLY

(*Refiled*)

January 4, 1967

IN SENATE—Introduced by Mr. GIUFFRÉDA—read twice and ordered printed, and when printed to be committed to the Committee on Corporations

IN ASSEMBLY—Introduced by Mr. DUREYEA—read once and and referred to the Committee on Internal Affairs

AN ACT

To incorporate the Rocky Point volunteer firemen's benevolent association, and providing for its powers and duties

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

Section 1. Incorporation; membership. A membership corporation by the name of "Rocky Point Volunteer Firemen'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 Rocky Point 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

EXPLANATION—Matter in *italics* is new; matter in brackets [] is old law to be omitted.

also such persons who are eligible to become members of the 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 Rocky Point volunteer fire department, or of any fire corporation in the Rocky Point fire district, and who have heretofore acquired or shall hereafter acquire the status of exempt volunteer firemen as defined in section two hundred of the general municipal law or any other applicable law by virtue of having rendered service in the Rocky Point volunteer fire department, or of any fire corporation in the Rocky Point fire district, and all persons who are active volunteer members of the Rocky Point volunteer fire department shall be eligible for membership in the corporation created by this act, except that any fireman 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 person in such corporation shall terminate upon the withdrawal of such person as an active volunteer member of the Rocky Point volunteer fire department prior to the actual performance by such person of five years service as an active volunteer member of the Rocky Point volunteer fire department. Whenever a member who is not an exempt fireman 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 such fire protection, his membership in such corporation shall cease.

§ 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 said corporation, the relief, aid and assistance of such members and their families who are disabled or indigent, and the promotion of the welfare of the volunteer fire service within the Rocky Point fire district and territory provided with fire protection by contract with such fire district.

§ 4. Powers and duties. Such corporation shall have all the powers of a membership corporation, and the provisions of law relating to membership corporations shall apply to such corporation except where they conflict with the provisions of this act. However, unless the written approval of the state board of social welfare shall have been first obtained this corporation shall not establish and maintain any home or institution which, if separately incorporated, would require the approval of such board.

§ 5. Organization meetings; by-laws. The secretary of the Rocky Point volunteer fire department shall call a meeting for the organization of such corporation to be held not later than sixty days after this act takes effect, notice of which shall be given by him by posting or causing to be posted a notice thereof in five conspicuous places within the territory protected by the Rocky Point volunteer fire department and also by publication of notice thereof in one or more newspapers having a general circulation

within such territory, and such posting and publication shall be effected at least ten days prior to the date of such meeting. At such meeting or adjournment thereof the members of such corporation present shall adopt by-laws and elect officers and trustees to serve until the first annual meeting which shall be held on a date to be fixed by the by-laws. Any member failing to comply with the by-laws, rules or regulations duly adopted by such corporation shall be subject to suspension and expulsion in such manner as may be provided for under such by-laws. Any member who ceases to be such, voluntarily or otherwise, shall forfeit all interest in the property of such corporation.

§ 6. Control and disposal of funds and property. The control and disposal of the funds, property and estate of the said association, the exercise of its powers, and the management and control of its affairs shall be vested in and exercised by a board of trustees which shall consist of five members of such corporation, viz.: the president, the vice-president, the secretary, the treasurer, and one other member having the title of trustee. Such officers and trustees shall be elected at the annual meeting of said corporation in the manner prescribed by its by-laws.

§ 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 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 Rocky Point volunteer fire department, located in the Rocky Point fire district, town of Brook-

haven, Suffolk County, New York, viz.: within the bounds of the Rocky Point fire district, or within any specifically described territory in which the Rocky Point volunteer fire department may hereafter be obligated, by written contract, 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 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 of the insurance law, based upon the business written in the territory with respect to which it is entitled to collect and receive the taxes under section five hundred fifty-three of the insurance law. Such taxes are only to be used for the care and relief of disabled or indigent volunteer and exempt volunteer firemen and their families.

§ 8. This act shall take effect immediately, but the provisions of section seven hereof shall apply to taxes due on premiums received on or after January first, nineteen hundred sixty-seven.