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PUBLIC HEARING

before

ASSEMBLY STATE GOVERNMENT COMMITTEE

on

ASSEMBLY CONCURRENT RESOLUTION 120 OCR

(Amends the Constitution to require certain State officers
and employees to have their principal residence in the State)

November 24, 1986
Room 418
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Richard A. Zimmer, Chairperson
Assemblywoman Marion Crecco, Vice Chairperson

ALSO PRESENT:

Donald S. Margeson
Office of Legislative Services
Aide, Assembly State Government Committee

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Hearing Recorded and Transcribed by
Office of Legislative Services
Public Information Office
Hearing Unit
State House Annex
CN 068
Trenton, New Jersey 08625



RD A. ZIMMER
person
IN CRECCO
Chairperson
RT J. MARTIN
H L. BOCCHINI, JR.
H CHARLES, JR.

New Jersey State Legislature
ASSEMBLY STATE GOVERNMENT COMMITTEE
STATE HOUSE ANNEX, CN-068
TRENTON, NEW JERSEY 08625
TELEPHONE: (609) 292-9106

November 19, 1986

NOTICE OF PUBLIC HEARING AND COMMITTEE MEETING

I. PUBLIC HEARING

The Assembly State Government Committee will hold a public hearing on Monday, November 24, 1986 at 10:00 A.M. in Room 418 of the State House Annex in Trenton, concerning the following legislation:

ACR-120 OCR Amends the Constitution to require certain State officers and employees to have their principal residence in the State.

This public hearing has been ordered by the General Assembly under Rule 143 of the Rules of the General Assembly and in compliance with the requirements of Article IX, paragraph 1 of the State Constitution, concerning proposed constitutional amendments.

Anyone wishing to testify at the hearing should contact Donald Margeson, Aide to the Committee, at (609) 292-9106.

II. COMMITTEE MEETING

Immediately following the conclusion of the public hearing announced above, the Committee will hold a meeting to consider the following bills:

A-2967 Rooney	Requires all State office holders to spend at least 180 nights per year in this State.
A-2971 Martin	Implements several recommendations suggested in the 1985 Report of the Election Law Enforcement Commission.
A-2996 Zimmer	Makes certain changes in the law governing gubernatorial campaign contributions and expenditures and the reporting thereof.
A-3003 Rocco, Shusted	Preserves the right of public employees to purchase credit for prior service, temporary service and leaves of absence when enrolled in a retirement system.

[OFFICIAL COPY REPRINT]
ASSEMBLY CONCURRENT RESOLUTION No. 120

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 8, 1986

By Assemblyman HARDWICK

A CONCURRENT RESOLUTION proposing to amend Article VII of the
Constitution of the State of New Jersey.

1 BE IT RESOLVED *by the General Assembly of the State of New*
2 *Jersey (the Senate concurring):*

1 1. The following proposed amendment to the Constitution of
2 the State of New Jersey is hereby agreed to:

PROPOSED AMENDMENT

3 Amend Article VII, Section I by adding a new paragraph 7
4 as follows:

5 7. ***Every State officer or employee shall be a domiciliary of and**
6 **a resident in this State. The scope and application of this para-**
7 **graph, including the definition of State officer and employee and**
8 **the definition of resident, shall from time to time be prescribed**
9 **by the Legislature by law.** * *The Governor; every member of the*
10 *Legislature; the head of each principal department of the Execu-*
11 *tive Branch of State government; every Justice of the Supreme*
12 *Court, judge of the Superior Court and judge of any inferior court*
13 *established under the laws of this State; and any person holding*
14 *such other office or position of employment in State government as*
15 *may be specified by law shall have his or her principal residence*
16 *in this State. The criteria for determining, and the means of en-*
17 *forcing the requirement of, principal residency shall from time to*
18 *time be prescribed by law, and no such law shall be deemed invalid*
19 *or void by reason of inconsistency with any other provision of this*
20 *Constitution. The requirement of principal residency shall be ap-*
21 *plicable to the officers hereinbefore named who are holding those*

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted October 27, 1986.

22 *offices at the time this paragraph becomes effective, and if principal*
 23 *residency is required by law for other offices or positions of employ-*
 24 *ment, the requirement shall be applicable to the person holding*
 25 *the office or position at the time the requirement becomes effective*
 26 *with respect to that office or position.**

1 2. When this proposed amendment to the Constitution is finally
 2 agreed to, pursuant to Article IX, paragraph 1 of the Constitu-
 3 tion, it shall be submitted to the people at the next general election
 4 occurring more than three months after such final agreement and
 5 shall be published at least once in at least one newspaper of each
 6 county designated by the President of the Senate and the Speaker
 7 of the General Assembly and the Secretary of State, not less
 8 than three months prior to the general election.

1 3. This proposed amendment to the Constitution shall be sub-
 2 mitted to the people at the general election in the following man-
 3 ner and form:

4 There shall be printed on each official ballot to be used at such
 5 general election the following:

6 a. In every municipality in which voting machines are not used,
 7 a legend which shall immediately precede the question, as follows:

8 If you favor the proposition printed below make a cross (X),
 9 plus (+) or check (✓) in the square opposite the word "Yes."
 10 If you are opposed thereto make a cross (X), plus (+) or
 11 check (✓) in the square opposite the word "No."

12 b. In every municipality the following question:

	Yes.	<p>CONSTITUTIONAL AMENDMENT REQUIRING *CERTAIN* STATE OFFICERS AND EMPLOYEES TO *[BE DOMICILIARIES OF AND RESIDENTS]* *HAVE PRINCIPAL RESIDENCE* IN THIS STATE.</p> <p>Shall the amendment to Article VII, Section I of the Constitution, agreed to by the Legislature, requiring <i>*certain*</i> State officers and employees to *[be domiciliaries of and residents]* <i>*have their principal residence*</i> in this State, be adopted?</p>
	No.	<p>INTERPRETIVE STATEMENT</p> <p>Adoption of this amendment would require that *[State officers and employees be domiciliaries of and residents]* <i>*the Governor, members of the Legislature, the heads of principal departments in the Executive Branch of State government, Justices of the Supreme Court and other judges, and persons holding such other offices and positions of employment in State Government as may be specified by law shall have their principal residence*</i> in this State. The Legislature would <i>*be empowered to*</i> enact implementing legislation*[. from time to time]*.</p>

GOVERNOR AND STATE OFFICERS

Amends the Constitution to require certain State officers and employees to have their principal residence in the State.

ASSEMBLY STATE GOVERNMENT COMMITTEE
STATEMENT TO
ASSEMBLY CONCURRENT RESOLUTION No. 120
with Assembly committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 27, 1986

The Assembly State Government Committee reports favorably and with committee amendments Assembly Concurrent Resolution No. 120.

This concurrent resolution proposes a constitutional amendment to establish in the Constitution the requirement that the holders of certain State offices, and also the holders of such other offices and positions of employment in State Government as may be specified by law, shall have their principal residence in the State. The offices to which, under the proposed amendment, the residency requirement would automatically apply without further legislative action are: Governor; member of the Legislature; head of each principal department of the Executive Branch of State Government; and every Justice of the Supreme Court, judge of the Superior Court and judge of any inferior court established under State law. Persons holding an office when the residency requirement becomes effective with respect to that office, either through approval of the proposed amendment by the people or by enactment of a law, would thereupon be subject to the requirement. The proposed amendment provides that the determination of principal residency and the means for enforcing the residency requirement shall be prescribed by law.

The committee's consideration and favorable reporting of this concurrent resolution were done with full understanding that it is presently within the power of the Legislature to establish residency requirements for all officers and employees of the State, and that all existing statutory requirements that persons working in State Government be residents of the State are valid and enforceable.

COMMITTEE AMENDMENTS:

The committee amended the concurrent resolution: to substitute the requirement of principal residency for a requirement of status as a domiciliary and resident of the State; to specify the State officers to whom the requirement of principal residency would automatically apply; to delete a provision extending the requirement to all State

employees; and to clarify the intent of the sponsor that the requirement is to apply to persons in office or employment at the time it becomes effective with respect to that office or employment, and not only to persons who assume the office or employment after that effective date.

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ASSEMBLYMAN RICHARD A. ZIMMER (Chairperson): Good morning. The hearing on Assembly Concurrent Resolution number 120 is called to order.

Is there anyone who would like to speak? Yes sir?

R A Y P E T E R S O N: Good morning, Mr. Chairman. I'm Ray Peterson of the New Jersey State Federation of Teachers, and the American Federation of Teachers.

On behalf of the American Federation of Teachers, AFL-CIO, I want to register our objections to one portion of this bill. The proposed constitutional amendment, in concept, is a reasonable one. Elected officials and those charged with the governance of the State, and with the interpretation of its laws, should be bona fide citizens of the state in which they serve in such high office. Our concern begins with line 13 and ends on line 15, which reads as follows: "...and any person holding such other office or position of employment in State government as may be specified by law..." Such language would tend to encourage future legislatures to decide that all State employees must live in the State, or to specify that certain groups might live in the State, and certain other groups or categories might be granted the privilege of living out of state.

Aside from the prospect of government telling people where to live or where not to live, it sets the tone -- or opens the door -- to similar decrees by other employers which may or may not be governmental agencies. Government should not intrude in the lives of its employees nor should it set a tone which encourages such action by any employer.

Aside from the civil rights aspect of this question, there are also practical problems associated with it. The large number of people we represent are professors at the State colleges. Some of them live in New York State, Pennsylvania, or Delaware, because that is where so many of their spouses live and work. This includes mathematics professors, science

professors, and a variety of other persons with scarce credentials or qualifications. Would you really want to turn away a person pursuing an advanced degree at the Wharton School in Philadelphia, or at the Columbia School of Journalism in New York City?

New Jersey has its own colleges and universities, and that's true. But, do you really think it's fair or prudent to tell some of the best and brightest scholars in Wilmington, Philadelphia, and New York that if they want to teach in Glassboro, or Ramapo, or Trenton State, they must uproot their families? I think you should consider this issue very carefully.

Thank you, I appreciate your attention.

ASSEMBLYMAN ZIMMER: Thank you very much. I have one question. Do you believe the Legislature, under the Constitution, as currently drafted, does not have the power to require, if it chooses, that teachers live in the State of New Jersey?

MR. PETERSON: They probably do, but that's a legal question that I'm not an expert at answering.

ASSEMBLYMAN ZIMMER: Okay. We will be discussing later this morning the companion legislation of this Assembly Concurrent Resolution. It should put your mind at ease, because teachers are not contemplated to be covered under that legislation. But, I do appreciate the point that you made, and thank you very much for coming.

MR. PETERSON: Thank you.

ASSEMBLYMAN ZIMMER: Anyone else choose to address the Committee? (no response) In that case, the hearing on ACR 120 is concluded, and we'll wait for our third member before we proceed with the normal Committee agenda.

(HEARING CONCLUDED)