

3025--A

2011-2012 Regular Sessions

I N S E N A T E

February 7, 2011

Introduced by Sens. HUNTLEY, DIAZ, HASSELL-THOMPSON, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations 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 public officers law, the general municipal law and the civil service law, in relation to residency requirements, salary, and civil service exam credits for police officers in certain cities; to amend the tax law and the real property tax law, in relation to establishing certain tax credits for resident police officers; and to amend the education law, in relation to the police officer loan forgiveness program

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

1 Section 1. Section 3 of the public officers law is amended by adding a
2 new subdivision 59 to read as follows:
3 59. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION,
4 A CITY WITH A POPULATION OF ONE MILLION OR MORE SHALL HAVE THE AUTHORITY
5 TO ENACT A LOCAL LAW SUBSEQUENT TO THE EFFECTIVE DATE OF THIS SUBDIVI-
6 SION REQUIRING ANY PERSON WHO IS APPOINTED AS A MEMBER OF THE POLICE
7 FORCE OF SUCH CITY TO BE A RESIDENT OF SUCH A CITY DURING HIS OR HER
8 EMPLOYMENT AS A POLICE OFFICER; PROVIDED HOWEVER, THAT NOTHING IN THIS
9 SUBDIVISION SHALL AUTHORIZE SUCH LOCAL LAW TO AFFECT ANY PERSON WHO
10 ENTERED SUCH CITY SERVICE AS A POLICE OFFICER PRIOR TO THIRTY DAYS
11 SUBSEQUENT TO THE DATE OF ENACTMENT OF THE LOCAL LAW.
12 S 2. The general municipal law is amended by adding a new section
13 207-r to read as follows:
14 S 207-R. SALARIES OF POLICE OFFICERS WHO ARE RESIDENTS OF CERTAIN
15 CITIES. A CITY WITH A POPULATION OF ONE HUNDRED THOUSAND OR MORE IS

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

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1 HEREBY AUTHORIZED TO ADOPT A LOCAL LAW TO PROVIDE THAT THE SALARY OF A
2 POLICE OFFICER OF SUCH CITY WHO IS A RESIDENT THEREOF SHALL BE INCREASED
3 BY AN AMOUNT OF FIVE PERCENT OR MORE OF SUCH OFFICER'S BASE SALARY.

4 S 3. Section 58 of the civil service law is amended by adding a new
5 subdivision 7 to read as follows:

6 7. (A) A CITY WITH A POPULATION OF ONE HUNDRED THOUSAND OR MORE IS
7 AUTHORIZED TO ADOPT A LOCAL LAW WHICH WOULD GRANT RESIDENTS OF SUCH CITY
8 ADDITIONAL CREDITS IN COMPETITIVE EXAMINATIONS FOR ORIGINAL APPOINTMENT
9 AS A POLICE OFFICER PURSUANT TO THIS SECTION.

10 (B) IN THE EVENT OF THE ENACTMENT OF A LOCAL LAW PURSUANT TO PARAGRAPH
11 (A) OF THIS SUBDIVISION, ON AN ELIGIBLE LIST RESULTING FROM A COMPETITIVE
12 EXAMINATION FOR ORIGINAL APPOINTMENT AS A POLICE OFFICER, THE
13 NAMES OF ELIGIBLES SHALL BE ENTERED IN THE ORDER OF THEIR RESPECTIVE
14 FINAL EARNED RATINGS ON EXAMINATION, WITH THE NAME OF THE ELIGIBLE WITH
15 THE HIGHEST FINAL EARNED RATING AT THE HEAD OF SUCH LIST, PROVIDED
16 HOWEVER, THAT FOR THE PURPOSES OF DETERMINING FINAL EARNED RATINGS, A
17 PERSON WHO IS A RESIDENT OF SUCH CITY SHALL BE ENTITLED TO RECEIVE FIVE
18 POINTS ADDITIONAL CREDIT. SUCH ADDITIONAL CREDIT SHALL BE ADDED TO THE
19 FINAL EARNED RATING AFTER SUCH PERSON HAS QUALIFIED IN THE COMPETITIVE
20 EXAMINATION AND SHALL BE GRANTED ONLY AT THE TIME OF ESTABLISHMENT OF
21 THE RESULTING ELIGIBLE LIST.

22 (C) ANY CANDIDATE WHO BELIEVES THAT HE OR SHE IS ENTITLED TO ADDI-
23 TIONAL CREDIT AS PROVIDED HEREIN, MAY MAKE AN APPLICATION FOR SUCH ADDI-
24 TIONAL CREDIT AT ANY TIME BETWEEN THE DATE OF APPLICATION FOR THE EXAM-
25 INATION AND THE DATE OF THE ESTABLISHMENT OF THE ELIGIBLE LIST. SUCH
26 CANDIDATE SHALL PROVIDE APPROPRIATE DOCUMENTARY PROOF OF RESIDENCY AS
27 REQUIRED BY SUCH CITY OF RESIDENCY.

28 (D) THE ADDITIONAL CREDIT PROVIDED BY THIS SECTION SHALL BE IN ADDI-
29 TION TO ANY ADDITIONAL CREDIT THAT MAY BE GRANTED PURSUANT TO ANY GENER-
30 AL, SPECIAL OR LOCAL LAW.

31 (E) ANY LOCAL LAW ADOPTED PURSUANT TO THIS SECTION SHALL BE APPLICABLE
32 ONLY TO COMPETITIVE EXAMINATIONS FOR ORIGINAL APPOINTMENT AS A POLICE
33 OFFICER OF SUCH CITY WHICH ARE HELD AT LEAST THIRTY DAYS AFTER THE
34 ADOPTION OF SUCH LOCAL LAW.

35 S 4. Section 1310 of the tax law is amended by adding a new subsection
36 (g) to read as follows:

37 (G) RESIDENT POLICE OFFICER CREDIT. (1) NOTWITHSTANDING ANY OTHER
38 PROVISION OF LAW TO THE CONTRARY, ANY CITY IMPOSING A TAX UNDER THIS
39 ARTICLE IS HEREBY AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND LOCAL LAWS
40 FOR ANY TAXABLE YEAR BEGINNING AFTER TWO THOUSAND TWELVE, AS SPECIFIED
41 IN SUCH LOCAL LAWS, PROVIDING FOR A RESIDENT POLICE OFFICER CREDIT TO BE
42 ALLOWED AS PROVIDED FOR IN PARAGRAPHS TWO AND THREE OF THIS SUBSECTION.

43 (2) THE CREDIT SHALL BE ALLOWED AGAINST THE TAXES IMPOSED PURSUANT TO
44 THE AUTHORITY OF THIS ARTICLE AFTER THE ALLOWANCE OF ANY OTHER CREDITS
45 ALLOWED BY THIS ARTICLE. IF THE CREDIT EXCEEDS THE TAX AS SO REDUCED,
46 THE TAXPAYER MAY RECEIVE, AND THE STATE COMPTROLLER, SUBJECT TO A
47 CERTIFICATE OF THE COMMISSIONER, SHALL PAY AS AN OVERPAYMENT, WITHOUT
48 INTEREST, THE AMOUNT OF SUCH EXCESS TO THE TAXPAYER.

49 (3) THE CREDIT SHALL BE EQUAL TO FIVE HUNDRED DOLLARS MULTIPLIED BY A
50 FRACTION, THE NUMERATOR OF WHICH IS THE NUMBER OF DAYS DURING THE TAXA-
51 BLE YEAR THAT THE TAXPAYER WAS SERVING AS A POLICE OFFICER WHILE A CITY
52 RESIDENT AND THE DENOMINATOR OF WHICH IS THE NUMBER OF DAYS IN SUCH
53 TAXABLE YEAR.

54 S 5. The tax law is amended by adding a new section 1330-a to read as
55 follows:

1 S 1330-A. RESIDENT POLICE OFFICER CREDIT. (A) NOTWITHSTANDING ANY
2 OTHER PROVISION OF LAW TO THE CONTRARY, ANY CITY IMPOSING A TAX UNDER
3 THIS ARTICLE IS HEREBY AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND LOCAL
4 LAWS FOR ANY TAXABLE YEAR BEGINNING AFTER TWO THOUSAND TWELVE, AS SPECI-
5 FIED IN SUCH LOCAL LAWS, PROVIDING FOR A RESIDENT POLICE OFFICER CREDIT
6 TO BE ALLOWED AS PROVIDED FOR IN SUBSECTIONS (B) AND (C) OF THIS
7 SECTION.

8 (B) THE CREDIT SHALL BE ALLOWED AGAINST THE TAXES IMPOSED PURSUANT TO
9 THE AUTHORITY OF THIS ARTICLE AFTER THE ALLOWANCE OF ANY OTHER CREDITS
10 ALLOWED BY THIS ARTICLE. IF THE CREDIT EXCEEDS THE TAX AS SO REDUCED,
11 THE TAXPAYER MAY RECEIVE, AND THE STATE COMPTROLLER, SUBJECT TO A
12 CERTIFICATE OF THE COMMISSIONER, SHALL PAY AS AN OVERPAYMENT, WITHOUT
13 INTEREST, THE AMOUNT OF SUCH EXCESS TO THE TAXPAYER.

14 (C) THE CREDIT SHALL BE EQUAL TO ONE HUNDRED DOLLARS MULTIPLIED BY A
15 FRACTION, THE NUMERATOR OF WHICH IS THE NUMBER OF DAYS DURING THE TAXA-
16 BLE YEAR THAT THE TAXPAYER WAS SERVING AS A POLICE OFFICER WHILE A CITY
17 RESIDENT AND THE DENOMINATOR OF WHICH IS THE NUMBER OF DAYS IN SUCH
18 TAXABLE YEAR.

19 S 6. Section 606 of the tax law is amended by adding a new subsection
20 (p-1) to read as follows:

21 (P-1) RESIDENT POLICE OFFICER CREDIT. (1) A RESIDENT POLICE OFFICER
22 CREDIT SHALL BE ALLOWED AGAINST THE TAXES IMPOSED PURSUANT TO THE
23 AUTHORITY OF THIS ARTICLE AFTER THE ALLOWANCE OF ANY OTHER CREDITS
24 ALLOWED BY THIS ARTICLE. IF THE CREDIT EXCEEDS THE TAX AS SO REDUCED,
25 THE TAXPAYER MAY RECEIVE, AND THE STATE COMPTROLLER, SUBJECT TO A
26 CERTIFICATE OF THE COMMISSIONER, SHALL PAY AS AN OVERPAYMENT, WITHOUT
27 INTEREST, THE AMOUNT OF SUCH EXCESS TO THE TAXPAYER.

28 (2) THE CREDIT SHALL BE EQUAL TO FIVE HUNDRED DOLLARS MULTIPLIED BY A
29 FRACTION, THE NUMERATOR OF WHICH IS THE NUMBER OF DAYS DURING THE TAXA-
30 BLE YEAR THAT THE TAXPAYER WAS SERVING AS A POLICE OFFICER WHILE A RESI-
31 DENT OF A CITY WHICH, IF AUTHORIZED TO, IS PROVIDING A REAL PROPERTY TAX
32 EXEMPTION PURSUANT TO SECTION FOUR HUNDRED SIXTY-SIX-K OF THE REAL PROP-
33 erty TAX LAW AND WHICH, IF AUTHORIZED BY THIS CHAPTER TO IMPOSE A TAX
34 UPON THE PERSONAL INCOME OF RESIDENTS, IS PROVIDING A TAX CREDIT PURSU-
35 ANT TO SUBSECTION (G) OF SECTION THIRTEEN HUNDRED TEN OF THIS CHAPTER OR
36 SECTION THIRTEEN HUNDRED THIRTY-A OF THIS CHAPTER AND THE DENOMINATOR OF
37 WHICH IS THE NUMBER OF DAYS IN SUCH TAXABLE YEAR.

38 S 7. The real property tax law is amended by adding a new section
39 466-k to read as follows:

40 S 466-K. RESIDENT POLICE OFFICER CREDIT. 1. REAL PROPERTY, IN A CITY
41 WITH A POPULATION OF OVER ONE HUNDRED THOUSAND, OWNED BY A RESIDENT
42 POLICE OFFICER OR SUCH OFFICER AND SPOUSE SHALL BE EXEMPT FROM TAXATION
43 FOR CITY PURPOSES TO THE EXTENT OF TEN THOUSAND DOLLARS MULTIPLIED BY
44 THE LATEST STATE EQUALIZATION RATE FOR THE ASSESSING UNIT IN WHICH SUCH
45 REAL PROPERTY IS LOCATED; PROVIDED THAT THE GOVERNING BODY OF SUCH CITY,
46 AFTER A PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE OR RESOLUTION
47 PROVIDING THEREFOR.

48 2. SUCH EXEMPTION SHALL NOT BE GRANTED UNLESS:

49 (A) THE APPLICANT RESIDES IN THE CITY WHERE HE OR SHE SERVES AS A
50 POLICE OFFICER; (B) THE PROPERTY IS THE PRIMARY RESIDENCE OF THE APPLI-
51 CANT; (C) THE PROPERTY IS USED EXCLUSIVELY FOR RESIDENTIAL PURPOSES;
52 PROVIDED HOWEVER, THAT IN THE EVENT ANY PORTION OF SUCH PROPERTY IS NOT
53 USED EXCLUSIVELY FOR THE APPLICANT'S RESIDENCE BUT IS USED FOR OTHER
54 PURPOSES, SUCH PORTION SHALL BE SUBJECT TO TAXATION AND THE REMAINING
55 PORTION ONLY SHALL BE ENTITLED TO THE EXEMPTION PROVIDED BY THIS

1 SECTION; AND (D) THE APPLICANT HAS BEEN CERTIFIED BY SUCH CITY AS A
2 POLICE OFFICER.

3 3. APPLICATION FOR SUCH EXEMPTION SHALL BE FILED WITH THE ASSESSOR ON
4 OR BEFORE THE TAXABLE STATUS DATE ON A FORM AS PRESCRIBED BY THE COMMIS-
5 SIONER.

6 4. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY CITY WITH A
7 POPULATION OF ONE MILLION OR MORE.

8 S 8. The education law is amended by adding a new section 677-b to
9 read as follows:

10 S 677-B. POLICE OFFICER LOAN FORGIVENESS PROGRAM. 1. CERTIFICATION.
11 POLICE OFFICER LOAN FORGIVENESS AWARDS SHALL BE AWARDED EACH YEAR. SUCH
12 AWARDS SHALL BE ALLOCATED AS PROVIDED IN THIS SECTION TO ELIGIBLE POLICE
13 OFFICERS AS CERTIFIED TO THE COMMISSIONER BY THE PRESIDENT.

14 2. ELIGIBILITY. A POLICE OFFICER SHALL BE ELIGIBLE FOR AN AWARD UNDER
15 THIS SECTION PROVIDED THAT (I) SUCH PERSON RESIDES IN A CITY WITH A
16 POPULATION OF ONE HUNDRED THOUSAND OR MORE WHICH HAS ENACTED A LOCAL LAW
17 PROVIDING FOR SUCH POLICE OFFICER LOAN FORGIVENESS PROGRAM, (II) SUCH
18 POLICE OFFICER IS EMPLOYED IN SUCH CITY AS A POLICE OFFICER, AND (III)
19 SUCH POLICE OFFICER INCURRED STUDENT LOAN EXPENSE WHILE ATTENDING EITHER
20 THE CITY OR STATE UNIVERSITY OF THE STATE OF NEW YORK.

21 3. DURATION. EACH AWARD SHALL ENTITLE THE RECIPIENT TO AN ANNUAL AWARD
22 AND A RECIPIENT SHALL BE ELIGIBLE FOR NO MORE THAN A TOTAL OF TWO THOU-
23 SAND DOLLARS A YEAR FOR A MAXIMUM OF SIX YEARS.

24 4. CALCULATION OF AWARD AMOUNTS. THE COMMISSIONER SHALL BE RESPONSIBLE
25 FOR CALCULATING THE DOLLAR AMOUNT OF EACH AWARD THAT ELIGIBLE CANDIDATES
26 MAY RECEIVE FROM THIS PROGRAM.

27 5. STUDENT LOAN EXPENSE. STUDENT LOAN EXPENSE SHALL MEAN THE CUMULA-
28 TIVE TOTAL OF THE ANNUAL STUDENT LOANS COVERING THE COST OF ATTENDANCE
29 AT EITHER THE CITY OR STATE UNIVERSITY OF THE STATE OF NEW YORK WHICH
30 ARE OUTSTANDING WHEN APPLICATION FOR SUCH PROGRAM IS MADE PURSUANT TO
31 SUBDIVISION SIX OF THIS SECTION. INTEREST PAID OR DUE ON SUCH STUDENT
32 LOANS THAT AN APPLICANT HAS TAKEN OUT FOR USE IN PAYING FOR SUCH EDUCA-
33 TION SHALL BE CONSIDERED ELIGIBLE FOR REIMBURSEMENT UNDER THIS PROGRAM.

34 6. APPLICATION. APPLICATION SHALL BE MADE TO THE COMMISSIONER IN A
35 MANNER PRESCRIBED BY THE COMMISSIONER.

36 7. AWARD DISBURSEMENT. ANNUAL AWARD DISBURSEMENTS SHALL BE THE RESPON-
37 SIBILITY OF THE COMMISSIONER. THE COMMISSIONER SHALL FORWARD APPROVED
38 APPLICATIONS TO THE PRESIDENT NO LATER THAN NINETY DAYS AFTER RECEIPT OF
39 SUCH APPLICATIONS. WITHIN FORTY-FIVE DAYS, THE PRESIDENT SHALL VERIFY
40 THE APPROVED APPLICANTS' ELIGIBILITY AND TOTAL STUDENT LOAN EXPENSE.

41 8. NOTIFICATION. THE PRESIDENT SHALL NOTIFY THE COMMISSIONER OF THE
42 AWARD ENTITLEMENT FOR EACH APPROVED APPLICANT PURSUANT TO THE VERIFICA-
43 TION PERFORMED IN SUBDIVISION SEVEN OF THIS SECTION.

44 S 9. This act shall take effect immediately, provided that section
45 seven of this act shall take effect on the first of January next
46 succeeding the date on which it shall have become a law and shall apply
47 to taxable status dates occurring on or after such date.