AN ACT to amend the not-for-profit corporation law, in relation to exempting the Village of Port Dickinson Fire Department from the requirement that the percentage of non-resident fire department members not exceed forty-five percent of the membership

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

1 Section 1. Subparagraph 3 of paragraph (c) of section 1402 of the not-for-profit corporation law, as separately amended by chapters 275 and 276 of the laws of 2019, is amended to read as follows:

(3) In towns outside of villages and fire districts, the consent of a majority of the members of the town board to the formation of a fire corporation shall constitute an appointment of the persons named in the certificate of incorporation as town firefighters. Thereafter, other eligible persons may be elected as members pursuant to the by-laws of the fire corporation, but the election of a member must be approved by the town board of each town which consented to the formation of the fire corporation. Such a person shall be a resident of the territory specified in the certificate of incorporation or of territory outside such boundaries which is afforded fire protection by the fire corporation pursuant to a contract for fire protection under which a cash consideration is received by the corporation or for which negotiations for renewal of such a contract are pending. The membership of any volunteer member shall terminate when he or she ceases to be a resident of such inside or outside territory, except that the corporation may authorize his or her continued membership where he or she notifies the secretary of the fire corporation (a) that he or she plans to change his or her residence to a territory which is not in such inside or outside territory, and (b) that by reason of his or her residence in the vicinity or his or her usual occupation he or she will be available to render active service.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.
service as a volunteer firefighter in either such inside or such outside
territory. Voting for such authorization shall be pursuant to the
by-laws. Such authorization shall not become effective unless approved
by resolution of the town board of each town which consented to the
formation of the corporation. Any membership so continued shall termi-
nate when the member can no longer meet the requirements of this subpar-
agraph. A person who cannot meet the residence requirements of this
subparagraph may be elected to membership as a volunteer member if by
reason of his or her residence in the vicinity or his or her usual occu-
pation he or she will be available to render active service as a volun-
teer firefighter in such inside or outside territory. Voting for such
election shall be pursuant to the by-laws. Such election shall not
become effective unless approved by resolution of the town board of each
town which consented to the formation of the corporation. Such member-
ship shall terminate when the member can no longer meet the requirements
of this subparagraph. The election or continuance of any person as a
member shall be deemed to have been approved by the town board pursuant
to this subparagraph in the event that no action is taken by the town
board, either approving or disapproving, within forty days in the case
of residents of the territory specified in the certificate of incorpo-
ration or of outside contract territory, and within seventy days in the
case of all others, after service of written notice of such election or
continuance of membership shall have been made by the secretary of the
corporation upon the town clerk, either personally or by mail. The
membership of any volunteer firefighter shall not be continued pursuant
to this subparagraph, and persons who do not reside in the territory
specified in the certificate of incorporation or in territory protected
pursuant to a contract for fire protection shall not be elected to
membership, if, by so doing, the percentage of such nonresident members
in the fire corporation would exceed forty-five per centum of the actual
membership thereof, provided, however, that the forty-five percent limit
on non-resident members shall not apply to the membership of the Huguen-
ott Fire Company, Inc., within the town of Deerpark, Orange county, to
the membership of the Prospect Terrace Fire Company, Inc., within the
town of Dickinson, Broome county, to the membership of the Village of
Port Dickinson Fire Department, within the village of Port Dickinson,
Broome county, to membership of the Hopewell Volunteer Fire Department,
Inc., to membership of the Wales Center Volunteer Fire Company, Inc.,
within the town of Wales, Erie county, to the membership of the Nedrow
Fire Department, within the town of Onondaga, Onondaga county, to the
membership of the Howlett Hill Fire Department, within the town of Onon-
daga, Onondaga county, to the membership of the East Syracuse Fire
Department, within the town of Dewitt, Onondaga county, to the member-
ship of the Pleasant Square Fire Company, Inc. within the town of Johnst-
town, Fulton county, or to membership of the fire departments within the
town of Fleming, Cayuga county. Nonresidents of the territory specified
in the certificate of incorporation whose volunteer membership has been
authorized or continued pursuant to this subparagraph may be elected or
appointed to any office in the fire corporation and shall have all the
powers, duties, immunities, and privileges of resident volunteer members
except a non-resident of this state whose membership has been continued
pursuant to this subparagraph, or who was elected to membership pursuant
to this subparagraph, shall not be considered to be performing any fire-
fighting duty, or to be engaged in any firefighting activity, as a
member of the fire company while he or she is outside of this state
unless and until he or she has first reported to the officer or fire-
fighter in command of his or her fire department, or any company, squad
or other unit thereof, engaged or to be engaged in rendering service
outside this state, or has received orders or authorization from an
officer of the fire department or fire company to participate in or
attend authorized activities outside of this state in the same manner as
resident members of the fire company. A person shall not be eligible to
volunteer membership in any other fire corporation or fire company at
one time. The provisions of this subparagraph shall not be deemed to
authorize the election or the continuance of any person as a member of
the corporation if such election or continuance of membership shall be
contrary to the by-laws, rules or regulations of the fire corporation.
§ 2. This act shall take effect immediately.