

CHAPTER 53 LAWS OF N. J. 1960
APPROVED June 21, 1960 Disregard
SENATE, No. 53

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1960

By Senators FOX and CRANE

Referred to Committee on State, County and Municipal Government

AN ACT to prohibit residence requirements by boards of education and supplementing Title 18 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. No board of education shall require any member of its professional
2 staff, the qualifications for whose office, position or employment are such as
3 to require him to hold an appropriate certificate issued by the State Board
4 of Examiners, to reside within the school district within which he is employed.

1 2. This act shall take effect immediately.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 53

STATE OF NEW JERSEY

ADOPTED FEBRUARY 15, 1960

Amend page 1, title, line 1, after "education", insert "of school districts in counties of the first or second class".

Amend page 1, section 1, line 1, after "education", insert "of any school district in any county of the first or second class".

[OFFICIAL COPY REPRINT]

SENATE, No. 53

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1960

By Senators FOX and CRANE

Referred to Committee on State, County and Municipal Government

AN ACT to prohibit residence requirements by boards of education of *school districts in counties of the first or second class* and supplementing Title 18 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. No board of education of *any school district in any county of the first*
2 *or second class* shall require any member of its professional staff, the quali-
3 fications for whose office, position or employment are such as to require him
4 to hold an appropriate certificate issued by the State Board of Examiners,
5 to reside within the school district within which he is employed.

1 2. This act shall take effect immediately.

ASSEMBLY COMMITTEE AMENDMENTS TO

SENATE, No. 53

[OFFICIAL COPY REPRINT]

Withdrawn May 9, 1960

STATE OF NEW JERSEY

ADOPTED APRIL 11, 1960

Amend page 1, title, omit "in counties of the first or second class".

Amend page 1, section 1, lines 1 and 2, omit "in any county of the first or second class".

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

September 12, 1960

SENATE BILL NO. 53

To the Senate:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 53, with my objections, for re-consideration.

There is no definitive statute on the question whether a board of education has the power to require its teachers and other professional employees to live within the school district. Senate Bill No. 53 was originally intended to become such a statute. As introduced, it provided that a board of education cannot so restrict the place of residence of "any member of its professional staff, the qualifications for whose office, position or employment are such as to require him to hold an appropriate certificate issued by the State Board of Examiners".

I agree with the object of the bill as introduced. The State has a constitutional responsibility to maintain free public schools. We discharge this responsibility largely through our local school districts. It is their job to see that the children within their boundaries receive an education. The quality of the education they offer is no better than the quality of the teachers and supporting members of their professional staffs. A district's foremost obligation, therefore, is to provide the best possible staff.

By statute and regulation the State has established carefully designed prerequisites which a person must meet to be eligible for a staff position. These conditions are such that the number of persons who legally qualify as teachers or as other staff members is notably inadequate. In these circumstances there is no good reason why we should permit a board of education

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 53

-2-

to hamstring a district in its discharge of this vital responsibility by superimposing a narrow geographical test upon the selection of its professional staff. If eligible teachers and other staff members were plentiful, there might be justification to impose additional conditions of eligibility. But staff personnel are not plentiful, and, in any event, place of residence would not be a worthy addition to the conditions of eligibility.

It has been argued that teaching capacity is enhanced by participation in the affairs of the area where the pupils reside. But I would point out that residence does not insure participation, and, in any event, participation compares poorly with talent and training in the makeup of teaching capacity. A district's obligation to seek out the talented and well trained teacher is too important to be limited by district boundaries. I believe the same thing is true of other factors which might be advanced as incidents of residency in support of the power to impose a district residence requirement upon a district staff.

I cannot approve this bill, however, in the form in which it was passed. The Senate amended it to apply only to school districts "in any county of the first or second class". The General Assembly deleted this restrictive amendment and returned the bill to the Senate. The Senate refused to concur, and the General Assembly eventually accepted the Senate's version.

The result is that this bill would preclude a board of education of a school district in a first or second class county from imposing a district residence requirement, but nothing in the bill would preclude a board in any other county from doing so. Even if some technical basis might be found to sustain this distinction for constitutional purposes, there is no good reason for the Legislature to draw the distinction. Whichever position one takes, whether for or against the power of a district board to adopt a

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 53

-3-

district residence requirement, it should be as applicable to one county as to another.

In recommending that the principle of this bill be adopted for the entire state I do not mean to imply any view concerning the present power of a district board to impose a district residence requirement. While we have no single statute in point, it is arguable from the pattern of related statutes and decisions that a board is now without that power. Indeed, the Commissioner of Education recently ruled that this is so as to supervisory and administrative personnel. I believe it is important to caution the Legislature that it also must be wary of the implications of its action on this bill. A court might be persuaded to reject the Commissioner's interpretation of existing legislative intention as it applies to counties of the third, fourth, fifth and sixth classes, if a bill is enacted which bespeaks that intention only as to first and second class counties.

For these reasons, I herewith return Senate Bill No. 53 for reconsideration and recommend that it be amended as follows:

On page 1, title, delete "in counties of the first or second class".

On page 1, section 1, lines 1 and 2, delete "in any county of the first or second class".

Respectfully,

ROBERT B. MEYNER

GOVERNOR

[SEAL]

Attest:

Edwin C. Landis, Jr.

Acting Secretary to the Governor

SENATE AMENDMENTS TO

SENATE, No. 53

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED NOVEMBER 28, 1960

Amend page 1, title, line 2, delete "in counties of the first or second class".

Amend page 1, section 1, lines 1 and 2, delete "in any county of the first or second class".

CHAPTER 167 LAWS OF N. J. 1960
APPROVED Jan 4, 1961
[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 53

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1960

By Senators FOX and CRANE

Referred to Committee on State, County and Municipal Government

AN ACT to prohibit residence requirements by boards of education of *school districts* [*in counties of the first or second class*] and supplementing Title 18 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. No board of education of *any school district* [*in any county of the first*
2 *or second class*] shall require any member of its professional staff, the quali-
3 fications for whose office, position or employment are such as to require him
4 to hold an appropriate certificate issued by the State Board of Examiners,
5 to reside within the school district within which he is employed.

1 2. This act shall take effect immediately.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

18—Provides that
ion representative,
requests, solicita,
accept any money,
other thing of value
a strike, shall be
nor.
end. of Laws Com.

8—Requires all local
thorities to make a
e Attorney General
er, nature and dis-
their jurisdictions.
ormation regarding
y General may spe-
torney General to
on and report there-
Governor and the
om.

8—Permits evidence
a witness, by court
inating the witness.
om.

rd Jan. 18—Extends
ation to any person
ervice by authority
ation for which ne-
ble.
Industrial Rel. Com.

Feb. 1 — Provides
one challenger for a
for or against a
without permission
be present in the
same time.
Senate.
Assembly.
Chapter 82.

Feb. 1 — Provides
inating petitions for
it be duly registered
ipality.
Senate.
Assembly.
Chapter 83.

Feb. 1 — Provides
in any city of the
members of a charter
-registered voters and
municipality for at least
election, and ward
ents of the ward for
st 8 months before
Senate.
Assembly.
Chapter 84.

Feb. 1 — Provides
or municipal offic-
itions are found de-
cipal clerk shall be
t by the clerk; and
ed not be returned
quires the candidat-
; other than addition-
n 34 instead of 3
tion.
Senate.
Assembly.
Chapter 85.

Feb. 1 — Provide
to be voted for in
ction dies 7 or more
election, the next
r such office shall be
ce on the ballot.
Senate.
Assembly.
Chapter 86.

Mar. 14—Prescribe
putation of a "major
lection of municip-
Senate.
Assembly.
Chapter 87.

Feb. 1 — Provide
ter study commiss-
he members of the
shall be field in the
al clerk; requires the
opy to each membe-
y.
Senate.
Assembly.
Chapter 88.

S 49 Dumont, Fox Feb. 1—Amends the
Optional Municipal Charter Law to pro-
vide that any vacancy which occurs in a
municipal elective office, during the third
year of the term of such office, and sub-
sequent to 60 days before that year's gen-
eral election, shall be filled by ap-
pointment of the council for the balance
of the term, vacancies occurring prior
Feb. 15—Passed in Senate.
May 16—Passed in Assembly.
July 5—Approved, Chapter 89.

S 50 Ozzard, Fox Jan. 18—Provides
that the accumulative sick leave rights
of the employes in any high school or
junior high school located in districts
uniting to create a regional district shall
be recognized by the regional board of
education whenever said former employes
of the uniting districts shall be employed
or have been employed by the regional
board of education.
Feb. 15—Passed in Senate.
May 2—Passed in Assembly.
June 21—Approved, Chapter 53.

S 51 Ozzard Fox Jan. 18—Permits
boards of education to grant partial or
full transfer credit for unused sick leave
days accumulated in another state school
district, provides that the amount of
credit shall be fixed by resolution and
shall be uniformly applicable to all em-
ployees.
Jan. 18—Education Com.
Mar. 21—Reported, 2nd reading.

S 52 Ozzard, Fox Jan. 18—Provides
that board of education employes accum-
ulative sick leave shall not be affected by
any school district consolidation or abol-
ishment.
Feb. 15—Passed in Senate.
May 2—Passed in Assembly.
June 21—Approved, Chapter 54.

S 53 Fox, Crane Jan. 18—Prohibits any
board of education from requiring any
member of its professional staff, holding
a State Board of Examiners Certificate to
reside within the school district within
which he is employed.
Mar. 14—Passed in Senate, amended.
Apr. 11—Passed Assembly under emer-
gency resolution, amended.
May 2—Assembly amendments not
concurrent in by the Senate.
May 9—Assembly amend. withdrawn.
May 16—Passed in Assembly.
Sep. 12—Returned by Governor with
recommended amendments.
Nov. 28—Amended as recommended, re-
enacted under emergency
resolution in Senate.
Dec. 19—Amended as recommended, re-
enacted under emergency
resolution in Assembly.
Jan. 4—Approved, Chapter 167.

S 54 Fox, Crane Jan. 18—Designated
the "Tenure Employees Hearing Act,"
prescribes the procedure for hearings on
charges preferred against any employee
of a board of education who is under
tenure of office, position or employment
covered by Title 18, Education, of the
Revised Statutes.
Jan. 18—Education Com.

S 55 Fox, Crane Jan. 18—Provides that
a municipal board of education employee
devoting his full time to the duties of his
office, after three years of service may not
be discharged, dismissed or suspended
from office for neglect, misbehavior or
other offense, unless a written charge
of the cause or causes has been preferred
against him, signed by the person making
the charge, and has had a hearing con-
ducted in accordance with the Tenure
Employees Hearing Act; permits the fil-
ing of charges by any person whether
or not a member of the school board.
Jan. 18—Education Com.

S 56 Lynch Jan. 18—Provides that
the period of time, for the purpose of fig-
uring a municipality's percentage of pop-
ulation to the total population of the
State for state aid to municipalities for
for roads, shall be the 5 year period im-
mediately preceding the date of the
promulgation in this state of the latest
national census.
Jan. 18—State, Co. & Mun. Govt' Com.

NOTATIONS

S 57 Waddington Jan. 18—Requires as a
condition of the operation of motor ve-
hicle in the State, the giving of consent
to the taking of samples of breath or
blood for the purpose of making chemical
tests to determine the amount of alcohol
in the blood, where there is cause to be-
lieve that the person was operating a
motor vehicle while under the influence of
intoxicating liquor.
Jan. 18—Hwys, Trans & Pub Util Com.

S 58 Sandman Jan. 18—Reduces the
number of freeholders in counties of the
6th class, having less than 50,000 popula-
tion, from 5 to 3 members.
Jan. 18—Passed Senate under emer-
gency resolution.
Jan. 18—Received in Assembly.
Jan. 18—No reference, 2nd reading.
Jan. 25—Lost in Assembly.
Jan. 25—Motion to reconsider laid over.
Feb. 15—Reconsidered.
Feb. 15—Lost in Assembly.
Feb. 15—Motion to reconsider laid over.

S 59 Waddington, Lynch, Cowgill, Har-
per Jan. 18—Defines and regulates install-
ment sales of consumer goods up to \$7,500
cash price; requires licensing of, and reg-
ulates automobile time sales; specifies
maximum rates for various age motor
vehicles; repeals C. 419, L. 1948; effective
90 days after enactment.
Jan. 18—Business Affairs Com.

S 60 Sandman Jan. 18—Entitles a coun-
cilman-at-large of any 4th class city,
in a 6th class county, having less than
50,000 population to vote on any and all
measures, resolutions, ordinances and ap-
plications now or hereafter before the
council for action.
Feb. 1—Passed in Senate.
May 9—Passed in Assembly.
Filed in State Library.

S 61 Farley Jan. 18—Permits the gov-
erning body of a municipality bordering
on the Atlantic Ocean which maintains
a municipal convention hall and which
provides by ordinance for improvement
of such hall to incur a principal indebted-
ness of \$2,000,000 for such purpose, not
included in the debt limit, authorized at
a single time, and only once; permits
financing by the issuance of "Special
Emergency Notes," repayable within 4
annual installments.
Jan. 18—Passed Senate under emer-
gency resolution.
Jan. 25—Passed in Assembly.
Feb. 2—Approved, Chapter 2.

S 62 Jones, Cowgill, Crane Jan. 18—Re-
quires that the meetings and sessions of
all governmental bodies or agencies in
this State, except the State Legislature,
executive department and the judiciary,
other than executive sessions at which
no binding official action is taken, shall
be open to the public.
Apr. 25—Passed in Senate, amended.
May 9—Received in Assembly.
May 9—Judiciary Com.
June 6—Reported, 2nd reading.
Dec. 19—Recommitted.

S 63 Waddington, Lynch, Grossi, Fox,
Cowgill Jan. 18—Extends the coverage of
unemployment compensation and tempo-
rary disability benefit laws to employes of
banks, savings and loan associations, and
similar institutions; reduces the over-all
coverage provisions to include individuals
in the employ of units with 1 or more,
instead of 4 or more in employment.
Jan. 18—Labor and Industrial Rel. Com.

S 64 Jones, Cowgill, Crane Jan. 18—Re-
quires that all records and files of any
governmental body, agency or commission
of this State be considered public records
and open to inspection by any State citi-
zen, except for such records whose pub-
lication would be contrary to the public
interest; permits a citizen to bring an
action in lieu of prerogative writ where
inspection has been denied.
Jan. 18—Rev. & Amend. of Laws Com.

S 65 Weber Jan. 18—Permits the com-
missioners of any 2nd class city having
a population of not less than 12,000, nor
more than 20,000, to fix by ordinance the
annual salary of the mayor at \$3,500 and
remaining members of the commission at
\$3,000 each.
Mar. 21—Passed in Senate.
May 9—Passed in Assembly.
June 23—Approved, Chapter 70.