

[First Reprint]

SENATE, No. 2783

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED MARCH 9, 2015

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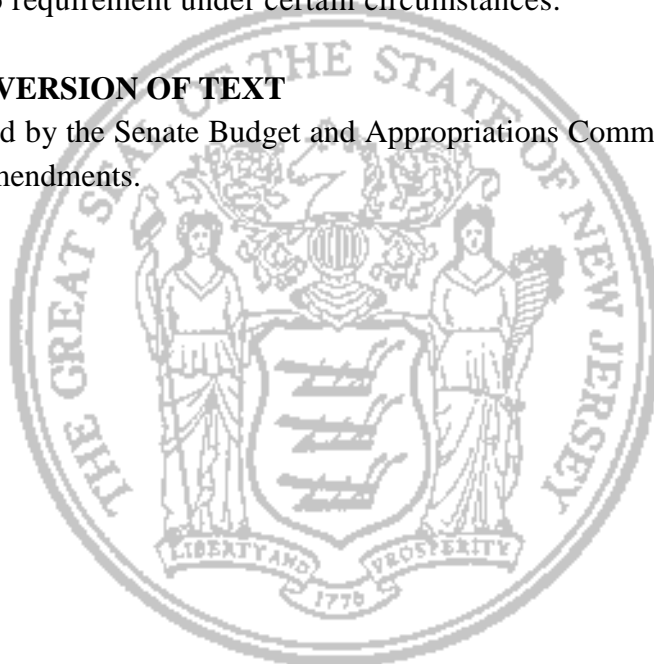
Senators Cunningham, Stack, Gill and Whelan

SYNOPSIS

Permits municipal, county, and regional police and fire forces to establish five-year residency requirement for police officers and firefighters; allows exceptions to requirement under certain circumstances.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 8, 2015, with amendments.



(Sponsorship Updated As Of: 6/26/2015)

1 AN ACT concerning five-year residency requirement for police
2 officers and firefighters and amending ¹**[P.L.1972, c.3]** various
3 parts of the statutory law¹.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 1 of P.L.1972, c.3 (C.40A:14-9.1) is amended to
9 read as follows:

10 1. **[No]** a. Except as provided for in subsection b. of this
11 section, no municipality shall pass any ordinance, resolution, rule,
12 regulation, order or directive, making residency therein a condition
13 of employment for the purpose of original appointment, continued
14 employment, promotion, or for any other purpose for any member
15 of a paid fire department and force or paid member of a part-paid
16 fire department and force, and any such ordinance, resolution, rule,
17 regulation, order or directive in existence on the effective date of
18 **[this act]** P.L.1972, c.3 or passed hereafter shall be void and have
19 no force or effect.

20 b. A municipality may adopt an ordinance prohibiting an
21 applicant from obtaining employment with the municipal paid fire
22 department and force or obtaining a paid position in a part-paid fire
23 department and force unless the person agrees to remain a resident
24 of the municipality for the first five years of his employment. In
25 any municipality that adopts an ordinance pursuant to this
26 subsection, the applicant shall have six months from the date of
27 employment to begin residing in the municipality. ¹The six-month
28 period shall begin on the applicant's first day of official duty after
29 the applicant has completed all requisite training. A municipality
30 that adopts an ordinance pursuant to this subsection may provide an
31 exception to the residency requirement for any member of the fire
32 department who suffers injury, or a threat of injury, to his person,
33 family, or property, committed by another who acts with purpose to:
34 (1) intimidate the member because of his status as a member; (2)
35 manipulate an investigation; or (3) otherwise influence the member
36 to violate his official duty.¹

37 (cf: P.L.1972, c.3, s.1)

38
39 2. Section 2 of P.L.1972, c.3 (C.40A:14-9.2) is amended to
40 read as follows:

41 2. In any municipality **[wherein]** that operates under the
42 provisions of Title **[11 (Civil Service)] 11A, Civil Service, of the**
43 **[Revised]** New Jersey Statutes **[is operative]** , other than a
44 municipality which has adopted an ordinance pursuant to subsection

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted June 8, 2015.

1 b. of section 1 of ¹~~["P.L. _____, c. _____"]~~ P.L.1972, c.3¹ (C.40A:14-9.1)
2 ¹~~["(pending before the Legislature as this bill)"]~~¹, applicants for
3 appointment to the paid fire department and force or as paid
4 members of the part-paid fire department and force who are not
5 residents of the municipality shall be eligible for appointment
6 thereto ~~["notwithstanding the provision of any statute, law,~~
7 ~~ordinance, rule or regulation to the contrary"]~~.

8 (cf: P.L.1972, c.3, s.2)

9

10 3. Section 11 of P.L.1972, c.3 (C.40A:14-122.1) is amended to
11 read as follows:

12 11. ~~["No"]~~ a. Except as provided for in subsection b. of this
13 section, no municipality shall pass any ordinance, resolution, rule,
14 regulation, order or directive, making residency therein a condition
15 of employment for the purpose of original appointment, continued
16 employment, promotion, or for any other purpose for any member
17 of a police department and force and any such ordinance,
18 resolution, rule, regulation, order or directive in existence on the
19 effective date of [this act] P.L.1972, c.3 or passed hereafter shall
20 be void and have no force or effect.

21 b. A municipality may adopt an ordinance prohibiting an
22 applicant from obtaining employment with the municipal police
23 department or force unless the person agrees to remain a resident of
24 the municipality for the first five years of his employment. In any
25 municipality that adopts an ordinance pursuant to this subsection,
26 the applicant shall have six months from the date of employment to
27 begin residing in the municipality. ¹The six-month period shall
28 begin on the applicant's first day of official duty after the applicant
29 has completed all requisite training. A municipality that adopts an
30 ordinance pursuant to this subsection may provide an exception to
31 the residency requirement for any member of the police department
32 who suffers injury, or a threat of injury, to his person, family, or
33 property, committed by another who acts with purpose to: (1)
34 intimidate the officer because of his status as an officer; (2)
35 manipulate an investigation; or (3) otherwise influence the officer
36 to violate his official duty.¹

37 (cf: P.L.1972, c.3, s.11)

38

39 4. Section 12 of P.L.1972, c.3 (C.40A:14-122.2) is amended to
40 read as follows:

41 12. In any municipality ~~["wherein"]~~ that operates under the
42 provisions of Title [11 (Civil Service)] 11A, Civil Service, of the
43 ~~["Revised"]~~ New Jersey Statutes [is operative] , other than a
44 municipality which has adopted an ordinance pursuant to subsection
45 b. of section ¹[3] 11¹ of ¹["P.L. _____, c. _____"] P.L.1972, c.3¹ (C.40A:14-
46 122.1) ¹["(pending before the Legislature as this bill)"]¹, applicants
47 for appointment to the police department and force who are not

1 residents of the municipality shall be eligible for appointment
2 thereto **【notwithstanding the provision of any statute, law,
3 ordinance, rule or regulation to the contrary】**.

4 (cf: P.L.1972, c.3, s.12)

5

6 ^{15.} N.J.S.40A:14-106 is amended to read as follows:

7 40A:14-106. a. The governing body of any county, adopting
8 rules for the regulation of traffic upon the county highways and
9 roads and for the enforcement of laws pertaining thereto, by
10 ordinance or resolution, as appropriate, may create and establish a
11 county police department and force and provide for its maintenance,
12 regulation and control. Except as otherwise provided by law, the
13 governing body may appoint a chief of the department and such
14 other members, officers and personnel as shall be deemed
15 necessary, determine their terms of office, fix their compensation
16 and prescribe their powers, functions and duties. The governing
17 body shall adopt and promulgate rules and regulations for the
18 government of the department and force and for the discipline of its
19 members.

20 b. The governing body of a county may adopt an ordinance
21 prohibiting an applicant from obtaining employment with the
22 county police department or force unless the person agrees to
23 remain a resident of the county for the first five years of his
24 employment. In any county that adopts an ordinance pursuant to
25 this subsection, the applicant shall have six months from the date of
26 employment to begin residing in the county. The six-month period
27 shall begin on the applicant's first day of official duty after the
28 applicant has completed all requisite training. A county that adopts
29 an ordinance pursuant to this subsection may provide an exception
30 to the residency requirement for any member of the police
31 department who suffers injury, or a threat of injury, to his person,
32 family, or property, committed by another who acts with purpose to:
33 (1) intimidate the officer because of his status as an officer; (2)
34 manipulate an investigation; or (3) otherwise influence the officer
35 to violate his official duty.¹

36 (cf: P.L.1981, c.126, s.1)

37

38 ^{16.} Section 15 of P.L.2007, c.63 (C.40A:65-15) is amended to
39 read as follows:

40 15. a. A joint meeting is a public body corporate and politic
41 constituting a political subdivision of the State for the exercise of
42 public and essential governmental functions to provide for the
43 public health and welfare.

44 b. A joint meeting has the following powers and authority,
45 which may be exercised by its management committee to the extent
46 provided for in the joint contract:

47 (1) to sue and be sued;

1 (2) to acquire and hold real and personal property by deed, gift,
2 grant, lease, purchase, condemnation or otherwise;

3 (3) to enter into any and all contracts or agreements and to
4 execute any and all instruments;

5 (4) to do and perform any and all acts or things necessary,
6 convenient or desirable for the purposes of the joint meeting or to
7 carry out any powers expressly given in sections 1 through 35 of
8 P.L.2007, c.63 (C.40A:65-1 through C.40A:65-35);

9 (5) to sell real and personal property owned by the joint meeting
10 at public sale;

11 (6) to operate all services, lands, public improvements, works,
12 facilities or undertakings for the purposes and objects of the joint
13 meeting;

14 (7) to enter into a contract or contracts providing for or relating
15 to the use of its services, lands, public improvements, works,
16 facilities or undertakings, or any part thereof, by local units who are
17 not members of the joint meeting, and other persons, upon payment
18 of charges therefor as fixed by the management committee;

19 (8) to receive whatever State or federal aid or grants that may be
20 available for the purposes of the joint meeting and to make and
21 perform any agreements and contracts that are necessary or
22 convenient in connection with the application for, procurement,
23 acceptance, or disposition of such State or federal aid or grants;

24 **[and]**

25 (9) to acquire, maintain, use, and operate lands, public
26 improvements, works, or facilities in any municipality in the State,
27 except where the governing body of the municipality, by resolution
28 adopted within 60 days after receipt of written notice of intention to
29 so acquire, maintain, use, or operate, shall find that the same would
30 adversely affect the governmental operations and functions and the
31 exercise of the police powers of that municipality ; and

32 (10) to prohibit an applicant for a regional police or fire
33 department from obtaining employment with the regional police or
34 fire department unless the person agrees to remain a resident of the
35 region served by the department for the first five years of his
36 employment. Any residency requirement adopted pursuant to this
37 paragraph shall provide the applicant six months from his date of
38 employment to begin residing in the region served by his employer.
39 The six-month period shall begin on the applicant's first day of
40 official duty after the applicant has completed all requisite training.
41 A joint meeting that adopts a residency requirement pursuant to this
42 paragraph may provide an exception to the residency requirement
43 for any member of the regional police or fire department who
44 suffers injury, or a threat of injury, to his person, family, or
45 property, committed by another who acts with purpose to: (1)
46 intimidate the officer because of his status as an officer; (2)
47 manipulate an investigation; or (3) otherwise influence the officer
48 to violate his official duty.

1 c. If the governing body of a municipality in which a joint
2 meeting has applied for the location and erection of sewage
3 treatment or solid waste disposal facilities refuses permission
4 therefor, or fails to take final action upon the application within 60
5 days of its filing, the joint meeting may, at any time within 30 days
6 following the date of such refusal or the date of expiration of the
7 60-day period, apply to the Department of Environmental
8 Protection for relief. That department is authorized, after hearing
9 the joint meeting and the interested municipality, to grant the
10 application for the erection of the sewage treatment or disposal or
11 solid waste treatment or disposal facilities, notwithstanding the
12 refusal or failure to act of the municipal governing body, upon
13 being satisfied that the topographical and other physical conditions
14 existing in the local units comprising the joint meeting are such as
15 to make the erection of such facilities within its boundaries
16 impracticable as an improvement for the benefit of the whole
17 applying joint meeting.¹

18 (cf: P.L.2007, c.63, s.15)

19

20 ¹**[5.] 7.**¹ This act shall take effect immediately.