

# STATE OF NEW YORK

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5438

2017-2018 Regular Sessions

## IN SENATE

March 28, 2017

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Introduced by Sen. GOLDEN -- 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 members of municipal departments of sanitation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 2-a of section 3 of the public officers law, as  
2 amended by chapter 200 of the laws of 2006, is amended to read as  
3 follows:

4 2-a. Neither the provisions of this section, nor of any general,  
5 special or local law, charter, code, ordinance, resolution, rule or  
6 regulation, requiring a person to be a resident of the political subdivi-  
7 sion or municipal corporation of the state for which he shall be  
8 chosen or within which his official functions are required to be exer-  
9 cised, shall apply to the appointment of a member of the department of  
10 sanitation of any municipality of the state who resides in a county  
11 within the state contiguous to such municipality. A member of the  
12 department of sanitation of any political subdivision or municipal  
13 corporation who has [~~five~~] two or more years of service may reside (a)  
14 in a county in which such political subdivision or municipal corporation  
15 is located; or (b) in a county within the state contiguous to the county  
16 in which such political subdivision or municipal corporation is located;  
17 or (c) in a county within the state contiguous to such political subdivi-  
18 sion or municipal corporation; or (d) in a county within the state  
19 which is not more than fifteen miles from such political subdivision or  
20 municipal corporation.

21 § 2. Subdivision 5 of section 30 of the public officers law, as sepa-  
22 rately amended by chapters 200 and 209 of the laws of 2006, is amended  
23 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 5. Neither the provisions of this section, nor of any general, special  
2 or local law, charter, code, ordinance, resolution, rule or regulation,  
3 creating a vacancy in a local office of a political subdivision or  
4 municipal corporation if the incumbent thereof ceases to be a resident  
5 of such political subdivision or municipal corporation, shall apply in  
6 the case of a paid member of the uniformed force of a paid fire depart-  
7 ment, who, for purposes of this section shall include persons employed  
8 as fire alarm dispatchers, or in the case of a person employed in a  
9 department of correction in the correction service of the classified  
10 civil service, or in the case of a member of the department of sanita-  
11 tion of any political subdivision or municipal corporation who has  
12 [~~five~~] ~~two~~ or more years of service, or in the case of officers and  
13 inspectors employed in a department of health of a city of over one  
14 million population who resides (a) in the county in which said city is  
15 located; or (b) in a county within the state contiguous to the county in  
16 which said city is located; or (c) in a county within the state contig-  
17 uous to such city; or (d) in a county within the state which is not more  
18 than fifteen miles from said city; or (e) in a county within the state  
19 contiguous to a county described in item (d) hereof where the former is  
20 less than thirty miles from such political subdivision or municipal  
21 corporation, measured from their respective nearest boundary lines.  
22 § 3. This act shall take effect immediately.