

# STATE OF NEW YORK

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5438--A

Cal. No. 613

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 -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 or more years of service or in the case of a  
14 member of the department of sanitation in a city with a population of  
15 one million or more who has two or more years of service to such city  
16 may reside (a) in a county in which such political subdivision or munic-  
17 ipal corporation is located; or (b) in a county within the state contig-  
18 uous to the county in which such political subdivision or municipal  
19 corporation is located; or (c) in a county within the state contiguous  
20 to such political subdivision or municipal corporation; or (d) in a

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

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1 county within the state which is not more than fifteen miles from such  
2 political subdivision or municipal corporation.

3 § 2. Subdivision 5 of section 30 of the public officers law, as sepa-  
4 rately amended by chapters 200 and 209 of the laws of 2006, is amended  
5 to read as follows:

6 5. Neither the provisions of this section, nor of any general, special  
7 or local law, charter, code, ordinance, resolution, rule or regulation,  
8 creating a vacancy in a local office of a political subdivision or  
9 municipal corporation if the incumbent thereof ceases to be a resident  
10 of such political subdivision or municipal corporation, shall apply in  
11 the case of a paid member of the uniformed force of a paid fire depart-  
12 ment, who, for purposes of this section shall include persons employed  
13 as fire alarm dispatchers, or in the case of a person employed in a  
14 department of correction in the correction service of the classified  
15 civil service, or in the case of a member of the department of sanita-  
16 tion of any political subdivision or municipal corporation who has five  
17 or more years of service, or in the case of officers and inspectors  
18 employed in a department of health of a city of over one million popu-  
19 lation, or in the case of a member of the department of sanitation in a  
20 city with a population of one million or more who has two or more years  
21 of service to such city who resides (a) in the county in which said city  
22 is located; or (b) in a county within the state contiguous to the county  
23 in which said city is located; or (c) in a county within the state  
24 contiguous to such city; or (d) in a county within the state which is  
25 not more than fifteen miles from said city; or (e) in a county within  
26 the state contiguous to a county described in item (d) hereof where the  
27 former is less than thirty miles from such political subdivision or  
28 municipal corporation, measured from their respective nearest boundary  
29 lines.

30 § 3. This act shall take effect immediately.