

ASSEMBLY, No. 174

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman HAROLD "HAL" J. WIRTHS
District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblyman Space

SYNOPSIS

Eliminates requirement for State residency for public officers and employees with limited historic exceptions.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 11/5/2020)

1 **AN ACT** concerning the residency of public officers and employees
2 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. **【**Every person holding an office, employment, or
9 position

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

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

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

19 (4) with a school district or an authority, board, body, agency,
20 commission, or instrumentality of the district,**】** The Governor, each
21 member of the Legislature, the head of each principal department of
22 the Executive Branch of State government, and every Justice of the
23 Supreme Court, judge of the Superior Court, and judge of any
24 inferior court established under the laws of this State shall have his
25 or her principal residence in this State and shall execute such office,
26 employment, or position.

27 **【**This residency requirement shall not apply to any person (a)
28 who is employed on a temporary or per-semester basis as a visiting
29 professor, teacher, lecturer, or researcher by any State college,
30 university, or other higher educational institution, or county or
31 community college, or in a full or part-time position as a member of
32 the faculty, the research staff, or the administrative staff by any
33 State college, university, or other higher educational institution, or
34 county or community college, that the college, university, or
35 institution has included in the report required to be filed pursuant to
36 this subsection, or (b) who is employed full-time by the State who
37 serves in an office, employment, or position that requires the person
38 to spend the majority of his or her working hours in a location
39 outside of this State.**】**

40 For the purposes of this subsection, a person may have at most
41 one principal residence, and the state of a person's principal
42 residence means the state (1) where the person spends the majority
43 of his or her nonworking time, and (2) which is most clearly the
44 center of his or her domestic life, and (3) which is designated as his
45 or her legal address and legal residence for voting. The fact that a

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 person is domiciled in this State shall not by itself satisfy the
2 requirement of principal residency hereunder.

3 **【**A person, regardless of the office, employment, or position,
4 who holds an office, employment, or position in this State on the
5 effective date of P.L.2011, c.70 but does not have his or her
6 principal residence in this State on that effective date shall not be
7 subject to the residency requirement of this subsection while the
8 person continues to hold office, employment, or position without a
9 break in public service of greater than seven days.

10 Any person may request an exemption from the provisions of
11 this subsection on the basis of critical need or hardship from a five-
12 member committee hereby established to consider applications for
13 such exemptions. The committee shall be composed of three
14 persons appointed by the Governor, a person appointed by the
15 Speaker of the General Assembly, and a person appointed by the
16 President of the Senate, each of whom shall serve at the pleasure of
17 the person making the appointment and shall have a term not to
18 exceed five years. A vacancy on the committee shall be filled in the
19 same manner as the original appointment was made. The Governor
20 shall make provision to provide such clerical, secretarial and
21 administrative support to the committee as may be necessary for it
22 to conduct its responsibilities pursuant to this subsection.

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

35 The exemption provided in this subsection for certain persons
36 employed by a State college, university, or other higher educational
37 institution, or a county or community college, other than those
38 employed on a temporary or per-semester basis as a visiting
39 professor, teacher, lecturer, or researcher, shall apply only to those
40 persons holding positions that the college, university, or institution
41 has included in a report of those full or part-time positions as a
42 member of the faculty, the research staff, or the administrative staff
43 requiring special expertise or extraordinary qualifications in an
44 academic, scientific, technical, professional, or medical field or in
45 administration, that, if not exempt from the residency requirement,
46 would seriously impede the ability of the college, university, or
47 institution to compete successfully with similar colleges,

1 universities, or institutions in other states. The report shall be
2 compiled annually and shall also contain the reasons why the
3 positions were selected for inclusion in the report. The report shall
4 be compiled and filed within 60 days following the effective date of
5 P.L.2011, c.70. The report shall be reviewed, revised as necessary,
6 and filed by January 1 of each year thereafter. Each report shall be
7 filed with the Governor and, pursuant to section 2 of P.L.1991,
8 c.164 (C.52:14-19.1), with the Legislature, and a report may be
9 revised at any time by filing an amendment to the report with the
10 Governor and Legislature.

11 As used in this section, "school district" means any local or
12 regional school district established pursuant to chapter 8 or chapter
13 13 of Title 18A of the New Jersey Statutes and any jointure
14 commission, county vocational school, county special services
15 district, educational services commission, educational research and
16 demonstration center, environmental education center, and
17 educational information and resource center.】

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

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

30 d. Any person holding or attempting to hold an office,
31 employment, or position in violation of this section shall be
32 considered as illegally holding or attempting to hold the same;
33 provided that a person holding an office, employment, or position in
34 this State shall have one year from the time of taking the office,
35 employment, or position to satisfy the requirement of principal
36 residency, and if thereafter such person fails to satisfy the
37 requirement of principal residency as defined herein with respect to
38 any 365-day period, that person shall be deemed unqualified for
39 holding the office, employment, or position. The Superior Court
40 shall, in a civil action in lieu of prerogative writ, give judgment of
41 ouster against such person, upon the complaint of any officer or
42 citizen of the State, provided that any such complaint shall be
43 brought within one year of the alleged 365-day period of failure to
44 have his or her principal residence in this State.

45 (cf: P.L.2011, c.70, s.2)

46

47 2. This act shall take effect immediately.

1 STATEMENT

2
3 This bill eliminates the requirement that all public officers and
4 employees, with certain exceptions, have their principal residence
5 in this State. This requirement was imposed in 2011. Prior to
6 imposing the requirement on all public officers and employees,
7 R.S.52:14-7 required State residency for the Governor, each
8 member of the Legislature, the head of each principal department of
9 the Executive Branch of State government, and every Justice of the
10 Supreme Court, judge of the Superior Court, and judge of any
11 inferior court established under the laws of this State. This bill
12 retains the residency requirement for persons holding these
13 positions, but eliminates it for all other public officers and
14 employees covered by R.S.52:14-7.