

STATE OF NEW YORK

10442

IN ASSEMBLY

May 24, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Hunter) --
read once and referred to the Committee on Local Governments

AN ACT to amend the not-for-profit corporation law, in relation to
exempting the South Onondaga 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 Assem-
bly, do enact as follows:

1 Section 1. Subparagraph 3 of paragraph (c) of section 1402 of the
2 not-for-profit corporation law, as separately amended by chapters 383,
3 424, 431 and 463 of the laws of 2023, is amended to read as follows:
4 (3) In towns outside of villages and fire districts, the consent of a
5 majority of the members of the town board to the formation of a fire
6 corporation shall constitute an appointment of the persons named in the
7 certificate of incorporation as town firefighters. Thereafter, other
8 eligible persons may be elected as members pursuant to the by-laws of
9 the fire corporation, but the election of a member must be approved by
10 the town board of each town which consented to the formation of the fire
11 corporation. Such a person shall be a resident of the territory speci-
12 fied in the certificate of incorporation or of territory outside such
13 boundaries which is afforded fire protection by the fire corporation
14 pursuant to a contract for fire protection under which a cash consider-
15 ation is received by the corporation or for which negotiations for
16 renewal of such a contract are pending. The membership of any volunteer
17 member shall terminate when [~~he or she~~] such member ceases to be a resi-
18 dent of such inside or outside territory, except that the corporation
19 may authorize [~~his or her~~] their continued membership where [~~he or she~~]
20 such member notifies the secretary of the fire corporation (a) that [~~he~~
21 ~~or she plans~~] they plan to change [~~his or her~~] their residence to a
22 territory which is not in such inside or outside territory, and (b) that
23 by reason of [~~his or her~~] such member's residence in the vicinity or
24 [~~his or her~~] such member's usual occupation [~~he or she~~] they will be
25 available to render active service as a volunteer firefighter in either
26 such inside or such outside territory. Voting for such authorization

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

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1 shall be pursuant to the by-laws. Such authorization shall not become
2 effective unless approved by resolution of the town board of each town
3 which consented to the formation of the corporation. Any membership so
4 continued shall terminate when the member can no longer meet the
5 requirements of this subparagraph. A person who cannot meet the resi-
6 dence requirements of this subparagraph may be elected to membership as
7 a volunteer member if by reason of [~~his or her~~] such member's residence
8 in the vicinity or [~~his or her~~] such member's usual occupation [~~he or~~
9 ~~she~~] they will be available to render active service as a volunteer
10 firefighter in such inside or outside territory. Voting for such
11 election shall be pursuant to the by-laws. Such election shall not
12 become effective unless approved by resolution of the town board of each
13 town which consented to the formation of the corporation. Such member-
14 ship shall terminate when the member can no longer meet the requirements
15 of this subparagraph. The election or continuance of any person as a
16 member shall be deemed to have been approved by the town board pursuant
17 to this subparagraph in the event that no action is taken by the town
18 board, either approving or disapproving, within forty days in the case
19 of residents of the territory specified in the certificate of incorpo-
20 ration or of outside contract territory, and within seventy days in the
21 case of all others, after service of written notice of such election or
22 continuance of membership shall have been made by the secretary of the
23 corporation upon the town clerk, either personally or by mail. The
24 membership of any volunteer firefighter shall not be continued pursuant
25 to this subparagraph, and persons who do not reside in the territory
26 specified in the certificate of incorporation or in territory protected
27 pursuant to a contract for fire protection shall not be elected to
28 membership, if, by so doing, the percentage of such nonresident members
29 in the fire corporation would exceed forty-five per centum of the actual
30 membership thereof, provided, however, that the forty-five percent limit
31 on non-resident members shall not apply to the membership of the Huguen-
32 ot Fire Company, Inc., within the town of Deerpark, Orange county, to
33 the membership of the Prospect Terrace Fire Company, Inc., within the
34 town of Dickinson, Broome county, to membership of the Hopewell Volun-
35 teer Fire Department, Inc., to membership of the Wales Center Volunteer
36 Fire Company, Inc., within the town of Wales, Erie county, to the
37 membership of the Nedrow Fire Department, within the town of Onondaga,
38 Onondaga county, to the membership of the Howlett Hill Fire Department,
39 within the town of Onondaga, Onondaga county, to the membership of the
40 South Onondaga Fire Department, within the town of Onondaga, Onondaga
41 county, to the membership of the Southwood Volunteer Fire Department,
42 Inc., within the town of Onondaga, Onondaga county, to the membership of
43 the East Syracuse Fire Department, within the town of Dewitt, Onondaga
44 county, to the membership of the Camillus Volunteer Fire Department,
45 Inc., within the town of Camillus, Onondaga county, to the membership of
46 the Pleasant Square Fire Company, Inc. within the town of Johnstown,
47 Fulton county, to the membership of the East Amherst Fire Department,
48 Inc., within the town of Amherst, Erie county, to the membership of the
49 Crittenden Volunteer Fire Department, Inc., within the town of Alden,
50 Erie county, to membership of the fire departments within the town of
51 Fleming, Cayuga county, to membership of the Bushnell's Basin Fire
52 Department, in the town of Perinton, Monroe county, to the membership of
53 the East Dunkirk Volunteer Fire Company, Inc. within the town of
54 Dunkirk, Chautauqua county, to the membership of the Leeds Hose Company
55 No. 1, Inc. within the town of Catskill, Greene county or to membership
56 of the Salina Consolidated Fire District #2, in the town of Salina,

1 Onondaga county. Nonresidents of the territory specified in the certifi-
2 cate of incorporation whose volunteer membership has been authorized or
3 continued pursuant to this subparagraph may be elected or appointed to
4 any office in the fire corporation and shall have all the powers,
5 duties, immunities, and privileges of resident volunteer members except
6 a non-resident of this state whose membership has been continued pursu-
7 ant to this subparagraph, or who was elected to membership pursuant to
8 this subparagraph, shall not be considered to be performing any fire-
9 fighting duty, or to be engaged in any firefighting activity, as a
10 member of the fire company while [~~he or she~~] such member is outside of
11 this state unless and until [~~he or she~~] such member has first reported
12 to the officer or firefighter in command of [~~his or her~~] their fire
13 department, or any company, squad or other unit thereof, engaged or to
14 be engaged in rendering service outside this state, or has received
15 orders or authorization from an officer of the fire department or fire
16 company to participate in or attend authorized activities outside of
17 this state in the same manner as resident members of the fire company. A
18 person shall not be eligible to volunteer membership in any other fire
19 corporation or fire company at one time. The provisions of this subpara-
20 graph shall not be deemed to authorize the election or the continuance
21 of any person as a member of the corporation if such election or contin-
22 uance of membership shall be contrary to the by-laws, rules or regu-
23 lations of the fire corporation.

24 § 2. This act shall take effect immediately.