

# 52:14-7

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2011                    **CHAPTER:** 70

**NJSA:** 52:14-7 (Requires certain public officers and employees to reside in State)

**BILL NO:** S1730 (Substituted for A2478)

**SPONSOR(S)** Norcross and others

**DATE INTRODUCED:** March 11, 2010

**COMMITTEE:**                    **ASSEMBLY:** State Government

**SENATE:** State Government, Wagering, Tourism & Historic Preservation

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:** May 9, 2011

**SENATE:** March 21, 2011

**DATE OF APPROVAL:** May 17, 2011

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Second reprint enacted)

**S1730**

<b>SPONSOR'S STATEMENT:</b> (Begins on page 3 of introduced bill)	Yes
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> Yes .
	<b>SENATE:</b> Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

<b>FLOOR AMENDMENT STATEMENT:</b>	No
<b>LEGISLATIVE FISCAL NOTE:</b>	No

**A2478**

<b>SPONSOR'S STATEMENT:</b> (Begins on page 3 of introduced bill)	Yes
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> Yes .
	<b>SENATE:</b> No

<b>FLOOR AMENDMENT STATEMENT:</b>	No
<b>LEGISLATIVE FISCAL NOTE:</b>	No

(continued)

**VETO MESSAGE:**

Yes

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

LAW/RWH

P.L.2011, CHAPTER 70, *approved May 17, 2011*  
Senate Committee Substitute (*Second Reprint*) for  
Senate, No. 1730

1 AN ACT concerning residency requirements for public officers and  
2 employees and amending R.S.52:14-7.

3

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

6

7 1. This act shall be known and may be cited as the “New Jersey  
8 First Act.”

9

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

11 52:14-7. a. **[As used in this section, "person holding an office**  
12 **in this State" means the Governor; a member of the Legislature; the**  
13 **head of each principal department of the Executive Branch of the**  
14 **State government; and every Justice of the Supreme Court, judge of**  
15 **the Superior Court and judge of any inferior court established under**  
16 **the laws of this State.**

17 b. Except as otherwise provided by law, every **[ Every** person  
18 holding an office, employment, or position

19 (1) in the Executive, Legislative, or Judicial Branch of this  
20 State**[, under the authority thereof], or**

21 (2) with an authority, board, body, agency, commission, or  
22 instrumentality of the State including any State college, university,  
23 or other 'higher' educational institution, 'and, to the extent  
24 consistent with law, any interstate agency to which New Jersey is a  
25 party, or<sup>1</sup>

26 (3) with a county, municipality, or other political subdivision of  
27 the State or an authority, board, body, agency, district, commission,  
28 or instrumentality of the county, municipality, or subdivision, or

29 (4) with a 'board of education] school district' or an authority,  
30 board, body, agency, commission, or instrumentality of the  
31 'board] district',

32 shall have his or her principal residence in this State and shall  
33 execute such office, employment, or position **[; except that this]** .

34 This<sup>1</sup> residency requirement shall not apply to any person (a)  
35 who is employed on a temporary or per-semester basis as a visiting  
36 professor, teacher, lecturer, or researcher by any State college,

**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:**

<sup>1</sup> Assembly ASG committee amendments adopted December 9, 2010.

<sup>2</sup> Senate amendments adopted in accordance with Governor's recommendations February 17, 2011.

1 university, or other 'higher' educational institution, or county or  
2 community college, or '[board of education] in a full or part-time  
3 position as a member of the faculty, the research staff, or the  
4 administrative staff by any State college, university, or other higher  
5 educational institution, or county or community college, that the  
6 college, university, or institution has included in the report required  
7 to be filed pursuant to this subsection<sup>1</sup>, or (b) who is employed full-  
8 time by the State who serves in an office, employment, or position  
9 that requires the person to spend the majority of his or her working  
10 hours in a location outside of this State.

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

19 A person, regardless of the office, employment, or position<sup>1</sup>[or  
20 years of service]<sup>1</sup>, who holds an office, employment, or position in  
21 this State on the effective date of P.L. , c. (pending before the  
22 Legislature as this bill) but does not have his or her principal  
23 residence in this State on that effective date shall not be subject to  
24 the residency requirement of this subsection<sup>1</sup>[unless the person  
25 changes to another office, employment or position, because the  
26 person chooses to do so voluntarily and not because of forced  
27 reassignment or any other involuntary change, outside of the  
28 department with regard to the State, substantively similar unit of  
29 government with regard to other government entities, or  
30 government entity, as appropriate, in which the person held the  
31 office, employment, or position on that effective date] while the  
32 person continues to hold office, employment, or position without a  
33 break in public service of greater than seven days<sup>1</sup>.

34 Any person may request an exemption from the provisions of  
35 this subsection<sup>1</sup> on the basis of critical need or hardship<sup>1</sup> from a  
36 <sup>2</sup>[three] five<sup>2</sup>-member committee hereby established to consider  
37 applications for such exemptions. The committee shall be  
38 composed of <sup>2</sup>[a person] three persons<sup>2</sup> appointed by the Governor,  
39 a person appointed by the Speaker of the General Assembly, and a  
40 person appointed by the President of the Senate, each of whom shall  
41 serve at the pleasure of the person making the appointment and  
42 shall have a term not to exceed five years. <sup>1</sup>[The committee shall  
43 meet monthly.]<sup>1</sup> A vacancy on the committee shall be filled in the  
44 same manner as the original appointment was made. The Governor  
45 shall make provision to provide such clerical, secretarial and

1 administrative support to the committee as may be necessary for it  
2 to conduct its responsibilities pursuant to this subsection.

3 '[Whenever the committee considers an application from a  
4 person employed or offered employment by a State college,  
5 university, other educational institution, or county or community  
6 college, who holds or is to hold a position requiring special  
7 expertise or extraordinary qualifications in a scientific or technical  
8 area such as research or medicine, the committee shall give  
9 particular consideration to whether the failure to grant that person  
10 an exemption from the provisions of this subsection will seriously  
11 encumber or impede the ability of the college, university or  
12 institution at which the person is or is to be employed to compete  
13 successfully in a scientific or technical area against similar colleges,  
14 universities or institutions in other states.]'

15 The decision on whether to approve an application from any  
16 person shall be made by a majority vote of the members of the  
17 committee, and those voting in the affirmative shall so sign the  
18 approved application. If the committee fails to act on an application  
19 within 30 days after the receipt thereof, no exemption shall be  
20 granted and the residency requirement of this subsection shall be  
21 operative. The head of a principal department of the Executive  
22 Branch of the State government, a Justice of the Supreme Court,  
23 judge of the Superior Court and judge of any inferior court  
24 established under the laws of this State shall not be eligible to  
25 request from the committee an exemption from the provisions of  
26 this subsection.

27 'The exemption provided in this subsection for certain persons  
28 employed by a State college, university, or other higher educational  
29 institution, or a county or community college, other than those  
30 employed on a temporary or per-semester basis as a visiting  
31 professor, teacher, lecturer, or researcher, shall apply only to those  
32 persons holding positions that the college, university, or institution  
33 has included in a report of those full or part-time positions as a  
34 member of the faculty, the research staff, or the administrative staff  
35 requiring special expertise or extraordinary qualifications in an  
36 academic, scientific, technical, professional, or medical field or in  
37 administration, that, if not exempt from the residency requirement,  
38 would seriously impede the ability of the college, university, or  
39 institution to compete successfully with similar colleges,  
40 universities, or institutions in other states. The report shall be  
41 compiled annually and shall also contain the reasons why the  
42 positions were selected for inclusion in the report. The report shall  
43 be compiled and filed within 60 days following the effective date of  
44 P.L. , c. (pending before the Legislature as this bill). The report  
45 shall be reviewed, revised as necessary, and filed by January 1 of  
46 each year thereafter. Each report shall be filed with the Governor  
47 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), with

1 the Legislature, and a report may be revised at any time by filing an  
2 amendment to the report with the Governor and Legislature.

3 As used in this section, "school district" means any local or  
4 regional school district established pursuant to chapter 8 or chapter  
5 13 of Title 18A of the New Jersey Statutes and any jointure  
6 commission, county vocational school, county special services  
7 district, educational services commission, educational research and  
8 demonstration center, environmental education center, and  
9 educational information and resource center.<sup>1</sup>

10 **[c.] b.** If any person holding any office, employment, or other  
11 position in this State shall attempt to let, farm out or transfer such  
12 office, employment, or position or any part thereof to any person,  
13 he shall forfeit the sum of fifteen hundred dollars (\$1,500.00), to be  
14 recovered with costs by any person who shall sue for the same, one-  
15 half to the prosecutor and the other half to the treasurer for the use  
16 of the State.

17 **[d.] c.** No person shall be appointed to or hold any position in  
18 this State who has not the requisite qualifications for personally  
19 performing the duties of such position in cases where scientific  
20 engineering skill is necessary to the performance of the duties  
21 thereof.

22 **[e.] d.** Any person holding or attempting to hold an office,  
23 employment, or position in violation of this section shall be  
24 considered as illegally holding or attempting to hold the same;  
25 provided that a person holding an office, employment, or position in  
26 this State shall have one year **[from the effective date of this act or]**  
27 **from the time of taking the [oath of] office, [whichever is later,]**  
28 employment, or position to satisfy the requirement of principal  
29 residency, and if thereafter such person fails to satisfy the  
30 requirement of principal residency as defined herein with respect to  
31 any 365-day period, that person shall be deemed unqualified for  
32 holding the office, employment, or position. The Superior Court  
33 shall, in a civil action in lieu of prerogative writ, give judgment of  
34 ouster against such person, upon the complaint of any officer or  
35 citizen of the State, provided that any such complaint shall be  
36 brought within one year of the alleged 365-day period of failure to  
37 have his or her principal residence in this State.

38 (cf: P.L.1987, c.13, s.1)

39

40 3. This act shall take effect <sup>2</sup>**[immediately]** on the first day of  
41 the fourth month after enactment<sup>2</sup>.

42

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44

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46

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Requires certain public officers and employees to reside in State.

# SENATE, No. 1730

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MARCH 11, 2010

**Sponsored by:**

**Senator DONALD NORCROSS**

**District 5 (Camden and Gloucester)**

**Senator KEVIN J. O'TOOLE**

**District 40 (Bergen, Essex and Passaic)**

**Co-Sponsored by:**

**Senator Ruiz**

**SYNOPSIS**

Requires all public officers and employees to reside in State.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/17/2010)**

S1730 NORCROSS, O'TOOLE

2

1 AN ACT requiring all public officers and employees to reside in the  
2 State and amending R.S.52:14-7.

3

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

6

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

8 52:14-7. a. **[**As used in this section, "person holding an office  
9 in this State" means the Governor; a member of the Legislature; the  
10 head of each principal department of the Executive Branch of the  
11 State government; and every Justice of the Supreme Court, judge of  
12 the Superior Court and judge of any inferior court established under  
13 the laws of this State.

14 b. Except as otherwise provided by law, every **]** Every person  
15 holding an office, employment or position

16 (1) in the Executive, Legislative or Judicial Branch of this  
17 State, under the authority thereof, or

18 (2) with an authority, board, body, agency, commission, or  
19 instrumentality of the State including any State college, university  
20 or other educational institution, or

21 (3) with a county, municipality, or other political subdivision of  
22 the State or an authority, board, body, agency, district, commission,  
23 or instrumentality of the county, municipality, or subdivision, or

24 (4) with a board of education or an authority, board, body,  
25 agency, commission, or instrumentality of the board, shall have his  
26 or her principal residence in this State and shall execute such office,  
27 employment or position.

28 For the purposes of this subsection, a person may have at most  
29 one principal residence, and the state of a person's principal  
30 residence means the state (1) where the person spends the majority  
31 of his or her nonworking time, and (2) which is most clearly the  
32 center of his or her domestic life, and (3) which is designated as his  
33 or her legal address and legal residence for voting. The fact that a  
34 person is domiciled in this State shall not by itself satisfy the  
35 requirement of principal residency hereunder.

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

43 **[d.]** c. No person shall be appointed to or hold any position in  
44 this State who has not the requisite qualifications for personally  
45 performing the duties of such position in cases where scientific

**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.



1 engineering skill is necessary to the performance of the duties  
2 thereof.

3 **[e.] d.** Any person holding or attempting to hold an office,  
4 employment or position in violation of this section shall be  
5 considered as illegally holding or attempting to hold the same;  
6 provided that a person holding an office, employment or position in  
7 this State shall have **[one year from the effective date of this act or]**  
8 four months from the time of taking the **[oath of]** office,  
9 **[whichever is later,]** employment or position to satisfy the  
10 requirement of principal residency, and if thereafter such person  
11 fails to satisfy the requirement of principal residency as defined  
12 herein with respect to any 365-day period, that person shall be  
13 deemed unqualified for office, employment or position. The  
14 Superior Court shall, in a civil action in lieu of prerogative writ,  
15 give judgment of ouster against such person, upon the complaint of  
16 any officer or citizen of the State, provided that any such complaint  
17 shall be brought within one year of the alleged 365-day period of  
18 failure to have his or her principal residence in this State.  
19 (cf: P.L.1987, c.13, s.1)

20  
21 2. Every person who, on the effective date of P.L. , c.  
22 (pending before the Legislature as this bill) amending R.S.52:14-7,  
23 does not have his or her principal residence in this State but holds  
24 an office, employment or position described in subsection a. of  
25 R.S.52:14-7 shall have two years and six months from that effective  
26 date to comply with the provisions of subsection a. of R.S.52:14-7.  
27 The requirement of this section shall not be deemed to impair the  
28 obligation of any contract in effect on the effective date of  
29 P.L. , c. (pending before the Legislature as this bill). The  
30 requirement of this section shall not be applicable to any officer or  
31 employee who, on that effective date, holds an office, employment  
32 or position described in subsection a. of R.S.52:14-7 for which the  
33 grounds for termination are limited as specified by statute.

34  
35 3. This act shall take effect immediately.

36  
37

38 STATEMENT

39

40 This bill requires every person holding an office, employment or  
41 position

- 42 • in the Executive, Legislative or Judicial Branch of this State,  
43 or with an independent authority, board, body, agency,  
44 commission, or instrumentality of the State including any  
45 State college, university or other educational institution, or

**S1730 NORCROSS, O'TOOLE**

- 1       • with an authority, board, body, agency, commission, or  
2       instrumentality of the State including any State college,  
3       university or other educational institution, or
- 4       • with a county, municipality, or other political subdivision of  
5       the State or an authority, board, body, agency, district,  
6       commission, or instrumentality of the county, municipality,  
7       or subdivision, or
- 8       • with a board of education or with an authority, board, to  
9       have his or her principal residence in this State. A person  
10      will have four months from the time of taking the office,  
11      employment or position to comply.

12      Every person who, on the effective date of this bill, does not  
13      have his or her principal residence in this State but holds such an  
14      office, employment or position will have two years and six months  
15      from that effective date to comply with the residency requirement.

16      The requirement of this bill with regard to current officers and  
17      employees will not impair the obligation of any contract in effect on  
18      the effective date, nor will it be applicable to an office, employment  
19      or position for which the grounds for termination are limited as  
20      specified by statute.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &  
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 1730**

**STATE OF NEW JERSEY**

DATED: MAY 13, 2010

The Senate State Government, Wagering, Tourism & Historic Preservation Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1730.

This substitute, to be known as the “New Jersey First Act,” requires every person holding an office, employment, or position:

1) in the Executive, Legislative or Judicial Branch of this State, or with an independent authority, board, body, agency, commission, or instrumentality of the State including any State college, university, or other educational institution, or

2) with an authority, board, body, agency, commission, or instrumentality of the State including any State college, university, or other educational institution, or

3) with a county, municipality, or other political subdivision of the State or an authority, board, body, agency, district, commission, or instrumentality of the county, municipality, or subdivision, or

4) with a board of education or with an authority, board, to have his or her principal residence in this State. A person will have one year from the time of taking the office, employment or position to comply.

Under the substitute the residency requirement would not apply to any person: 1) who is employed on a temporary or per-semester basis as a visiting professor, teacher, lecturer, or researcher by any State college, university, other educational institution, or county or community college, or board of education; or 2) who is employed full-time by the State who serves in an office, employment, or position that requires the person to spend the majority of his or her working hours in a location outside of this State.

The substitute also provides that a person, regardless of the office, employment, or position or years of service, who holds an office, employment, or position in this State on the effective date of the substitute but does not have his or her principal residence in this State on that effective date will not be subject to the residency requirement unless the person changes to another office, employment or position, because the person chooses to do so voluntarily and not because of

forced reassignment or any other involuntary change, outside of the department with regard to the State, substantively similar unit of government with regard to other government entities, or government entity, as appropriate, in which the person held the office, employment, or position on that effective date.

In addition, the substitute provides that any person may request a residency exemption from a three-member committee hereby established to consider applications for such exemptions. The committee is to be composed of a person appointed by the Governor, a person appointed by the Speaker of the General Assembly, and a person appointed by the President of the Senate, each of whom would serve at the pleasure of the person making the appointment and have a term not to exceed five years.

Whenever the committee considers an application from a person employed or offered employment by a State college, university, other educational institution, or county or community college, who holds or is to hold a position requiring special expertise or extraordinary qualifications in a scientific or technical area such as research or medicine, the committee must give particular consideration to whether the failure to grant that person a residency exemption will seriously encumber or impede the ability of the college, university or institution at which the person is or is to be employed to compete successfully in a scientific or technical area against similar colleges, universities or institutions in other states.

The decision on whether to approve an application from any person would be made by a majority vote of the members of the committee, and those voting in the affirmative must so sign the approved application. If the committee fails to act on an application within 30 days after the receipt thereof, no exemption would be granted and the residency requirement of this subsection would be operative. The head of a principal department of the Executive Branch of the State government, a Justice of the Supreme Court, judge of the Superior Court and judge of any inferior court established under the laws of this State would not be eligible to request a residency exemption.

The requirement of substitute with regard to current officers and employees will not impair the obligation of any contract in effect on the effective date, nor will it be applicable to an office, employment, or position for which the grounds for termination are limited as specified by statute.

# ASSEMBLY STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1730**

with committee amendments

# STATE OF NEW JERSEY

DATED: DECEMBER 9, 2010

The Assembly State Government Committee reports favorably and with committee amendments the Senate Committee Substitute for Senate, No. 1730.

As amended, this bill, to be known as the “New Jersey First Act,” requires every person holding an office, employment, or position:

1) in the Executive, Legislative, or Judicial Branch of this State,  
or

2) with an authority, board, body, agency, commission, or instrumentality of the State including any State college, university, or other higher educational institution, or an interstate agency, or

3) with a county, municipality, or other political subdivision of the State or an authority, board, body, agency, district, commission, or instrumentality of the county, municipality, or subdivision, or

4) with a school district or with an authority, board, body, agency, commission, or instrumentality of the district,

to have his or her principal residence in this State. A person will have one year from the time of taking the office, employment or position to comply.

Under the bill, the residency requirement would not apply to any person: 1) who is employed on a temporary or per-semester basis as a visiting professor, teacher, lecturer, or researcher by any State college, university, other higher educational institution, or county or community college, or in a full or part-time position as a member of the faculty, the research staff, or the administrative staff by any State college, university, or other higher educational institution, or county or community college, that the college, university, or institution has included in the report required to be filed pursuant to this bill; or 2) who is employed full-time by the State who serves in an office, employment, or position that requires the person to spend the majority of his or her working hours in a location outside of this State.

The bill also provides that a person who holds an office, employment, or position in this State on the effective date of the bill

but does not have his or her principal residence in this State on that effective date will not be subject to the residency requirement while the person continues to hold office, employment, or position without a break in public service of greater than seven days.

In addition, the bill provides that any person may request a residency exemption based on a critical need or hardship from a three-member committee established by the bill to consider applications for such exemptions. The committee is to be composed of a person appointed by the Governor, a person appointed by the Speaker of the General Assembly, and a person appointed by the President of the Senate, each of whom would serve at the pleasure of the person making the appointment and have a term not to exceed five years.

The decision on whether to approve an application from any person would be made by a majority vote of the members of the committee, and those voting in the affirmative must so sign the approved application. If the committee fails to act on an application within 30 days after the receipt thereof, no exemption would be granted and the residency requirement would be operative. The head of a principal department of the Executive Branch of the State government, a Justice of the Supreme Court, judge of the Superior Court and judge of any inferior court would not be eligible to request a residency exemption.

Senate Bill No. 1730 (SCS) (1R) is identical to Assembly Bill No. 2478 (1R) of 2010.

#### COMMITTEE AMENDMENTS

The committee amended the bill to provide that:

this residency requirement will not apply to any person who is employed in a full or part-time position as a member of the faculty, the research staff, or the administrative staff by any State college, university, or other higher educational institution, or county or community college, that the college, university, or institution has included in the report required to be filed pursuant to this bill.

an interstate agency would be included in the residency requirement.

a person employed on the effective date of this bill who does not have his or her principal residence in this State on that effective date will not be subject to the residency requirement while the person continues to hold office, employment, or position without a break in public service of greater than seven days.

a person may request an exemption on the basis of critical need or hardship from the three-member committee established by the bill, and the committee would not have to meet monthly.

the report compiled by a college, university, or institution is to include those full or part-time positions as a member of the faculty, the research staff, or the administrative staff requiring special expertise or extraordinary qualifications in an academic, scientific, technical,

professional, or medical field or in administration, that, if not exempt from the residency requirement, would seriously impede the ability of the college, university, or institution to compete successfully with similar colleges, universities, or institutions in other states.

the report is to be compiled annually and must contain the reasons why the positions were selected for inclusion in the report.

“school district” means any local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes and any jointure commission, county vocational school, county special services district, educational services commission, educational research and demonstration center, environmental education center, and educational information and resource center.

# ASSEMBLY, No. 2478

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MARCH 8, 2010

**Sponsored by:**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Assemblywoman CELESTE M. RILEY**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblyman ANGEL FUENTES**

**District 5 (Camden and Gloucester)**

**Assemblyman GILBERT "WHIP" L. WILSON**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

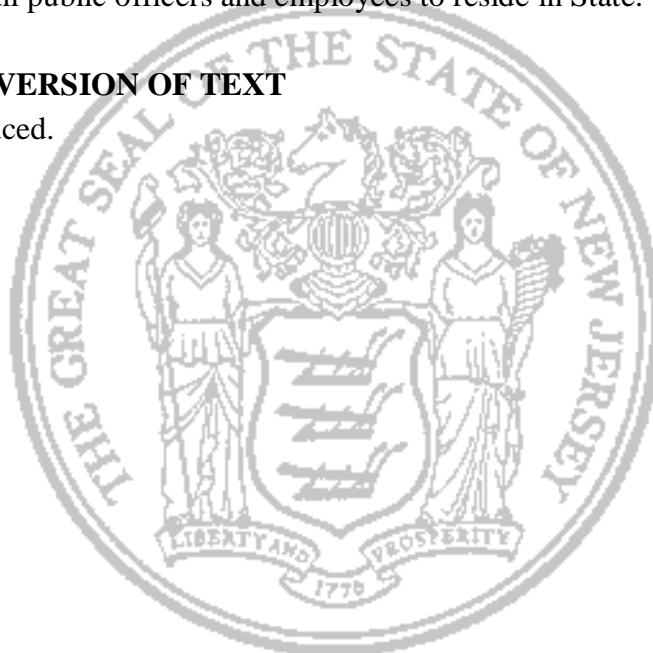
**Assemblymen DiCicco and Coutinho**

**SYNOPSIS**

Requires all public officers and employees to reside in State.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/11/2010)**



1 AN ACT requiring all public officers and employees to reside in the  
2 State and amending R.S.52:14-7.

3

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

6

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

8 52:14-7. a. **[**As used in this section, "person holding an office  
9 in this State" means the Governor; a member of the Legislature; the  
10 head of each principal department of the Executive Branch of the  
11 State government; and every Justice of the Supreme Court, judge of  
12 the Superior Court and judge of any inferior court established under  
13 the laws of this State.

14 b. Except as otherwise provided by law, every **]** Every person  
15 holding an office, employment or position

16 (1) in the Executive, Legislative or Judicial Branch of this  
17 State, under the authority thereof, or

18 (2) with an authority, board, body, agency, commission, or  
19 instrumentality of the State including any State college, university  
20 or other educational institution, or

21 (3) with a county, municipality, or other political subdivision of  
22 the State or an authority, board, body, agency, district, commission,  
23 or instrumentality of the county, municipality, or subdivision, or

24 (4) with a board of education or an authority, board, body,  
25 agency, commission, or instrumentality of the board, shall have his  
26 or her principal residence in this State and shall execute such office,  
27 employment or position.

28 For the purposes of this subsection, a person may have at most  
29 one principal residence, and the state of a person's principal  
30 residence means the state (1) where the person spends the majority  
31 of his or her nonworking time, and (2) which is most clearly the  
32 center of his or her domestic life, and (3) which is designated as his  
33 or her legal address and legal residence for voting. The fact that a  
34 person is domiciled in this State shall not by itself satisfy the  
35 requirement of principal residency hereunder.

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

43 **[d.]** c. No person shall be appointed to or hold any position in  
44 this State who has not the requisite qualifications for personally  
45 performing the duties of such position in cases where scientific

**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.

1 engineering skill is necessary to the performance of the duties  
2 thereof.

3 **[e.] d.** Any person holding or attempting to hold an office,  
4 employment or position in violation of this section shall be  
5 considered as illegally holding or attempting to hold the same;  
6 provided that a person holding an office, employment or position in  
7 this State shall have **[one year from the effective date of this act or]**  
8 four months from the time of taking the **[oath of]** office,  
9 **[whichever is later,]** employment or position to satisfy the  
10 requirement of principal residency, and if thereafter such person  
11 fails to satisfy the requirement of principal residency as defined  
12 herein with respect to any 365-day period, that person shall be  
13 deemed unqualified for office, employment or position. The  
14 Superior Court shall, in a civil action in lieu of prerogative writ,  
15 give judgment of ouster against such person, upon the complaint of  
16 any officer or citizen of the State, provided that any such complaint  
17 shall be brought within one year of the alleged 365-day period of  
18 failure to have his or her principal residence in this State.  
19 (cf: P.L.1987, c.13, s.1)

20

21 2. Every person who, on the effective date of P.L. , c. (pending  
22 before the Legislature as this bill) amending R.S.52:14-7, does not  
23 have his or her principal residence in this State but holds an office,  
24 employment or position described in subsection a. of R.S.52:14-7  
25 shall have two years and six months from that effective date to  
26 comply with the provisions of subsection a. of R.S.52:14-7. The  
27 requirement of this section shall not be deemed to impair the  
28 obligation of any contract in effect on the effective date of  
29 P.L. , c. (pending before the Legislature as this bill). The  
30 requirement of this section shall not be applicable to any officer or  
31 employee who, on that effective date, holds an office, employment  
32 or position described in subsection a. of R.S.52:14-7 for which the  
33 grounds for termination are limited as specified by statute.

34

35 3. This act shall take effect immediately.

36

37

38

#### STATEMENT

39

40 This bill requires every person holding an office, employment or  
41 position

- 42 • in the Executive, Legislative or Judicial Branch of this State,  
43 or with an independent authority, board, body, agency,  
44 commission, or instrumentality of the State including any  
45 State college, university or other educational institution, or

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- 1       • with an authority, board, body, agency, commission, or  
2       instrumentality of the State including any State college,  
3       university or other educational institution, or
- 4       • with a county, municipality, or other political subdivision of  
5       the State or an authority, board, body, agency, district,  
6       commission, or instrumentality of the county, municipality,  
7       or subdivision, or
- 8       • with a board of education or with an authority, board, to  
9       have his or her principal residence in this State. A person  
10      will have four months from the time of taking the office,  
11      employment or position to comply.

12      Every person who, on the effective date of this bill, does not  
13      have his or her principal residence in this State but holds such an  
14      office, employment or position will have two years and six months  
15      from that effective date to comply with the residency requirement.

16      The requirement of this bill with regard to current officers and  
17      employees will not impair the obligation of any contract in effect on  
18      the effective date, nor will it be applicable to an office, employment  
19      or position for which the grounds for termination are limited as  
20      specified by statute.

# ASSEMBLY STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2478

with committee amendments

# STATE OF NEW JERSEY

DATED: DECEMBER 9, 2010

The Assembly State Government Committee reports favorably and with committee amendments Assembly, No. 2478.

As amended, this bill, to be known as the “New Jersey First Act,” requires every person holding an office, employment or position:

1) in the Executive, Legislative, or Judicial Branch of this State, or

2) with an authority, board, body, agency, commission, or instrumentality of the State including any State college, university, or other higher educational institution, or an interstate agency, or

3) with a county, municipality, or other political subdivision of the State or an authority, board, body, agency, district, commission, or instrumentality of the county, municipality, or subdivision, or

4) with a school district or with an authority, board, body, agency, commission, or instrumentality of the district,

to have his or her principal residence in this State. A person will have one year from the time of taking the office, employment or position to comply.

Under the bill, the residency requirement would not apply to any person: 1) who is employed on a temporary or per-semester basis as a visiting professor, teacher, lecturer, or researcher by any State college, university, other higher educational institution, or county or community college, or in a full or part-time position as a member of the faculty, the research staff, or the administrative staff by any State college, university, or other higher educational institution, or county or community college, that the college, university, or institution has included in the report required to be filed pursuant to this bill; or 2) who is employed full-time by the State who serves in an office, employment, or position that requires the person to spend the majority of his or her working hours in a location outside of this State.

The bill also provides that a person who holds an office, employment, or position in this State on the effective date of the bill but does not have his or her principal residence in this State on that effective date will not be subject to the residency requirement while

the person continues to hold office, employment, or position without a break in public service of greater than seven days.

In addition, the bill provides that any person may request a residency exemption based on a critical need or hardship from a three-member committee established by the bill to consider applications for such exemptions. The committee is to be composed of a person appointed by the Governor, a person appointed by the Speaker of the General Assembly, and a person appointed by the President of the Senate, each of whom would serve at the pleasure of the person making the appointment and have a term not to exceed five years.

The decision on whether to approve an application from any person would be made by a majority vote of the members of the committee, and those voting in the affirmative must so sign the approved application. If the committee fails to act on an application within 30 days after the receipt thereof, no exemption would be granted and the residency requirement would be operative. The head of a principal department of the Executive Branch of the State government, a Justice of the Supreme Court, judge of the Superior Court and judge of any inferior court would not be eligible to request a residency exemption.

Assembly Bill No. 2478 (1R) is identical to Senate Bill No. 1730 (SCS)(1R) of 2010.

#### COMMITTEE AMENDMENTS

The committee amended the bill to provide that:

this residency requirement will not apply to any person (a) who is employed on a temporary or per-semester basis as a visiting professor, teacher, lecturer, or researcher by any State college, university, or other higher educational institution, or county or community college, or in a full or part-time position as a member of the faculty, the research staff, or the administrative staff by any State college, university, or other higher educational institution, or county or community college, that the college, university, or institution has included in the report required to be filed pursuant to this bill, or (b) who is employed full-time by the State who serves in an office, employment, or position that requires the person to spend the majority of his or her working hours in a location outside of this State.

an interstate agency would be included in the residency requirement.

a person employed on the effective date of this bill who does not have his or her principal residence in this State on that effective date will not be subject to the residency requirement while the person continues to hold office, employment, or position without a break in public service of greater than seven days.

a person will have one year from the time of taking the office, employment, or position to comply.

a person may request an exemption on the basis of critical need or hardship from a three-member committee established by the bill to consider applications for such exemptions, with the committee composed of a person appointed by the Governor, a person appointed by the Speaker of the General Assembly, and a person appointed by the President of the Senate who will serve at the pleasure of the appointing authority but only for a term of five years.

the committee would have to follow certain procedures as set forth in the bill.

the head of a principal department of the Executive Branch of the State government, a Justice of the Supreme Court, judge of the Superior Court and judge of any inferior court will not be eligible to request an exemption from the committee.

the report compiled by a college, university, or institution is to include those full or part-time positions as a member of the faculty, the research staff, or the administrative staff requiring special expertise or extraordinary qualifications in an academic, scientific, technical, professional, or medical field or in administration, that, if not exempt from the residency requirement, would seriously impede the ability of the college, university, or institution to compete successfully with similar colleges, universities, or institutions in other states.

the report is to be compiled annually and must contain the reasons why the positions were selected for inclusion in the report.

“school district” means any local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes and any jointure commission, county vocational school, county special services district, educational services commission, educational research and demonstration center, environmental education center, and educational information and resource center.

**SENATE BILL NO. 1730**  
**(First Reprint)**

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 1730 (First Reprint) with my recommendations for reconsideration.

This legislation would require that public employees obtain a principal residence in New Jersey within one year of beginning their public service. The residency requirement would not apply to individuals whose position requires the employee to spend the majority of his or her working hours outside of the State. The bill would also not apply to certain faculty and administrative staff of State colleges, universities, and higher educational institutions. These institutions, however, would be required to report annually to the Governor and the Legislature on the staff members exempted from the residency requirement. This annual report must include a statement indicating that the failure to exempt these individuals would seriously impede the ability of the institution to compete successfully with similar facilities in other states.

Furthermore, under this legislation any person, except for the head of a principal department of the Executive Branch or a member of the Judiciary, may request an exemption on the basis of "critical need or hardship" from a three-member committee composed of a person appointed by the Governor, a person appointed by the Speaker of the General Assembly, and a person appointed by the President of the Senate. Decisions on whether to approve a hardship application require a majority vote of the three-member committee within 30 days of the request, after which the request is deemed denied.

I commend the sponsors for their efforts to increase employment opportunities for New Jersey residents, by ensuring that citizens throughout the State enjoy access to public positions in their communities. However, I am concerned with

the narrow portion of the bill that creates the three-member committee to review hardship requests. The small composition of this group makes it likely that applications for hardships will not be resolved in a timely fashion, resulting in automatic denials without a fair and equitable review of the facts. In order to improve the committee's effectiveness, and to ensure that all applicants seeking a waiver receive fair consideration, it is appropriate to expand the size of the group. In addition, due to the volume of requests that may be submitted to the committee for positions throughout the State, a delay in the effective date of this bill is necessary to provide time to establish the appropriate review process.

Therefore, I am returning this legislation with my recommendation to add two additional persons to the three-member committee overseeing hardship requests, and to delay the effective date of this bill for three months.

Accordingly, I herewith return Senate Bill No. 1730 (First Reprint) and recommend that it be amended as follows:

Page 3, Section 2, Line 29: Delete "three" and insert "five"

Page 3, Section 2, Line 31: After "composed of" delete "a person" and insert "three persons"

Page 5, Section 3, Line 31: Delete "immediately" and insert "on the first day of the fourth month after enactment"

Respectfully,

/s/ Chris Christie

Governor

[seal]

Attested:

/s/ Jeffrey S. Chiesa

Chief Counsel to the Governor