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

4249--A

2011-2012 Regular Sessions

I N S E N A T E

March 25, 2011

Introduced by Sen. ADAMS -- 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, 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:

Section 1. Subdivision 9 of section 3 of the public officers law, as amended by chapter 209 of the laws of 2006, is amended to read as follows:

9. Neither the provisions of this section, nor of any general, special or local law, charter, code, ordinance, resolution, rule or regulation, 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 apply to the appointment ON OR BEFORE JANUARY FIRST, TWO THOUSAND THIRTEEN of a paid member of the uniformed force of a paid fire department, who, for purposes of this section shall include persons employed as fire alarm dispatchers, or to the appointment of any person employed in a department of correction in the correction service classification of the classified civil service, or to the appointment of officers and inspectors who are employees of a department of health of any city of over one million population who resides (a) in the county in which such city is located; or (b) in a county within the state contiguous to the county in which said city is located; or (c) in a county within the state contiguous to such city; or (d) in a county within the state which is not more than fifteen miles from said city.

S 2. Subdivision 19 of section 3 of the public officers law, as added 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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19. Any person who resides in this state and who is currently employed as a member of the police force, a paid member of the uniformed force of a paid fire department EMPLOYED ON OR BEFORE JANUARY FIRST, TWO THOUSAND THIRTEEN or department of corrections in the correctional service classification of the classified civil service, of a city of over one million population, shall be exempt from the provisions of subdivisions one, two and nine of this section upon compliance with the procedure set forth in this subdivision. Any person seeking to benefit from the exemption created by this subdivision shall notify his respective employer in writing of said intention within thirty days from the effective date of this subdivision and shall specify his then current residence address. The exemption created by this subdivision shall be applicable only to said actual designated residence and not to any residence that any subject currently employed member may thereafter establish; provided, however, that any such currently employed member who resides outside this state shall have one year from the effective date of this subdivision within which to establish residence as required pursuant to subdivisions one, two and nine of this section and comply with the notice requirements of this subdivision. Said residence shall constitute a lawful residence for all purposes notwithstanding any provision to the contrary of any general, special or local law, charter, code, ordinance, resolution, rule or regulation. SUCH EXEMPTION SHALL NOT APPLY TO PAID MEMBERS OF THE UNIFORMED FORCE OF A PAID FIRE DEPARTMENT IN A CITY WITH A POPULATION OF ONE MILLION OR MORE AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN. BEGINNING JANUARY FIRST, TWO THOUSAND TWELVE NO PERSON SHALL BE APPOINTED A PAID MEMBER OF THE UNIFORMED FORCE OF A PAID FIRE DEPARTMENT IN A CITY WITH A POPULATION OF ONE MILLION OR MORE THAT DOES NOT RESIDE IN THE POLITICAL SUBDIVISION OR MUNICIPAL CORPORATION OF THE STATE FOR WHICH HE OR SHE SHALL BE CHOSEN FOR ONE YEAR PRIOR TO BEING APPOINTED AND CONTINUES TO RESIDE THEREIN.

S 3. Subdivision 5 of section 30 of the public officers law, as separately amended by chapters 200 and 209 of the laws of 2006, is amended to read as follows:

5. Neither the provisions of this section, nor of any general, special or local law, charter, code, ordinance, resolution, rule or regulation, creating a vacancy in a local office of a political subdivision or municipal corporation if the incumbent thereof ceases to be a resident of such political subdivision or municipal corporation, shall apply in the case [of a paid member of the uniformed force of a paid fire department, who, for purposes of this section shall include persons employed as fire alarm dispatchers, or in the case] of a person employed in a department of correction in the correction service of the classified civil service, or in the case of a member of the department of sanitation of any political subdivision or municipal corporation who has five or more years of service, or in the case of officers and inspectors employed in a department of health of a city of over one million population who resides (a) in the county in which said city is located; or (b) in a county within the state contiguous to the county in which said city is located; or (c) in a county within the state contiguous to such city; or (d) in a county within the state which is not more than fifteen miles from said city; or (e) in a county within the state contiguous to a county described in item (d) hereof where the former is less than thirty miles from such political subdivision or municipal corporation, measured from their respective nearest boundary lines.

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