

February 7, 2011

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT  
SENATE BILL NO. 1730  
(First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 1730 (First Reprint) with my recommendations for reconsideration.

This legislation would require that public employees obtain a principal residence in New Jersey within one year of beginning their public service. The residency requirement would not apply to individuals whose position requires the employee to spend the majority of his or her working hours outside of the State. The bill would also not apply to certain faculty and administrative staff of State colleges, universities, and higher educational institutions. These institutions, however, would be required to report annually to the Governor and the Legislature on the staff members exempted from the residency requirement. This annual report must include a statement indicating that the failure to exempt these individuals would seriously impede the ability of the institution to compete successfully with similar facilities in other states.

Furthermore, under this legislation any person, except for the head of a principal department of the Executive Branch or a member of the Judiciary, may request an exemption on the basis of "critical need or hardship" from a three-member committee composed of a person appointed by the Governor, a person appointed by the Speaker of the General Assembly, and a person appointed by the President of the Senate. Decisions on whether to approve a hardship application require a majority vote of the three-member committee within 30 days of the request, after which the request is deemed denied.

I commend the sponsors for their efforts to increase employment opportunities for New Jersey residents, by ensuring that citizens throughout the State enjoy access to public positions in their communities. However, I am concerned with

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the narrow portion of the bill that creates the three-member committee to review hardship requests. The small composition of this group makes it likely that applications for hardships will not be resolved in a timely fashion, resulting in automatic denials without a fair and equitable review of the facts. In order to improve the committee's effectiveness, and to ensure that all applicants seeking a waiver receive fair consideration, it is appropriate to expand the size of the group. In addition, due to the volume of requests that may be submitted to the committee for positions throughout the State, a delay in the effective date of this bill is necessary to provide time to establish the appropriate review process.

Therefore, I am returning this legislation with my recommendation to add two additional persons to the three-member committee overseeing hardship requests, and to delay the effective date of this bill for three months.

Accordingly, I herewith return Senate Bill No. 1730 (First Reprint) and recommend that it be amended as follows:

Page 3, Section 2, Line 29: Delete "three" and insert "five"

Page 3, Section 2, Line 31: After "composed of" delete "a person" and insert "three persons"

Page 5, Section 3, Line 31: Delete "immediately" and insert "on the first day of the fourth month after enactment"

Respectfully,

/s/ Chris Christie

Governor

[seal]

Attested:

/s/ Jeffrey S. Chiesa

Chief Counsel to the Governor