

**SENATE, No. 1878**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED MAY 22, 2008

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Salem, Cumberland and Gloucester)**

**SYNOPSIS**

Requires all public officers and employees to reside in State.

**CURRENT VERSION OF TEXT**

As introduced.



S1878 SWEENEY

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1 AN ACT requiring all public officers and employees to reside in the  
2 State and amending R.S.52:14-7.

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

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

8 52:14-7. a. **[**As used in this section, "person holding an office  
9 in this State" means the Governor; a member of the Legislature; the  
10 head of each principal department of the Executive Branch of the  
11 State government; and every Justice of the Supreme Court, judge of  
12 the Superior Court and judge of any inferior court established under  
13 the laws of this State.

14 b. Except as otherwise provided by law, every **]** Every person  
15 holding an office, employment or position

16 (1) in the Executive, Legislative or Judicial Branch of this  
17 State**[**, under the authority thereof**]**, or

18 (2) with an authority, board, body, agency, commission, or  
19 instrumentality of the State including any State college, university  
20 or other educational institution, or

21 (3) with a county, municipality, or other political subdivision of  
22 the State or an authority, board, body, agency, district, commission,  
23 or instrumentality of the county, municipality, or subdivision, or

24 (4) with a board of education or an authority, board, body,  
25 agency, commission, or instrumentality of the board, shall have his  
26 or her principal residence in this State and shall execute such office,  
27 employment or position.

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

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

43 **[d.]** c. No person shall be appointed to or hold any position in  
44 this State who has not the requisite qualifications for personally  
45 performing the duties of such position in cases where scientific

**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 engineering skill is necessary to the performance of the duties  
2 thereof.

3 **[e.] d.** Any person holding or attempting to hold an office,  
4 employment or position in violation of this section shall be  
5 considered as illegally holding or attempting to hold the same;  
6 provided that a person holding an office, employment or position in  
7 this State shall have **[one year from the effective date of this act or]**  
8 four months from the time of taking the **[oath of]** office,  
9 **[whichever is later,]** employment or position to satisfy the  
10 requirement of principal residency, and if thereafter such person  
11 fails to satisfy the requirement of principal residency as defined  
12 herein with respect to any 365-day period, that person shall be  
13 deemed unqualified for office, employment or position. The  
14 Superior Court shall, in a civil action in lieu of prerogative writ,  
15 give judgment of ouster against such person, upon the complaint of  
16 any officer or citizen of the State, provided that any such complaint  
17 shall be brought within one year of the alleged 365-day period of  
18 failure to have his or her principal residence in this State.  
19 (cf: P.L.1987, c.13, s.1)

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21 2. Every person who, on the effective date of P.L. , c. (pending  
22 before the Legislature as this bill) amending R.S.52:14-7, does not  
23 have his or her principal residence in this State but holds an office,  
24 employment or position described in subsection a. of R.S.52:14-7  
25 shall have six months from that effective date to comply with the  
26 provisions of subsection a. of R.S.52:14-7. An extension for up to  
27 an additional twelve months may be granted if compliance within  
28 six months shall cause irreparable financial or physical harm to the  
29 person, or the person's spouse, children or other immediate family  
30 member residing in the person's household. The appointing  
31 authority for each officer or employee is authorized to receive  
32 applications for extension of the six-month compliance period and  
33 shall render a determination within 14 days of receipt of a  
34 completed application. The appointing authority shall require such  
35 additional information to be submitted with each application as the  
36 authority deems necessary to assess, based on complete and  
37 accurate information, the financial or physical harm claimed. The  
38 requirement of this section shall not be deemed to impair the  
39 obligation of any contract in effect on the effective date of  
40 P.L. , c. (pending before the Legislature as this bill). The  
41 requirement of this section shall not be applicable to any officer or  
42 employee who, on that effective date, holds an office, employment  
43 or position described in subsection a. of R.S.52:14-7 for which the  
44 grounds for termination are limited as specified by statute.

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46 3. This act shall take effect immediately.

STATEMENT

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This bill requires every person holding an office, employment or position

- in the Executive, Legislative or Judicial Branch of this State, or with an independent authority, board, body, agency, commission, or instrumentality of the State including any State college, university or other educational institution, or
- with an authority, board, body, agency, commission, or instrumentality of the State including any State college, university or other educational institution, or
- 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
- with a board of education or with an authority, board, to have his or her principal residence in this State. A person will have six months from the time of taking the office, employment or position to comply.

Every person who, on the effective date of this bill, does not have his or her principal residence in this State but holds such an office, employment or position will have six months from that effective date to comply with the residency requirement. An extension for up to an additional twelve months may be granted if compliance within six months will cause irreparable financial or physical harm to the person, or the person's spouse, children or other immediate family member residing in the person's household. The appointing authority is authorized to receive applications for extension of the six-month compliance period and must render a determination within 14 days of receipt of an application. The appointing authority can require such additional information to be submitted with each application as the authority deems necessary to assess, based on complete and accurate information, the financial or physical harm claimed.

The requirement of this bill with regard to current officers and employees will not impair the obligation of any contract in effect on the effective date, nor will it be applicable to an office, employment or position for which the grounds for termination are limited as specified by statute.