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District 5 (Camden and Gloucester)

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

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

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

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

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

b. Except as otherwise provided by law, every person holding an office, employment, or position (1) in the Executive, Legislative, or Judicial Branch of this State[ , under the authority thereof], or

(2) with an authority, board, body, agency, commission, or instrumentality of the State including any State college, university, or other higher educational institution, and, to the extent consistent with law, any interstate agency to which New Jersey is a party, 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] school district or an authority, board, body, agency, commission, or instrumentality of the [board district],

shall have his or her principal residence in this State and shall execute such office, employment, or position; except that this residency requirement shall 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 [board of education] 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 subsection, 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:

Assembly ASG committee amendments adopted December 9, 2010.
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.

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

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 P.L. , c. (pending before the Legislature as this bill) but does not have his or her principal residence in this State on that effective date shall not be subject to the residency requirement of this subsection [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] while the person continues to hold office, employment, or position without a break in public service of greater than seven days.

Any person may request an exemption from the provisions of this subsection [on the basis of critical need or hardship] from a three-member committee hereby established to consider applications for such exemptions. The committee shall 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 shall serve at the pleasure of the person making the appointment and shall have a term not to exceed five years. [The committee shall meet monthly.] A vacancy on the committee shall be filled in the same manner as the original appointment was made. The Governor shall make provision to provide such clerical, secretarial and administrative support to the committee as may be necessary for it to conduct its responsibilities pursuant to this subsection.

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 shall give particular consideration to whether the failure to grant that person...
an exemption from the provisions of this subsection will seriously
cumber 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 shall be made by a majority vote of the members of the
committee, and those voting in the affirmative shall so sign the
approved application. If the committee fails to act on an application
within 30 days after the receipt thereof, no exemption shall be
granted and the residency requirement of this subsection shall 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 shall not be eligible to
request from the committee an exemption from the provisions of
this subsection.

1The exemption provided in this subsection for certain persons
employed by a State college, university, or other higher educational
institution, or a county or community college, other than those
employed on a temporary or per-semester basis as a visiting
professor, teacher, lecturer, or researcher, shall apply only to those
persons holding positions that the college, university, or institution
has included in a report of 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 shall be
compiled annually and shall also contain the reasons why the
positions were selected for inclusion in the report. The report shall
be compiled and filed within 60 days following the effective date of
P.L. 1991, c. 164 (pending before the Legislature as this bill). The report
shall be reviewed, revised as necessary, and filed by January 1 of
each year thereafter. Each report shall be filed with the Governor
and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), with
the Legislature, and a report may be revised at any time by filing an
amendment to the report with the Governor and Legislature.

As used in this section, “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.)
If any person holding any office, employment, or other position in this State shall attempt to let, farm out or transfer such office, employment, or position or any part thereof to any person, he shall forfeit the sum of fifteen hundred dollars ($1,500.00), to be recovered with costs by any person who shall sue for the same, one-half to the prosecutor and the other half to the treasurer for the use of the State.

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

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

This act shall take effect immediately.