

[First Reprint]

SENATE, No. 4203

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED DECEMBER 2, 2021

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District 29 (Essex)

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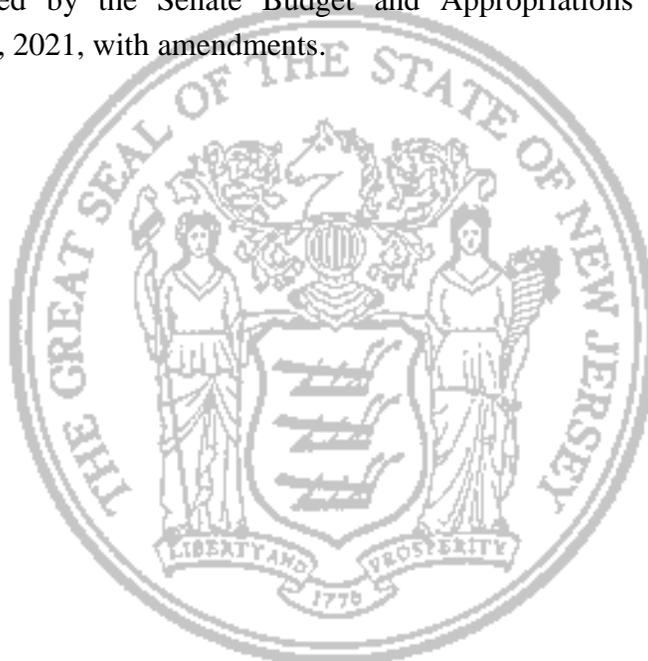
Senator T.Kean

SYNOPSIS

Eliminates requirement for State residency for public school employees; requires school district to make good faith effort to hire in-State resident.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on December 16, 2021, with amendments.



(Sponsorship Updated As Of: 12/16/2021)

1 AN ACT concerning the residency of public school employees and
2 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,]** (Deleted by
21 amendment, P.L. , c.) (pending before the Legislature as this
22 bill)

23 shall have his or her principal residence in this State and shall
24 execute such office, employment, or position.

25 This residency requirement shall not apply to any person: (a)
26 who is employed on a temporary or per-semester basis as a visiting
27 professor, teacher, lecturer, or researcher by any State college,
28 university, or other higher educational institution, or county or
29 community college, or in a full or part-time position as a member of
30 the faculty, the research staff, or the administrative staff by any
31 State college, university, or other higher educational institution, or
32 county or community college, that the college, university, or
33 institution has included in the report required to be filed pursuant to
34 this subsection; (b) who is employed full-time by the State who
35 serves in an office, employment, or position that requires the person
36 to spend the majority of the person's working hours in a location
37 outside of this State; or (c) an officer of the waterfront commission
38 of New York harbor, employed by the commission on the effective
39 date of P.L.2017, c.324 (C.32:23-229 et al.), who seeks to be
40 transferred to the Division of State Police in the Department of Law
41 and Public Safety pursuant to section 4 of P.L.2017, c.324 (C.53:2-
42 9).

43 This residency requirement shall not apply to any person who is
44 hired by the New Jersey Transit Corporation as an engineer or

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:

¹Senate SBA committee amendments adopted December 16, 2021.

1 mechanic, or any other position certified by the board of directors
2 as a position of critical need.

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

11 A person, regardless of the office, employment, or position, who
12 holds an office, employment, or position in this State on the
13 effective date of P.L.2011, c.70 but does not have principal
14 residence in this State on that effective date shall not be subject to
15 the residency requirement of this subsection while the person
16 continues to hold office, employment, or position without a break in
17 public service of greater than seven days.

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

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

43 The exemption provided in this subsection for certain persons
44 employed by a State college, university, or other higher educational
45 institution, or a county or community college, other than those
46 employed on a temporary or per-semester basis as a visiting
47 professor, teacher, lecturer, or researcher, shall apply only to those
48 persons holding positions that the college, university, or institution

1 has included in a report of those full or part-time positions as a
2 member of the faculty, the research staff, or the administrative staff
3 requiring special expertise or extraordinary qualifications in an
4 academic, scientific, technical, professional, or medical field or in
5 administration, that, if not exempt from the residency requirement,
6 would seriously impede the ability of the college, university, or
7 institution to compete successfully with similar colleges,
8 universities, or institutions in other states. The report shall be
9 compiled annually and shall also contain the reasons why the
10 positions were selected for inclusion in the report. The report shall
11 be compiled and filed within 60 days following the effective date of
12 P.L.2011, c.70. The report shall be reviewed, revised as necessary,
13 and filed by January 1 of each year thereafter. Each report shall be
14 filed with the Governor and, pursuant to section 2 of P.L.1991,
15 c.164 (C.52:14-19.1), with the Legislature, and a report may be
16 revised at any time by filing an amendment to the report with the
17 Governor and Legislature.

18 No provision of this section shall be construed as requiring an
19 employee of, or a person hired by, a school district, charter school,
20 or renaissance school project to comply with the residency
21 requirement established pursuant to this subsection.

22 ¹Notwithstanding the provisions of this section to the contrary, a
23 school district, charter school, or renaissance school project seeking
24 to fill an open position shall make a good faith effort to hire a
25 person who maintains a principal residence in this State for the
26 open position.¹ As used in this section, "school district" means any
27 local or regional school district established pursuant to chapter 8 or
28 chapter 13 of Title 18A of the New Jersey Statutes ¹or an authority,
29 board, body, agency, commission, or instrumentality of the district¹
30 and any jointure commission, county vocational school, county
31 special services district, educational services commission,
32 educational research and demonstration center, environmental
33 education center, and educational information and resource center.

34 b. If any person holding any office, employment, or other
35 position in this State shall attempt to let, farm out, or transfer office,
36 employment, or position or any part thereof to any person, the
37 person shall forfeit the sum of \$1,500, 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 State Treasurer for the use of the State.

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

45 d. Any person holding or attempting to hold an office,
46 employment, or position in violation of this section shall be
47 considered as illegally holding or attempting to hold the same;
48 provided that a person holding an office, employment, or position in

1 this State shall have one year from the time of taking the office,
2 employment, or position to satisfy the requirement of principal
3 residency, and if thereafter the person fails to satisfy the
4 requirement of principal residency as defined herein with respect to
5 any 365-day period, that person shall be deemed unqualified for
6 holding the office, employment, or position. The Superior Court
7 shall, in a civil action in lieu of prerogative writ, give judgment of
8 ouster against the person, upon the complaint of any officer or
9 citizen of the State, provided that any complaint shall be brought
10 within one year of the alleged 365-day period of failure to have the
11 person's principal residence in this State.
12 (cf: P.L.2018, c.162, s.10)

13

14 2. This act shall take effect immediately.