

# STATE OF NEW YORK

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7070

2017-2018 Regular Sessions

## IN ASSEMBLY

April 4, 2017

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Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental 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:

24 5. Neither the provisions of this section, nor of any general, special  
25 or local law, charter, code, ordinance, resolution, rule or regulation,

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

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1 creating a vacancy in a local office of a political subdivision or  
2 municipal corporation if the incumbent thereof ceases to be a resident  
3 of such political subdivision or municipal corporation, shall apply in  
4 the case of a paid member of the uniformed force of a paid fire depart-  
5 ment, who, for purposes of this section shall include persons employed  
6 as fire alarm dispatchers, or in the case of a person employed in a  
7 department of correction in the correction service of the classified  
8 civil service, or in the case of a member of the department of sanita-  
9 tion of any political subdivision or municipal corporation who has  
10 [~~five~~ two] or more years of service, or in the case of officers and  
11 inspectors employed in a department of health of a city of over one  
12 million population who resides (a) in the county in which said city is  
13 located; or (b) in a county within the state contiguous to the county in  
14 which said city is located; or (c) in a county within the state contig-  
15 uous to such city; or (d) in a county within the state which is not more  
16 than fifteen miles from said city; or (e) in a county within the state  
17 contiguous to a county described in item (d) hereof where the former is  
18 less than thirty miles from such political subdivision or municipal  
19 corporation, measured from their respective nearest boundary lines.  
20 § 3. This act shall take effect immediately.