

STATE OF NEW YORK

1455

2025-2026 Regular Sessions

IN ASSEMBLY

January 9, 2025

Introduced by 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 Assembly, do enact as follows:

1 Section 1. Subparagraph 3 of paragraph (c) of section 1402 of the
2 not-for-profit corporation law, as amended by chapter 354 of the laws of
3 2024, 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

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

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

1 Dunkirk, Chautauqua county, to the membership of the Varna Volunteer
2 Fire Company, Inc., within the town of Dryden, Tompkins county, to the
3 membership of the Leeds Hose Company No. 1, Inc. within the town of
4 Catskill, Greene county or to membership of the Salina Consolidated Fire
5 District #2, in the town of Salina, Onondaga county. Nonresidents of the
6 territory specified in the certificate of incorporation whose volunteer
7 membership has been authorized or continued pursuant to this subpara-
8 graph may be elected or appointed to any office in the fire corporation
9 and shall have all the powers, duties, immunities, and privileges of
10 resident volunteer members except a non-resident of this state whose
11 membership has been continued pursuant to this subparagraph, or who was
12 elected to membership pursuant to this subparagraph, shall not be
13 considered to be performing any firefighting duty, or to be engaged in
14 any firefighting activity, as a member of the fire company while [~~he or~~
15 ~~she~~] such member is outside of this state unless and until [~~he or she~~]
16 such member has first reported to the officer or firefighter in command
17 of [~~his or her~~] their fire department, or any company, squad or other
18 unit thereof, engaged or to be engaged in rendering service outside this
19 state, or has received orders or authorization from an officer of the
20 fire department or fire company to participate in or attend authorized
21 activities outside of this state in the same manner as resident members
22 of the fire company. A person shall not be eligible to volunteer member-
23 ship in any other fire corporation or fire company at one time. The
24 provisions of this subparagraph shall not be deemed to authorize the
25 election or the continuance of any person as a member of the corporation
26 if such election or continuance of membership shall be contrary to the
27 by-laws, rules or regulations of the fire corporation.
28 § 2. This act shall take effect immediately.