

STATE OF NEW YORK

9199--A

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 -- recommitted to the Committee on Local Governments in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 369 of the laws of
3 2025, 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 such member ceases to be a resident of such
18 inside or outside territory, except that the corporation may authorize
19 their continued membership where such member notifies the secretary of
20 the fire corporation (a) that they plan to change their residence to a
21 territory which is not in such inside or outside territory, and (b) that

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

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

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