

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR  
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**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

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ADOPTED MAY 13, 2010

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**SYNOPSIS**

Requires certain public officers and employees to reside in State.

**CURRENT VERSION OF TEXT**

As reported by the Assembly State Government Committee on December 9, 2010, with amendments.

(Sponsorship Updated As Of: 12/21/2010)

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'

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'<sup>1</sup>[: 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,  
37 university, or other 'higher' educational institution, or county or  
38 community college, or '[board of education] in a full or part-time  
39 position as a member of the faculty, the research staff, or the  
40 administrative staff by any State college, university, or other higher  
41 educational institution, or county or community college, that the  
42 college, university, or institution has included in the report required  
43 to be filed pursuant to this subsection'<sup>1</sup>, or (b) who is employed full-

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.

1 time by the State who serves in an office, employment, or position  
 2 that requires the person to spend the majority of his or her working  
 3 hours in a location outside of this State.

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

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

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

41 <sup>1</sup>[Whenever the committee considers an application from a  
 42 person employed or offered employment by a State college,  
 43 university, other educational institution, or county or community  
 44 college, who holds or is to hold a position requiring special  
 45 expertise or extraordinary qualifications in a scientific or technical  
 46 area such as research or medicine, the committee shall give  
 47 particular consideration to whether the failure to grant that person

1 an exemption from the provisions of this subsection will seriously  
2 encumber or impede the ability of the college, university or  
3 institution at which the person is or is to be employed to compete  
4 successfully in a scientific or technical area against similar colleges,  
5 universities or institutions in other states.】<sup>1</sup>

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

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

41 As used in this section, “school district” means any local or  
42 regional school district established pursuant to chapter 8 or chapter  
43 13 of Title 18A of the New Jersey Statutes and any jointure  
44 commission, county vocational school, county special services  
45 district, educational services commission, educational research and  
46 demonstration center, environmental education center, and  
47 educational information and resource center.<sup>1</sup>

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

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

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

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

30

31       3. This act shall take effect immediately.