

# STATE OF NEW YORK

9199

2025-2026 Regular Sessions

## IN ASSEMBLY

November 3, 2025

Introduced by M. of A. BARCLAY -- 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 Caughdenoy Volunteer Fire Department, Inc. from the forty-five percent limit on non-resident members

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~~] such member's continued membership where [~~he~~  
20 ~~or she~~] such member notifies the secretary of the fire corporation (a)  
21 that [~~he or she~~] such member plans to change [~~his or her~~] such member's  
22 residence to a territory which is not in such inside or outside territo-  
23 ry, and (b) that by reason of [~~his or her~~] such member's residence in  
24 the vicinity or [~~his or her~~] such member's usual occupation [~~he or she~~]

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

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

1 1, Inc. within the town of Catskill, Greene county [~~of~~], to membership  
2 of the Salina Consolidated Fire District #2, in the town of Salina,  
3 Onondaga county or to membership of the Caughdenoy Volunteer Fire  
4 Department, Inc. within the town of Central Square, Oswego county.  
5 Nonresidents of the territory specified in the certificate of incorpo-  
6 ration whose volunteer membership has been authorized or continued  
7 pursuant to this subparagraph may be elected or appointed to any office  
8 in the fire corporation and shall have all the powers, duties, immuni-  
9 ties, and privileges of resident volunteer members except a non-resident  
10 of this state whose membership has been continued pursuant to this  
11 subparagraph, or who was elected to membership pursuant to this subpara-  
12 graph, shall not be considered to be performing any firefighting duty,  
13 or to be engaged in any firefighting activity, as a member of the fire  
14 company while [~~he or she~~] such non-resident is outside of this state  
15 unless and until [~~he or she~~] such non-resident has first reported to the  
16 officer or firefighter in command of [~~his or her~~] such non-resident's  
17 fire department, or any company, squad or other unit thereof, engaged or  
18 to be engaged in rendering service outside this state, or has received  
19 orders or authorization from an officer of the fire department or fire  
20 company to participate in or attend authorized activities outside of  
21 this state in the same manner as resident members of the fire company. A  
22 person shall not be eligible to volunteer membership in any other fire  
23 corporation or fire company at one time. The provisions of this subpara-  
24 graph shall not be deemed to authorize the election or the continuance  
25 of any person as a member of the corporation if such election or contin-  
26 uance of membership shall be contrary to the by-laws, rules or regu-  
27 lations of the fire corporation.

28 § 2. This act shall take effect immediately.