

SENATE, No. 452

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1972

By Senators BATEMAN, CRABIEL, SCHIAFFO,
TANZMAN and LYNCH

Referred to Committee on Judiciary

AN ACT concerning residence requirements of policemen and firemen, providing certain preferences in certain cases, amending N. J. S. 40A:14-10.1, 40A:14-13, 40A:14-123.1 and 40A:14-145, supplementing Title 40A of the New Jersey Statutes and repealing parts of the statutory law.

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

1 1. No municipality shall pass any ordinance, resolution, rule,
2 regulation, order or directive, making residency therein a condition
3 of employment for the purpose of original appointment, continued
4 employment, promotion, or for any other purpose for any member
5 of a paid fire department and force or paid member of a part-paid
6 fire department and force, and any such ordinance, resolution, rule,
7 regulation, order or directive in existence on the effective date of
8 this act or passed hereafter shall be void and have no force or
9 effect.

1 2. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is operative, applicants for appointment to the
3 paid fire department and force or as paid members of the part-paid
4 fire department and force who are not residents of the municipality
5 shall be eligible for appointment thereto notwithstanding the pro-
6 vision of any statute, law, ordinance, rule or regulation to the
7 contrary.

1 3. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is operative, the appointing authority in the selec-
3 tion of an appointee to the paid fire department and force or as a
4 paid member of a part-paid fire department and force shall appoint
5 a resident of the municipality rather than a nonresident in any

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

6 instance in which the resident and noresident achieved the same
7 final average score in the entrance test for such position, provided
8 however that the preference granted by this section shall in no way
9 diminish, reduce or affect the preferences granted to veterans pur-
10 suant to chapter 27 of Title 11 of the Revised Statutes or any other
11 provision of law.

1 4. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is operative, promotions to positions on the paid
3 or part-paid fire department and force shall be based upon merit
4 as determined by suitable promotion tests for such positions, pro-
5 vided however that a resident shall be appointed rather than a
6 nonresident thereof in any instance in which the resident and non-
7 resident achieved the same final average score in such test. The
8 preference granted by this section shall in no way diminish, reduce
9 or affect the preferences granted to veterans pursuant to chapter
10 27 of Title 11 of the Revised Statutes or any other provision of law.

1 5. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is not in operation but wherein appointments to
3 positions on the paid or part-paid fire department and force are
4 based upon merit as determined by suitable tests, a resident shall
5 be appointed rather than a nonresident thereof in any instance in
6 which the resident and nonresident achieved the same final average
7 score in such test. The preference granted by this section shall in
8 no way diminish, reduce or affect the preferences granted to
9 veterans pursuant to any other provision of law.

1 6. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is not in operation but wherein promotions to
3 positions on the paid or part-paid fire department and force are
4 based upon merit as determined by suitable promotion tests for
5 such positions, a resident shall be appointed rather than a non-
6 resident thereof in any instance in which the resident and non-
7 resident achieved the same final average score in such test. The
8 preference granted by this section shall in no way diminish, reduce
9 or affect the preferences granted to veterans pursuant to any other
10 provision of law.

1 7. Any person serving as a member of a paid fire department
2 and force or paid member of a part-paid fire department and force
3 pursuant to the provisions of any act repealed by this act shall
4 continue to serve in such position and need not comply with any
5 residency requirement which may have been a condition of his
6 continued employment thereunder.

1 8. N. J. S. 40A:14-10.1 is amended to read as follows:

2 40A:14-10.1. Any person who has served in the armed services
3 of the United States and been discharged or released from such
4 service under conditions other than dishonorable within 6 months
5 prior to making application to any municipality for appointment
6 as a member or officer of the paid or part-paid fire department *and*
7 *force*, may be appointed a member or officer of such paid or part-
8 paid fire department *and force* if otherwise qualified notwithstand-
9 ing that he **[is]** *was* not **[and has not been]** a resident of **[said**
10 **municipality for 6 months preceding his appointment;]** *New Jersey*
11 *at the time of such application* provided, at the time of making
12 application for appointment said person signs a notice of intention
13 and agreement to become a resident of **[the municipality]** *New*
14 *Jersey* within 6 months from the date of appointment.

15 In the event such appointee fails to become a resident of **[the**
16 **municipality]** *New Jersey* within the aforementioned 6-month
17 period, he shall then cease to be a member or officer of said paid
18 or part-paid fire department or force. The governing body shall
19 cause to be served on the officer or member at least 15 days before
20 the expiration of the period of nonresidency permitted, a notice
21 that he is required to become a resident of **[the municipality]** *New*
22 *Jersey* within the time mentioned, and in the event such notice
23 is not given for the officer or member to become a resident of
24 **[the municipality]** *New Jersey* the time for the officer or member
25 to become a resident of **[the municipality]** *New Jersey* is extended
26 until such notice is given.

1 9. N. J. S. 40A:14-13 is amended to read as follows:

2 40A:14-13. In any municipality wherein Title 11 (Civil Service)
3 of the Revised Statutes is in operation, whenever a vacancy occurs
4 in the fire department or force by reason of the granting of a leave
5 of absence as provided by law, the appointing authority shall
6 certify to the Civil Service Commission the reason for such
7 vacancy, the name of the person and his office or position.

8 The appointing authority may fill temporarily such office or
9 position by the appointment of any person who:

10 (1) is over 21 and not over 45 years of age;

11 (2) is a citizen of the United States **[and has been a resident of**
12 **the municipality, in which he is to be appointed, for at least 6**
13 **months next preceding his appointment;]** *and a resident of New*
14 *Jersey;*

15 (3) is able to read, write and speak the English language well
16 and intelligently;

17 (4) is of good moral character; and

18 (5) has not been convicted of any criminal offense involving
19 moral turpitude.

20 Such temporary employment shall terminate upon the date when
21 the appointee's predecessor returns to his duties, or when it is de-
22 termined that said predecessor will not return, or sooner when
23 deemed advisable by said appointing authority.

1 10. Every member of a paid fire department and force and
2 every paid member of a part-paid fire department and force shall
3 be a resident of the State of New Jersey while serving in such
4 position. Members appointed after the effective date of this act
5 shall be residents of New Jersey at the time of their appointment
6 and thereafter unless otherwise provided herein.

1 11. No municipality shall pass any ordinance, resolution, rule,
2 regulation, order or directive, making residency therein a condition
3 of employment for the purpose of original appointment, continued
4 employment, promotion, or for any other purpose for any member
5 of a police department and force and any such ordinance, resolu-
6 tion, rule, regulation, order or directive in existence on the effective
7 date of this act or passed hereafter shall be void and have no force
8 or effect.

1 12. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is operative, applicants for appointment to the
3 police department and force who are not residents of the munici-
4 pality shall be eligible for appointment thereto notwithstanding
5 the provision of any statute, law, ordinance, rule or regulation to
6 the contrary.

1 13. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is operative, the appointing authority in the
3 selection of an appointee to the police department and force shall
4 appoint a resident of the municipality rather than a nonresident
5 in any instance in which the resident and nonresident achieved
6 the same final average score in the entrance tests for such position,
7 provided however that the preference granted by this section shall
8 in no way diminish, reduce or affect the preferences granted to
9 veterans pursuant to chapter 27 of Title 11 of the Revised Statutes
10 or any other provision of law.

1 14. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is operative, promotions to positions on the police
3 department and force shall be based upon merit as determined by
4 suitable promotion tests for such positions, provided however that
5 a resident shall be appointed rather than a nonresident thereof in
6 any instance in which the resident and nonresident achieved the

7 same final average score in such test. The preference granted by
8 this section shall in no way diminish, reduce or affect the prefer-
9 ences granted to veterans pursuant to chapter 27 of Title 11 of
10 the Revised Statutes or any other provision of law.

1 15. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is not in operation but wherein appointments to
3 positions on the police department and force are based upon merit
4 as determined by suitable tests, a resident shall be appointed rather
5 than a nonresident thereof in any instance in which the resident
6 and nonresident achieved the same final average score in such test.
7 The preference granted by this section shall in no way diminish,
8 reduce or affect the preferences granted to veterans pursuant to
9 any other provision of law.

1 16. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is not in operation but wherein promotions to
3 positions on the police department and force are based upon merit
4 as determined by suitable promotion tests for such positions, a
5 resident shall be appointed rather than a nonresident thereof in
6 any instance in which the resident and nonresident achieved the
7 same final average score in such test. The preference granted by
8 this section shall in no way diminish, reduce or affect the prefer-
9 ences granted to veterans pursuant to any other provision of law.

1 17. Any person serving as a member of a police department and
2 force pursuant to the provisions of any act repealed by this act
3 shall continue to serve in such position and need not comply with
4 any residency requirement which may have been a condition of his
5 continued employment thereunder.

1 18. Every member of a police department and force shall be a
2 resident of the State of New Jersey while serving in such position.
3 Members appointed after the effective date of this act shall be
4 residents of New Jersey at the time of their appointment and
5 thereafter unless otherwise provided herein.

1 19. N. J. S. 40A:14-123.1 is amended to read as follows:

2 40A:14-123.1. Any person who has served in the armed services
3 of the United States and been discharged or released from such
4 service under conditions other than dishonorable within 6 months
5 prior to making application to any municipality for appointment
6 as a member or officer of the police department or force, may be
7 appointed a member or officer of such police department or force
8 if otherwise qualified notwithstanding that he [is] was not [and
9 has not been] a resident of [said municipality for 6 months pre-
10 ceding his appointment;] *New Jersey at the time of such applica-*

11 tion provided, at the time of making application for appointment
 12 said person signs a notice of intention and agreement to become a
 13 resident of [the municipality] *New Jersey* within 6 months from
 14 the date of appointment.

15 In the event such appointee fails to become a resident of [the
 16 municipality] *New Jersey* within the aforementioned 6-month
 17 period, he shall then cease to be a member or officer of said police
 18 department or force. The governing body shall cause to be served
 19 on the officer or member at least 15 days before the expiration of
 20 the period of nonresidency permitted, a notice that he is required
 21 to become a resident of [the municipality] *New Jersey* within the
 22 time mentioned, and in the event such notice is not given for the
 23 officer or member to become a resident of [the municipality] *New*
 24 *Jersey* the time for the officer or member to become a resident of
 25 [the municipality] *New Jersey* is extended until such notice is
 26 given.

1 20. N. J. S. 40A:14-145 is amended to read as follows:

2 40A:14-145. In any municipality wherein Title 11 (Civil Service)
 3 of the Revised Statutes is in operation, and a vacancy occurs in
 4 the police department or force by reason of the granting of a leave
 5 of absence, as provided by law, the appointing authority shall
 6 certify to the Civil Service Commission the reason for such vacancy,
 7 the name of the person and his office or position.

8 The appointing authority may fill temporarily such office or posi-
 9 tion by the appointment of any person who:

- 10 (1) is over 21 and under 45 years of age;
 11 (2) is a citizen of the United States [and has been a resident of
 12 the municipality in which he is to be appointed, for at least 2 years
 13 next preceding his appointment;] and a resident of *New Jersey*;
 14 (3) is able to read, write and speak the English language well
 15 and intelligently;
 16 (4) is of good moral character; and
 17 (5) has not been convicted of any criminal offense involving
 18 moral turpitude.

19 Such temporary employment shall terminate upon the date the
 20 appointee's predecessor returns to his duties, or when it is de-
 21 termined that said predecessor will not return, or sooner, when
 22 deemed advisable by said appointing authority.

1 21. Sections 40A:14-10, 40A:14-11, 40A:14-11.1, 40A:14-23,
 2 40A:14-124, 40A:14-125 and 40A:14-126 of the New Jersey Stat-
 3 utes are repealed.

1 22. This act shall take effect immediately.

CHAPTER 3 LAWS OF N. J. 1972
APPROVED 2-15-72

CORRECTED COPY
SENATE, No. 452

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1972

By Senators BATEMAN, CRABIEL, SCHIAFFO,
TANZMAN and LYNCH

Referred to Committee on Judiciary

AN ACT concerning residence requirements of policemen and firemen, providing certain preferences in certain cases, amending N. J. S. 40A:14-10.1, 40A:14-13, 40A:14-123.1 and 40A:14-145, supplementing Title 40A of the New Jersey Statutes and repealing parts of the statutory law.

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

1 1. No municipality shall pass any ordinance, resolution, rule,
2 regulation, order or directive, making residency therein a condition
3 of employment for the purpose of original appointment, continued
4 employment, promotion, or for any other purpose for any member
5 of a paid fire department and force or paid member of a part-paid
6 fire department and force, and any such ordinance, resolution, rule,
7 regulation, order or directive in existence on the effective date of
8 this act or passed hereafter shall be void and have no force or
9 effect.

1 2. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is operative, applicants for appointment to the
3 paid fire department and force or as paid members of the part-paid
4 fire department and force who are not residents of the municipality
5 shall be eligible for appointment thereto notwithstanding the pro-
6 vision of any statute, law, ordinance, rule or regulation to the
7 contrary.

1 3. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is operative, the appointing authority in the selec-
3 tion of an appointee to the paid fire department and force or as a
4 paid member of a part-paid fire department and force shall appoint
5 a resident of the municipality rather than a nonresident in any

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

6 instance in which the resident and noresident achieved the same
7 final average score in the entrance test for such position, provided
8 however that the preference granted by this section shall in no way
9 diminish, reduce or affect the preferences granted to veterans pur-
10 suant to chapter 27 of Title 11 of the Revised Statutes or any other
11 provision of law.

1 4. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is operative, promotions to positions on the paid
3 or part-paid fire department and force shall be based upon merit
4 as determined by suitable promotion tests for such positions, pro-
5 vided however that a resident shall be appointed rather than a
6 nonresident thereof in any instance in which the resident and non-
7 resident achieved the same final average score in such test. The
8 preference granted by this section shall in no way diminish, reduce
9 or affect the preferences granted to veterans pursuant to chapter
10 27 of Title 11 of the Revised Statutes or any other provision of law.

1 5. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is not in operation but wherein appointments to
3 positions on the paid or part-paid fire department and force are
4 based upon merit as determined by suitable tests, a resident shall
5 be appointed rather than a nonresident thereof in any instance in
6 which the resident and nonresident achieved the same final average
7 score in such test. The preference granted by this section shall in
8 no way diminish, reduce or affect the preferences granted to
9 veterans pursuant to any other provision of law.

1 6. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is not in operation but wherein promotions to
3 positions on the paid or part-paid fire department and force are
4 based upon merit as determined by suitable promotion tests for
5 such positions, a resident shall be appointed rather than a non-
6 resident thereof in any instance in which the resident and non-
7 resident achieved the same final average score in such test. The
8 preference granted by this section shall in no way diminish, reduce
9 or affect the preferences granted to veterans pursuant to any other
10 provision of law.

1 7. Any person serving as a member of a paid fire department
2 and force or paid member of a part-paid fire department and force
3 pursuant to the provisions of any act repealed by this act shall
4 continue to serve in such position and need not comply with any
5 residency requirement which may have been a condition of his
6 continued employment thereunder.

1 8. N. J. S. 40A:14-10.1 is amended to read as follows:

2 40A:14-10.1. Any person who has served in the armed services
 3 of the United States and been discharged or released from such
 4 service under conditions other than dishonorable within 6 months
 5 prior to making application to any municipality for appointment
 6 as a member or officer of the paid or part-paid fire department *and*
 7 *force*, may be appointed a member or officer of such paid or part-
 8 paid fire department *and force* if otherwise qualified notwithstand-
 9 ing that he **is** *was* not **and has not been** a resident of **said**
 10 municipality for 6 months preceding his appointment; **New Jersey**
 11 *at the time of such application* provided, at the time of making
 12 application for appointment said person signs a notice of intention
 13 and agreement to become a resident of **the municipality** *New*
 14 *Jersey* within 6 months from the date of appointment.

15 In the event such appointee fails to become a resident of **the**
 16 **municipality** *New Jersey* within the aforementioned 6-month
 17 period, he shall then cease to be a member or officer of said paid
 18 or part-paid fire department or force. The governing body shall
 19 cause to be served on the officer or member at least 15 days before
 20 the expiration of the period of nonresidency permitted, a notice
 21 that he is required to become a resident of **the municipality** *New*
 22 *Jersey* within the time mentioned, and in the event such notice
 23 is not given for the officer or member to become a resident of
 24 **the municipality** *New Jersey* the time for the officer or member
 25 to become a resident of **the municipality** *New Jersey* is extended
 26 until such notice is given.

1 9. N. J. S. 40A:14-13 is amended to read as follows:

2 40A:14-13. In any municipality wherein Title 11 (Civil Service)
 3 of the Revised Statutes is in operation, whenever a vacancy occurs
 4 in the fire department or force by reason of the granting of a leave
 5 of absence as provided by law, the appointing authority shall
 6 certify to the Civil Service Commission the reason for such
 7 vacancy, the name of the person and his office or position.

8 The appointing authority may fill temporarily such office or
 9 position by the appointment of any person who:

- 10 (1) is over 21 and not over 45 years of age;
- 11 (2) is a citizen of the United States **and has been a resident of**
 12 the municipality, in which he is to be appointed, for at least 6
 13 months next preceding his appointment; **and a resident of New**
 14 *Jersey*;
- 15 (3) is able to read, write and speak the English language well
 16 and intelligently;
- 17 (4) is of good moral character; and

18 (5) has not been convicted of any criminal offense involving
19 moral turpitude.

20 Such temporary employment shall terminate upon the date when
21 the appointee's predecessor returns to his duties, or when it is de-
22 termined that said predecessor will not return, or sooner when
23 deemed advisable by said appointing authority.

1 10. Every member of a paid fire department and force and
2 every paid member of a part-paid fire department and force shall
3 be a resident of the State of New Jersey while serving in such
4 position. Members appointed after the effective date of this act
5 shall be residents of New Jersey at the time of their appointment
6 and thereafter unless otherwise provided herein.

1 11. No municipality shall pass any ordinance, resolution, rule,
2 regulation, order or directive, making residency therein a condition
3 of employment for the purpose of original appointment, continued
4 employment, promotion, or for any other purpose for any member
5 of a police department and force and any such ordinance, resolu-
6 tion, rule, regulation, order or directive in existence on the effective
7 date of this act or passed hereafter shall be void and have no force
8 or effect.

1 12. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is operative, applicants for appointment to the
3 police department and force who are not residents of the munici-
4 pality shall be eligible for appointment thereto notwithstanding
5 the provision of any statute, law, ordinance, rule or regulation to
6 the contrary.

1 13. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is operative, the appointing authority in the
3 selection of an appointee to the police department and force shall
4 appoint a resident of the municipality rather than a nonresident
5 in any instance in which the resident and nonresident achieved
6 the same final average score in the entrance tests for such position,
7 provided however that the preference granted by this section shall
8 in no way diminish, reduce or affect the preferences granted to
9 veterans pursuant to chapter 27 of Title 11 of the Revised Statutes
10 or any other provision of law.

1 14. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is operative, promotions to positions on the police
3 department and force shall be based upon merit as determined by
4 suitable promotion tests for such positions, provided however that
5 a resident shall be appointed rather than a nonresident thereof in
6 any instance in which the resident and nonresident achieved the

7 same final average score in such test. The preference granted by
8 this section shall in no way diminish, reduce or affect the prefer-
9 ences granted to veterans pursuant to chapter 27 of Title 11 of
10 the Revised Statutes or any other provision of law.

1 15. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is not in operation but wherein appointments to
3 positions on the police department and force are based upon merit
4 as determined by suitable tests, a resident shall be appointed rather
5 than a nonresident thereof in any instance in which the resident
6 and nonresident achieved the same final average score in such test.
7 The preference granted by this section shall in no way diminish,
8 reduce or affect the preferences granted to veterans pursuant to
9 any other provision of law.

1 16. In any municipality wherein Title 11 (Civil Service) of the
2 Revised Statutes is not in operation but wherein promotions to
3 positions on the police department and force are based upon merit
4 as determined by suitable promotion tests for such positions, a
5 resident shall be appointed rather than a nonresident thereof in
6 any instance in which the resident and nonresident achieved the
7 same final average score in such test. The preference granted by
8 this section shall in no way diminish, reduce or affect the prefer-
9 ences granted to veterans pursuant to any other provision of law.

1 17. Any person serving as a member of a police department and
2 force pursuant to the provisions of any act repealed by this act
3 shall continue to serve in such position and need not comply with
4 any residency requirement which may have been a condition of his
5 continued employment thereunder.

1 18. Every member of a police department and force shall be a
2 resident of the State of New Jersey while serving in such position.
3 Members appointed after the effective date of this act shall be
4 residents of New Jersey at the time of their appointment and
5 thereafter unless otherwise provided herein.

1 19. N. J. S. 40A:14-123.1 is amended to read as follows:

2 40A:14-123.1. Any person who has served in the armed services
3 of the United States and been discharged or released from such
4 service under conditions other than dishonorable within 6 months
5 prior to making application to any municipality for appointment
6 as a member or officer of the police department or force, may be
7 appointed a member or officer of such police department or force
8 if otherwise qualified notwithstanding that he **[is]** *was* not **[and**
9 has not been] a resident of **[said municipality for 6 months pre-**
10 ceding his appointment;] *New Jersey at the time of such applica-*

11 tion provided, at the time of making application for appointment
 12 said person signs a notice of intention and agreement to become a
 13 resident of [the municipality] *New Jersey* within 6 months from
 14 the date of appointment.

15 In the event such appointee fails to become a resident of [the
 16 municipality] *New Jersey* within the aforementioned 6-month
 17 period, he shall then cease to be a member or officer of said police
 18 department or force. The governing body shall cause to be served
 19 on the officer or member at least 15 days before the expiration of
 20 the period of nonresidency permitted, a notice that he is required
 21 to become a resident of [the municipality] *New Jersey* within the
 22 time mentioned, and in the event such notice is not given for the
 23 officer or member to become a resident of [the municipality] *New*
 24 *Jersey* the time for the officer or member to become a resident of
 25 [the municipality] *New Jersey* is extended until such notice is
 26 given.

1 20. N. J. S. 40A:14-145 is amended to read as follows:

2 40A:14-145. In any municipality wherein Title 11 (Civil Service)
 3 of the Revised Statutes is in operation, and a vacancy occurs in
 4 the police department or force by reason of the granting of a leave
 5 of absence, as provided by law, the appointing authority shall
 6 certify to the Civil Service Commission the reason for such vacancy,
 7 the name of the person and his office or position.

8 The appointing authority may fill temporarily such office or posi-
 9 tion by the appointment of any person who:

- 10 (1) is over 21 and under 45 years of age;
 11 (2) is a citizen of the United States [and has been a resident of
 12 the municipality in which he is to be appointed, for at least 2 years
 13 next preceding his appointment;] *and a resident of New Jersey;*
 14 (3) is able to read, write and speak the English language well
 15 and intelligently;
 16 (4) is of good moral character; and
 17 (5) has not been convicted of any criminal offense involving
 18 moral turpitude.

19 Such temporary employment shall terminate upon the date the
 20 appointee's predecessor returns to his duties, or when it is de-
 21 termined that said predecessor will not return, or sooner, when
 22 deemed advisable by said appointing authority.

1 21. Sections 40A:14-10, 40A:14-11, 40A:14-11.1, 40A:14-123,
 2 40A:14-124, 40A:14-125 and 40A:14-126 of the New Jersey Stat-
 3 utes are repealed.

1 22. This act shall take effect immediately.

SENATE JUDICIARY COMMITTEE

STATEMENT TO
SENATE, No. 452

STATE OF NEW JERSEY

DATED: JANUARY 31, 1972

There has been a residency requirement for municipal policemen and firemen for many years. The law has become increasingly difficult to enforce and it has made the recruitment of new employees more difficult.

For some municipalities there are already laws exempting them from the general residency requirements.

In the interest of having a uniform law, and helping municipalities solve their recruitment problems, the Legislature passed and sent to the Governor in December 1971, Senate 2326. The purpose of Senate 2326 was to eliminate the requirement that policemen and firemen live in the municipality for which they worked.

Because of time, the Governor did not conditionally veto the bill but instead issued a statement pointing out the incompleteness of the bill before him. He indicated that if these problems were corrected by further legislation he would then sign the bill.

This bill is designed to complete the elimination of residency requirements for policemen and firemen begun in Senate 2326.

This bill changes the residency requirement for policemen and firemen to the State of New Jersey. It repeals those laws which gave certain municipalities the right to allow nonresidents to be members of the fire and police department.

This bill prohibits any municipality from passing an ordinance requiring local residency by members of its police and fire departments.

If a nonresident and a resident achieve the same final score in the entrance test for a position, or the test for a promotion, then the resident may be preferred.

In promotions, a veteran is entitled to a preference in a civil service job if he is the highest scorer on the test. Otherwise, the resident could be appointed rather than the nonresident.

The bill also changes the requirements for temporary appointees to match the changes made for permanent appointees by Senate 2326.

FROM THE OFFICE OF THE GOVERNOR

FEBRUARY 15, 1972

S 452

FOR RELEASE:
IMMEDIATE

Governor William T. Cahill today signed into law three bills which eliminate the requirement that police and firemen must reside in the municipality in which they serve. To do so, the Governor signed Senate bill 2326 (1971), sponsored by Senator James H. Wallwork (R., Essex); Senate bill 452 and Senate bill 453 (1972), sponsored by Senator Raymond H. Bateman (R., Somerset).

In signing the bills the Governor said that they provide a solution to the problem by creating realistic laws capable of being enforced. He pointed out that under the existing laws, residency within a municipality for police and firemen will be encouraged on a voluntary basis and stressed that a workable system of mutual assistance is provided to protect municipalities in times of emergency.

Under the terms of the bills, S-452 prohibits making residency a condition of employment for police and firemen. It stipulates, however, that in instances where a resident of a municipality and a non-resident receive the same score on a civil service examination for appointment or promotion, the resident will be appointed or promoted prior to the non-resident.

"This will provide an incentive for police and firemen to reside in the municipality on a voluntary basis without any reduction in quality," the Governor said. He added that "preferences for veterans will not be diminished by this provision."

The second bill sponsored by Senator Bateman, S-453, provides for mutual assistance in times of emergency between adjoining municipalities on a mandatory basis. The Governor noted that past experience has shown that municipalities usually resort to assistance from neighboring municipalities in times of emergency rather than attempting to recall off-duty police and firemen.

"Mutual assistance has proven to be the best method of securing a complete package of manpower, equipment and vehicles in the shortest period of time," the Governor said. The bill also provides for reimbursement between municipalities on a per-hour basis for services where the municipalities themselves have not agreed to their own terms. The bill has a safeguard that no municipality will be required to render assistance to such an extent that its own residents or their property would be endangered.

The bill sponsored by Senator Wallwork, S-2326, strips any references to residency requirements from a number of the general statutes concerning police and firemen. It is anticipated that the removal of the non-residency requirement will permit some departments to be improved by upgrading the calibre of appointments and by filling existing vacancies.

In addition, the Governor signed Senate bill 2243 (1972), sponsored by Senator Harry Sears (R., Morris), which amends the existing law to allow municipal utilities to function on the same basis as the county solid waste disposal facilities. This law will strengthen municipal utilities authorities and will enable them to do what must be done in this vital and necessary area.

Also signed into law was Senate bill S-986, sponsored by Senator Wayne Dumont (R., District 15), which reduces the residency requirement from three years to one year for persons 65 years of age or older to qualify for the senior citizens' property tax deductions. The deductions apply to persons having an income of \$5,000 or less. The signing of this bill is in keeping with the recent changes in the law to increase the amount of the senior citizens' tax deductions from \$80 to \$160 annually as part of a program by the Cahill Administration to assist senior citizens in maintaining their homes while preserving their personal dignity and self-respect.

The Governor also signed Assembly bill 2569, sponsored by Assemblywoman Elizabeth Cox (R., District 9B), which provides for the termination of leases in

the death of the lessee.

Another bill signed into law was Assembly bill 2180, sponsored by Assemblywoman Josephine Margetts (R., District 10A), designating the violet as the state flower.

###