

STATE OF NEW YORK

6044

2025-2026 Regular Sessions

IN SENATE

March 5, 2025

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

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

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

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

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

29 § 2. This act shall take effect immediately.