

2424

2013-2014 Regular Sessions

I N S E N A T E

January 17, 2013

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public officers law, in relation to residency requirements for firefighters in a city with a population of one million or more

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 9 of section 3 of the public officers law, as
2 amended by chapter 209 of the laws of 2006, is amended to read as
3 follows:
4 9. Neither the provisions of this section, nor of any general, special
5 or local law, charter, code, ordinance, resolution, rule or regulation,
6 requiring a person to be a resident of the political subdivision or
7 municipal corporation of the state for which he or she shall be chosen
8 or within which his or her official functions are required to be exer-
9 cised, shall apply to the appointment ON OR BEFORE JANUARY FIRST, TWO
10 THOUSAND FOURTEEN of a paid member of the uniformed force of a paid fire
11 department, who, for purposes of this section shall include persons
12 employed as fire alarm dispatchers, or to the appointment of any person
13 employed in a department of correction in the correction service classi-
14 fication of the classified civil service, or to the appointment of offi-
15 cers and inspectors who are employees of a department of health of any
16 city of over one million population who resides (a) in the county in
17 which such city is located; or (b) in a county within the state contig-
18 uous to the county in which said city is located; or (c) in a county
19 within the state contiguous to such city; or (d) in a county within the
20 state which is not more than fifteen miles from said city.
21 S 2. Subdivision 19 of section 3 of the public officers law, as added
22 by chapter 509 of the laws of 1986, is amended to read as follows:

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

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1 19. Any person who resides in this state and who is currently employed
2 as a member of the police force, a paid member of the uniformed force of
3 a paid fire department EMPLOYED ON OR BEFORE JANUARY FIRST, TWO THOUSAND
4 FOURTEEN or department of corrections in the correctional service clas-
5 sification of the classified civil service, of a city of over one
6 million population, shall be exempt from the provisions of subdivisions
7 one, two and nine of this section upon compliance with the procedure set
8 forth in this subdivision. Any person seeking to benefit from the
9 exemption created by this subdivision shall notify his respective
10 employer in writing of said intention within thirty days from the effec-
11 tive date of this subdivision and shall specify his then current resi-
12 dence address. The exemption created by this subdivision shall be appli-
13 cable only to said actual designated residence and not to any residence
14 that any subject currently employed member may thereafter establish;
15 provided, however, that any such currently employed member who resides
16 outside this state shall have one year from the effective date of this
17 subdivision within which to establish residence as required pursuant to
18 subdivisions one, two and nine of this section and comply with the
19 notice requirements of this subdivision. Said residence shall constitute
20 a lawful residence for all purposes notwithstanding any provision to the
21 contrary of any general, special or local law, charter, code, ordinance,
22 resolution, rule or regulation. SUCH EXEMPTION SHALL NOT APPLY TO PAID
23 MEMBERS OF THE UNIFORMED FORCE OF A PAID FIRE DEPARTMENT IN A CITY WITH
24 A POPULATION OF ONE MILLION OR MORE AFTER JANUARY FIRST, TWO THOUSAND
25 FOURTEEN. BEGINNING JANUARY FIRST, TWO THOUSAND THIRTEEN NO PERSON
26 SHALL BE APPOINTED A PAID MEMBER OF THE UNIFORMED FORCE OF A PAID FIRE
27 DEPARTMENT IN A CITY WITH A POPULATION OF ONE MILLION OR MORE THAT DOES
28 NOT RESIDE IN THE POLITICAL SUBDIVISION OR MUNICIPAL CORPORATION OF THE
29 STATE FOR WHICH HE OR SHE SHALL BE CHOSEN FOR ONE YEAR PRIOR TO BEING
30 APPOINTED AND CONTINUES TO RESIDE THEREIN.

31 S 3. Subdivision 5 of section 30 of the public officers law, as sepa-
32 rately amended by chapters 200 and 209 of the laws of 2006, is amended
33 to read as follows:

34 5. Neither the provisions of this section, nor of any general, special
35 or local law, charter, code, ordinance, resolution, rule or regulation,
36 creating a vacancy in a local office of a political subdivision or
37 municipal corporation if the incumbent thereof ceases to be a resident
38 of such political subdivision or municipal corporation, shall apply in
39 the case [of a paid member of the uniformed force of a paid fire depart-
40 ment, who, for purposes of this section shall include persons employed
41 as fire alarm dispatchers, or in the case] of a person employed in a
42 department of correction in the correction service of the classified
43 civil service, or in the case of a member of the department of sanita-
44 tion of any political subdivision or municipal corporation who has five
45 or more years of service, or in the case of officers and inspectors
46 employed in a department of health of a city of over one million popu-
47 lation who resides (a) in the county in which said city is located; or
48 (b) in a county within the state contiguous to the county in which said
49 city is located; or (c) in a county within the state contiguous to such
50 city; or (d) in a county within the state which is not more than fifteen
51 miles from said city; or (e) in a county within the state contiguous to
52 a county described in item (d) hereof where the former is less than
53 thirty miles from such political subdivision or municipal corporation,
54 measured from their respective nearest boundary lines.

55 S 4. This act shall take effect on the ninetieth day after it shall
56 have become a law.