S T A T E O F N E W Y O R K

267--A

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the town law, the public officers law and the village law, in relation to the residency requirement for certain part-time employees

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

Section 1. Section 23 of the town law is amended by adding a new subdivision 24 to read as follows:

24. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, ANY TOWN IN THE STATE THAT HAS A POPULATION OF LESS THAN TWENTY THOUSAND RESIDENTS ACCORDING TO THE TWO THOUSAND FEDERAL CENSUS MAY, AT ITS OPTION, APPOINT A PERSON, WHO IS NOT AN ELECTOR OF SUCH TOWN, TO PERFORM THE DUTIES OF ANY PART-TIME EMPLOYMENT POSITION; PROVIDED THAT THE PERSON PERFORMING THE FUNCTIONS OF A PART-TIME EMPLOYEE IN ANY OTHER TOWN SHALL BE AN ELECTOR OF SUCH TOWN UNLESS OTHERWISE PROVIDED BY LAW.

S 2. Section 3 of the public officers law is amended by adding a new subdivision 57 to read as follows:

57. IN ANY TOWN IN THE STATE THAT HAS A POPULATION OF LESS THAN TWENTY THOUSAND RESIDENTS ACCORDING TO THE TWO THOUSAND FEDERAL CENSUS OR ANY VILLAGE THAT HAS A POPULATION OF LESS THAN TEN THOUSAND RESIDENTS ACCORDING TO THE TWO THOUSAND FEDERAL CENSUS, WHICH ELECTS TO BE SUBJECT TO THE PROVISIONS OF THIS SUBDIVISION, THE PROVISIONS OF THIS SECTION REQUIRING A PERSON TO BE A RESIDENT OF THE POLITICAL SUBDIVISION OR MUNICIPAL CORPORATION OF THE STATE FOR WHICH HE OR SHE SHALL BE CHOSEN OR WITHIN WHICH HIS OR HER OFFICIAL FUNCTIONS ARE REQUIRED TO BE EXERCISED, SHALL NOT PREVENT A PERSON FROM HOLDING ANY PART-TIME EMPLOYMENT

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

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POSITION IN THAT TOWN OR VILLAGE PROVIDED THAT SUCH PERSON RESIDES IN THE COUNTY IN WHICH SUCH TOWN OR VILLAGE IS LOCATED, OR AN ADJOINING COUNTY WITHIN THE STATE OF NEW YORK. PROVIDED, FURTHER, THAT THE PERSON PERFORMING THE FUNCTIONS OF A PART-TIME EMPLOYEE IN ANY OTHER TOWN OR VILLAGE SHALL BE A RESIDENT OF SUCH TOWN OR VILLAGE, UNLESS OTHERWISE PROVIDED BY LAW.

S 3. Section 3-300 of the village law is amended by adding a new subdivision 19 to read as follows:

19. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR ANY OTHER GENERAL, SPECIAL, OR LOCAL LAW OR ORDINANCE, THE VILLAGE BOARD OF TRUSTEES OF ANY INCORPORATED VILLAGE THAT HAS A POPULATION OF LESS THAN TEN THOUSAND RESIDENTS ACCORDING TO THE TWO THOUSAND FEDERAL CENSUS MAY, BY RESOLUTION, PROVIDE THAT ANY PART-TIME EMPLOYMENT POSITION IN SUCH VILLAGE MAY BE HELD BY A PERSON WHO IS NOT A RESIDENT OF SUCH VILLAGE, PROVIDED THAT SUCH PERSON RESIDES WITHIN THE COUNTY IN WHICH SUCH VILLAGE IS LOCATED OR IN AN ADJOINING COUNTY WITHIN THE STATE OF NEW YORK.

S 4. This act shall take effect immediately.