

52:14-7

LEGISLATIVE HISTORY CHECKLIST

NJSA: 52:14-7 (State officers-- residence and domicile in NJ-- require)

LAWS OF: 1987 **CHAPTER:** 13

Bill No: S2453

Sponsor(s): Russo and others

Date Introduced: July 31, 1986

Committee: **Assembly:** State Government

Senate: Judiciary

Amended during passage: Yes Substituted for A2967 (Assembly committee substitute (OCR) and original)

Date of Passage: **Assembly:** December 11, 1986

Senate: October 9, 1986

Date of Approval: January 22, 1987

Following statements are attached if available:

Sponsor statement: Yes Attached: Assembly amendments, adopted 12-8-86 (with statement)

Committee statement: **Assembly** Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: Yes

974.90 New Jersey. Legislature. General Assembly. Committee on State Government.
C758 Public hearing on ACR 120 . . . to require certain state officers and
1986b employees to have their principal residence in the state, held 11-24-86,
Trenton, 1986.

(OVER)

974.90 New Jersey. Legislature. Senate. Judiciary Committee.
R424 Public hearing . . . on reappointment of Chief Justice Robert N. Wilentz . . .
1986u July 24, 1986. Trenton, 1986.

See also:

Rosen, Bruce S. GOP Senators seek Wilentz outster, 117 NJLJ 203 (February 20, 1986)

Campion, Gerry Wilentz confirmation expected; residency still an issue. 118 NJLJ 85 (July 24, 1986)

Cheever, Joan M. A process indicated or shaken (committee hearings on reappointment might intimidate other judges) 118 NJLJ 181 (August 7, 1986)

Wilentz seeks to modify residency bill, 119 NJLJ 1 (Jan 1, 1987)

Brownstein, Pamela. "Ruling caps difficult year for Wilentz," 119 NJLJ 421 (March 12, 1987)

Wilentz will comply with residency law, 119 NJLJ 151 (January 29, 1987)

Brooks, David. Wilentz residency move may not end debate, 119 NJLJ 539 (April 2, 1987)

Wilentz lobbying on residency legislation is focus of review by Supreme Court, 119 NJLJ 959 (May 28, 1987)

Rutholz, Judy. Court rejects charge against Wilentz; Senator plans to keep ethics issue alive. 120 NJLJ 783 (Oct 29, 1987)

See also newspaper clipping file in New Jersey Reference Department under "New Jersey-- Government employees-- Residence-- 1986 and 1987"

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[OFFICIAL COPY REPRINT]
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY Nos. 2967 and 3057

STATE OF NEW JERSEY

ADOPTED DECEMBER 8, 1986

By Assemblymen ROONEY and PELLY

AN ACT concerning persons holding public office in this State and
amending R. S. 52:14-7.

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

1 1. R. S. 52:14-7 is amended to read as follows:

2 52:14-7. *a. As used in this section, "person holding an office in*
3 *this State" means the Governor; a member of the Legislature; the*
4 *head of each principal department of the Executive Branch of the*
5 *State Government; and every Justice of the Supreme Court, judge*
6 *of the Superior Court and judge of any inferior court established*
7 *under the laws of this State.*

8 *b. Except as otherwise provided by law, every person holding an*
9 *office in this State, under the authority thereof, shall [reside]*
10 *have his or her principal residence in this State and shall execute*
11 *such office.*

12 *For the purposes of this subsection, * [if a person has one or more*
13 *places of residence within this State and one or more places of*
14 *residence outside this State, the state of his or her principal resi-*
15 *dence is that one of those states in which the person spends the*
16 *greatest proportion of his or her time, except that determinations*
17 *hereunder of principal residence shall be made without regard to:*
18 *(1) any time during which the person is within this State and which*
19 *he or she spends at work in his or her official capacity or travelling*
20 *between a residence located outside the State and his or her regular*
21 *official workplace; (2) any time during which the person is outside*
22 *of this State and which he or she spends actually engaged in the*
23 *performance of his or her official duties or which he or she must*

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly amendments adopted December 8, 1986.

24 necessarily, as a practical matter, spend outside of this State in
25 connection with the performance of those official duties; and (3) in
26 the case of a person holding an office in this State which is not a
27 full-time office, any time during which the person is outside of this
28 State and which he or she spends engaged in the performance of
29 duties necessarily arising in connection with a position of employ-
30 ment which he or she holds and which is unrelated to the office, and
31 also any time which the person spends travelling between a resi-
32 dence located within this State and his or her regular workplace
33 for that position of employment.]* *a person may have at most one
33A principal residence, and the state of a person's principal residence
33B means the state (1) where the person spends the majority of his or
33C her nonworking time, and (2) which is most clearly the center of
33D his or her domestic life, and (3) which is designated as his or her
33E legal address and legal residence for voting. The fact that a person
33F is domiciled in this State shall not by itself satisfy the requirement
33G of principal residency hereunder.*

34 c. If any person holding any [such] office or other position in
35 this State shall attempt to let, farm out or transfer such office or
36 position or any part thereof to any person, he shall forfeit the sum
37 of fifteen hundred dollars (\$1,500.00), to be recovered with costs by
38 any person who shall sue for the same, one-half to the prosecutor
39 and the other half to the treasurer for the use of the State.

40 d. No person shall be appointed to or hold any [office] position
41 in this State who has not the requisite qualifications for personally
42 performing the duties of such [office] position in cases where
43 scientific engineering skill is necessary to the performance of the
44 duties thereof.

45 e. **[Any office in this State which, on the effective date of this*
46 *1986 amendatory act, is held by a person who is disqualified there-*
47 *for under any provision of this section shall be vacant as of and*
48 *from that effective date. Any office in this State held by a person*
49 *who becomes disqualified therefor after the effective date of this*
50 *1986 amendatory act under any provision of this section shall be*
51 *vacant as of and from the date of the disqualification. Where there*
52 *is or shall be elected or appointed to an office in this State a person*
53 *who, at the time of such election or appointment or at any subse-*
54 *quent time prior to his assumption of the office, is disqualified there-*
55 *for under any provision of this section, the election or appointment*
56 *shall be void and ineffective for the purpose of filling that office.*

57 f.]* Any person [holding or] *holding or* attempting to hold an
58 office in violation of this section shall be considered as illegally
59 [holding or] *holding or* attempting to hold the same*[, and

60 the] * *; provided that a person holding an office in this State shall
61 have one year from the effective date of this act or from the time
62 of taking the oath of office, whichever is later, to satisfy the require-
63 ment of principal residency, and if thereafter such person fails to
64 satisfy the requirement of principal residency as defined herein
65 with respect to any 365-day period, that person shall be deemed
66 unqualified for office. The* Superior Court [may] shall, in a
67 [proceeding] civil action in lieu of prerogative writ, give judgment
68 of ouster against such person, [at] upon the [relation] complaint
69 of any officer or citizen of the State*, provided that any such
70 complaint shall be brought within one year of the alleged 365-day
71 period of failure to have his or her principal residence in this
72 State*.

1 2. This act shall take effect on the * [180th] * *90th* day after
2 the date of enactment.

GOVERNOR AND STATE OFFICERS

Requires that State officers have their principal residence in this State; establishes basis of principal residency; specifies particular State officers to whom requirement applicable.

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SENATE, No. 2453

STATE OF NEW JERSEY

INTRODUCED JULY 31, 1986

By Senators RUSSO, LYNCH, ORECHIO, VAN WAGNER,
DiFRANCESCO, DORSEY, LASKIN, ZANE and O'CONNOR

Referred to Committee on State Government and Federal and
Interstate Relations and Veterans Affairs

AN ACT concerning ****[State officers]**** ***persons holding public
office in this State*** and amending R. S. 52:14-7.

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

1 1. R. S. 52:14-7 is amended to read as follows:

2 52:14-7. ***a. As used in this section, "person holding an office in*
3 *this State" means the Governor; a member of the Legislature; the*
4 *head of each principal department of the Executive Branch of the*
5 *State government; and every Justice of the Supreme Court, judge*
6 *of the Superior Court and judge of any inferior court established*
7 *under the laws of this State.***

8 ***b.** Except as otherwise provided by law, every person hold-*
9 *ing an office in this State, under the authority thereof, shall ****[be a***
10 *domiciliary of and reside]*** ***have his or her principal residence***
11 *in this State and shall execute such office.*

12 ***For the purposes of this subsection, a person may have at most*
13 *one principal residence, and the state of a person's principal*
14 *residence means the state (1) where the person spends the majority*
15 *of his or her nonworking time, and (2) which is most clearly the*
16 *center of his or her domestic life, and (3) which is designated as*
17 *his or her legal address and legal residence for voting. The fact*
18 *that a person is domiciled in this State shall not by itself satisfy*
19 *the requirement of principal residency hereunder.***

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted September 8, 1986.

**—Assembly committee amendments adopted December 8, 1986.

***—Assembly amendment adopted December 8, 1986.

20 **c.** If any person holding any **[such]** office *or other*
21 *position in this State* shall attempt to let, farm out or transfer
22 such office *or position* or any part thereof to any person, he
23 shall forfeit the sum of fifteen hundred dollars (\$1,500.00), to be
24 recovered with costs by any person who shall sue for the same,
25 one-half to the prosecutor and the other half to the treasurer for
26 the use of the State.

27 **d.** No person shall be appointed to or hold any **[office]**
28 *position* in this State who has not the requisite qualifications
29 for personally performing the duties of such **[office]** *posi-*
30 *tion* in cases where scientific engineering skill is necessary to the
31 performance of the duties thereof.

32 **e.** Any person holding or attempting to hold an office in
33 violation of this section shall be considered as illegally holding or
34 attempting to hold the same**[, and the]** *;* *provided that a*
35 *person holding an office in this State shall have one year from the*
36 *effective date of this act or from the time of taking the oath of*
37 *office, whichever is later, to satisfy the requirement of principal*
38 *residency, and if thereafter such person fails to satisfy the require-*
39 *ment of principal residency as defined herein with respect to any*
40 *365-day period, that person shall be deemed unqualified for office.*
41 *The Superior Court* **[may]** *shall*, in a **[proceeding]**
42 *civil action* in lieu of prerogative writ, give judgment of ouster
43 against such person, **[at]** *upon* the **[relation]** *com-*
44 *plaint* of any officer *or citizen* of the State, *provided that*
45 *that any such complaint shall be brought within one year of the*
46 *alleged 365-day period of failure to have his or her principal resi-*
47 *dence of this State*.

48 **[As used in this section, "person holding an office in this State"**
49 **[includes]** *means* the Chief Justice and Associate Justices of
50 the Supreme Court, Judges of the Superior Court, the Governor,
51 the head of each principal department**[,]** *and* the members of
52 the Legislature **[and any other person who holds an office created**
53 **by the Constitution or statute of this State].]**

1 2. This act shall take effect **[immediately]** *on the*
2 **[180th]** *90th* day after the date of enactment.

GOVERNOR AND STATE OFFICERS

Requires that State officers have their principal residence in this State; establishes basis of principal residency; specifies particular State officers to whom requirement applicable.

SENATE, No. 2453

STATE OF NEW JERSEY

INTRODUCED JULY 31, 1986

By Senators RUSSO, LYNCH, ORECHIO, VAN WAGNER,
DiFRANCESCO, DORSEY, LASKIN, ZANE and O'CONNOR

Referred to Committee on State Government and Federal and
Interstate Relations and Veterans Affairs

AN ACT concerning State officers and amending R. S. 52:14-7.

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

1 1. R. S. 52:14-7 is amended to read as follows:

2 52:14-7. Except as otherwise provided by law, every person hold-
3 ing an office in this State, under the authority thereof, shall *be a*
4 *domiciliary of and* reside in this State and *shall* execute such office.

5 If any person holding any such office shall attempt to let, farm
6 out or transfer such office or any part thereof to any person, he
7 shall forfeit the sum of fifteen hundred dollars (\$1,500.00), to be
8 recovered with costs by any person who shall sue for the same,
9 one-half to the prosecutor and the other half to the treasurer for
10 the use of the State.

11 No person shall be appointed to or hold any office in this State
12 who has not the requisite qualifications for personally performing
13 the duties of such office in cases where scientific engineering skill
14 is necessary to the performance of the duties thereof.

15 Any person holding or attempting to hold an office in violation
16 of this section shall be considered as illegally holding or attempting
17 to hold the same, and the Superior Court may, in a proceeding in
18 lieu of prerogative writ, give judgment of ouster against such per-
19 son, at the relation of any officer of the State.

20 *As used in this section, "person holding an office in this State"*
21 *includes the Chief Justice and Associate Justices of the Supreme*

Matter printed in italics thus is new matter.

22 *Court, Judges of the Superior Court, the Governor, the head of each*
 23 *principal department, the members of the Legislature and any other*
 24 *person who holds an office create by the Constitution or statute of*
 25 *this State.*

1 2. This act shall take effect immediately.

STATEMENT

This bill amends R. S. 52:14-7 to specify: (1) that persons holding office in this State be both domiciled and resident in this State; and (2) that the term "person holding an office in this State" as used in that section includes the Chief Justice and Associate Justices of the Supreme Court, Judges of the Superior Court, the Governor, the head of each principal department, the members of the Legislature and any other person who holds an office created by the Constitution or statute of this State.

GOVERNOR AND STATE OFFICERS

Requires that State officers be both domiciled and resident in this State.

52453 (1987)

ASSEMBLY, No. 2967
STATE OF NEW JERSEY

INTRODUCED JULY 10, 1986

By Assemblyman ROONEY

AN ACT concerning persons holding public office in this State
and amending R. S. 52:14-7.

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

1 1. R. S. 52:14-7 is amended to read as follows:

2 52:14-7. Except as otherwise provided by law, every person
3 holding an office in this State, under the authority thereof, shall
4 reside in this State and execute such office. *Residence in this State*
5 *includes spending a majority of the hours between 6 p.m. and*
6 *6 a. m. of at least 180 nights each year in this State except if*
7 *personal illness requires absence from the State.*

8 If any person holding any such office shall attempt to let, farm
9 out or transfer such office or any part thereof to any person, he
10 shall forfeit the sum of fifteen hundred dollars (\$1,500.00), to be
11 recovered with costs by any person who shall sue for the same,
12 one-half to the prosecutor and the other half to the treasurer for
13 the use of the State.

14 No person shall be appointed to or hold any office in this State
15 who has not the requisite qualifications for personally performing
16 the duties of such office in cases where scientific engineering skill
17 is necessary to the performance of the duties thereof.

18 Any person holding or attempting to hold an office in violation
19 of this section shall be considered as illegally holding or attempt-
20 ing to hold the same, and the Superior Court may, in a proceeding

Matter printed in italics thus is new matter.

21 in lieu of prerogative writ, give judgment of ouster against such
22 person, at the relation of any officer of the State.

1 2. This act shall take effect on January 1st next following enact-
2 ment.

STATEMENT

This bill requires every person holding public office in New Jersey to spend a majority of the hours between 6 p.m. and 6 a.m. of at least 180 nights each year in this State at the person's place of residence, exclusive of the time spent elsewhere due to illness.

GOVERNOR AND STATE OFFICERS

Requires all State officeholders to spend at least 180 nights per year at their place of residence.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 2453

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 8, 1986

The Assembly State Government Committee reports favorably and with Committee amendments Senate Bill No. 2453.

This bill amends a statute which imposes certain requirements and restrictions on persons holding State office. In particular, the bill revises a provision of that statute under which those officers are required to reside in the State. Under the bill:

(1) The requirement of State residency would be replaced with a requirement that holders of State offices have their principal residence in the State;

(2) The particular officers to whom the requirement would apply are specified, namely, the Governor, members of the Legislature, heads of principal departments of the Executive Branch, and justices and judges of the several courts established under State law;

(3) For the purpose, in applying the statute, of determining whether an officer meets the new requirement, the state of that officer's principal residence would be that state where the officer spends the majority of his or her nonworking time;

(4) A person holding an office to which the principal residency requirement applies would have one year from the effective date of the act or from taking the oath of office, whichever is later, to satisfy the requirement;

(5) An officer would be disqualified from office if, after the requirement became applicable to him, he failed to satisfy the specified criteria for any 365-day period; and

(6) Standing to enforce the statute against any person attempting to hold an office in violation of its provisions, currently restricted to State officers, would be conferred on every citizen of the State, but any complaint against an officer for failure to meet the residency requirement would have to be brought within one year of that alleged failure.

The committee's consideration and favorable reporting of this substitute bill were done with full understanding that all existing statutory requirements that persons working in State Government be residents of the State are valid and enforceable, and are applicable to all holders of the State offices named in paragraph (2) above.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) Substitute the principal residency requirement for the bill's proposed joint requirement that a State officer be a resident in the State (required under existing law) and a domiciliary thereof;

(2) Provide the criteria for determining the state of a person's principal residence and establish the 365-day time period over which those criteria would be applied in testing whether the principal residency requirement has been met;

(3) Reword the bill's list of specific officers to be covered by the requirement and add to that list the judges of the several statutory inferior courts;

(4) Provide for the one-year grace period;

(5) Broaden standing to enforce the principal residency requirement and impose the one-year statute of limitations on suits for enforcement; and

(6) Postpone the effective date of the legislation from the date of enactment to the 180th day following that date.

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C

new

ASSEMBLY Amendments
proposed by Assemblyman Zimmer

to

SENATE Bill No. 2453 OCR ACA
sponsored by Senator Russo

amendments are to
Assembly Committed amendments
dated on 12/6/86

amend:

Page	Sec.	Line	
2	2	1	Omit "180th" insert "90th"

STATEMENT

This amendment accelerates the date on which the legislation would take effect as law from the 180th day following the date of enactment to the 90th day following that date.

REC 8 1986

ADOPTED

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY Nos. 2967 and 3057

STATE OF NEW JERSEY

DATED: NOVEMBER 24, 1986

The Assembly State Government Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 2967 and 3057.

This substitute bill amends a statute which imposes certain requirements and restrictions on persons holding State office. In particular, the bill revises a provision of that statute under which those officers are required to reside in the State. Under the bill:

(1) The requirement of State residency would be replaced with a requirement that holders of State offices have their principal residence in the State;

(2) The particular officers to whom the requirement applies are specified, namely, the Governor, members of the Legislature, heads of principal departments of the Executive Branch, and justices and judges of the several courts established under State law;

(3) For the purpose, in applying the statute, of determining whether an officer who maintains one or more places of residence both within and outside the State meets the new requirement, the state of that officer's principal residence would be that state in which the officer spends the greatest proportion of his or her time, excluding (a) time spent working in his or her official capacity, (b) certain time necessarily spent outside the State by virtue of the particular office held, (c) in the case of the holder of a part-time State office, time spent at work outside the State in a position unrelated to that office, and (d) certain commutation time;

(4) A provision is added to the statute clarifying that the requirements and restrictions which it imposes with respect to State offices are applicable to present and future holders of those offices and to persons who are or shall be elected or appointed to those offices; and

(5) Standing to enforce the statute against any person attempting to hold an office in violation of its provisions, currently restricted to State officers, is conferred on every citizen of the State.

The committee's consideration and favorable reporting of this substitute bill were done with full understanding that all existing statutory requirements that persons working in State Government be residents of the State are valid and enforceable, and are applicable to all holders of the State offices named in paragraph (2) above.

SENATE JUDICIARY COMMITTEE
STATEMENT TO
SENATE, No. 2453

STATE OF NEW JERSEY

DATED: SEPTEMBER 8, 1986

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 2453.

R. S. 52:14-7 presently requires a person holding a State office to be a resident. As amended by the committee, this bill would specify that a person holding a State office is required to be both a domiciliary and resident of New Jersey. This bill also clarifies that the term "person holding an office in this State" means the Chief Justice and Associate Justices of the Supreme Court, Judges of the Superior Court, the Governor, the head of each principal department and members of the Legislature. Language indicating that persons holding any constitutional or statutory office are also covered by R. S. 52:14-7 was deleted.



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact:

JOHN SAMERJAN

609-292-8956 or 292-6000 EXT. 207

TRENTON, N.J. 08625

Release: THURS. JAN. 22, 198

Governor Thomas H. Kean today signed legislation that requires members of the state judiciary and members of the Governor's cabinet to maintain their principal residence in New Jersey.

" I am convinced the bill does not require any member of the individual's family to live in the state," Governor Kean said.

" This opinion has been concurred in by my chief counsel, the Attorney General as well as the legislative leaders," Governor Kean concluded.

S-2453, which requires that certain high state officials maintain their principal residence in this state, was sponsored by Senator John F. Russo, D- Ocean.

The legislation is effective 90 days after enactment.

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