[Second Reprint]

SENATE, No. 4203

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED DECEMBER 2, 2021

Sponsored by:
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District 29 (Essex)
Senator STEVEN V. OROHO
District 24 (Morris, Sussex and Warren)

Co-Sponsored by:
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SYNOPSIS

Eliminates requirement for State residency of public school employees for period of three years.

CURRENT VERSION OF TEXT

As amended by the Senate on December 20, 2021.

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

AN ACT concerning the residency of public school employees and amending R.S.52:14-7.

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

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

52:14-7. a. 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, 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**]** [2]or[2] (4) **[**with a school district or an authority, board, body, agency, commission, or instrumentality of the district,**]** [2]**[**(Deleted by amendment, P.L. , c.) (pending before the Legislature as this bill)**]** with a school district, charter school, or renaissance school project,[2]

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

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 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; (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 the person's working hours in a location outside of this State; or (c) an officer of the waterfront commission of New York harbor, employed by the commission on the effective date of P.L.2017, c.324 (C.32:23-229 et al.), who seeks to be transferred to the Division of State Police in the Department of Law and Public Safety pursuant to section 4 of P.L.2017, c.324 (C.53:2-9).

This residency requirement shall not apply to any person who is 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:
[1]Senate SBA committee amendments adopted December 16, 2021.
[2]Senate floor amendments adopted December 20, 2021.

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

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 the person's nonworking time, and (2) which is most clearly the center of the person's domestic life, and (3) which is designated as the person's 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, who holds an office, employment, or position in this State on the effective date of P.L.2011, c.70 but does not have principal residence in this State on that effective date shall not be subject to the residency requirement of this subsection 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 five-member committee hereby established to consider applications for exemptions. The committee shall be composed of three persons 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. 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.

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.

The 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.2011, c.70. 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.

[2][No provision of this section shall be construed as requiring an employee of, or a person hired by, a school district, charter school, or renaissance school project to comply with the residency requirement established pursuant to this subsection.][2]

[1]Notwithstanding the provisions of this section to the contrary, [2]for[2] a [2]period of three years following the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), a person hired by a school district, charter school, or renaissance school project shall not be required to comply with the residency requirement established pursuant to paragraph (4) of this subsection. During the three year period for which a person hired by a school district, charter school, or renaissance school project is not required to comply with the residency requirement, each[2] school district, charter school, or renaissance school project seeking to fill an open position shall make a good faith effort to hire a person who maintains a principal residence in this State for the open position.[1]

[2]A person hired by a school district, charter school, or renaissance school project who maintains or establishes a principal residence outside of this State during the three year period shall not be required to comply with the residency requirement established pursuant to paragraph (4) of this subsection after the end of the three year period, regardless of whether the person changes their principal residence or experiences a break in service or employment with a school district, charter school, or renaissance school project after the end of the three year period.

The Department of Education, not later than 90 days after the end of the three year period, shall submit a report to the Governor, and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), that evaluates the elimination of the residency requirement for persons hired by a school district, charter school, or

renaissance school project during the three year period, with specific regard to its effectiveness, any unintended consequences, and any recommendations for legislation.[2]

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 [1]or an authority, board, body, agency, commission, or instrumentality of the district[1] 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.

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

c. 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.

d. 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 time of taking the office, employment, or position to satisfy the requirement of principal residency, and if thereafter the 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 the person, upon the complaint of any officer or citizen of the State, provided that any complaint shall be brought within one year of the alleged 365-day period of failure to have the person's principal residence in this State.

(cf: P.L.2018, c.162, s.10)

2. This act shall take effect immediately.