

ASSEMBLY, No. 1274

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

SYNOPSIS

Provides that cabinet-level public officials, Attorney General, and county prosecutors may serve in acting capacity for no longer than six months without nomination.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** providing time limitations for certain public officials serving
2 in an acting capacity without nomination and supplementing
3 chapter 14 of Title 52 of the Revised Statutes.

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

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8 1. a. No person shall serve in an acting capacity as the head of a
9 principal department or in a cabinet-level position in the Executive
10 Branch of State Government, or as Attorney General, or as a county
11 prosecutor for a period of more than six full consecutive or
12 intermittent months, when that position is required to be filled by a
13 person nominated and appointed by the Governor with the advice
14 and consent of the Senate pursuant to any statute or provision of the
15 New Jersey Constitution, if the Governor has not submitted that
16 person's name in nomination to the Senate to serve in that position.
17 When the name of a person serving in an acting capacity is not
18 submitted in nomination to the Senate prior to the end of that six-
19 month consecutive or intermittent period, the person serving in an
20 acting capacity shall vacate that position at the end of the six
21 months of service in that position.

22 b. When any person is serving in an acting capacity on the
23 effective date of this section, P.L. , c. (C.) (pending before
24 the Legislature as this bill), and the Governor has not submitted that
25 person's name in nomination to the Senate, the Governor shall
26 nominate that person within 30 days of that effective date, or at the
27 next Senate session, whichever is sooner, or the person shall vacate
28 that position.

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30 2. This act shall take effect immediately.

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33 **STATEMENT**

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35 Under the New Jersey Constitution and statutory law, certain
36 public offices must be filled by nomination and appointment of the
37 Governor with the advice and consent of the Senate. These
38 positions include but are not limited to the heads of each principal
39 department; various officers of the militia; members of boards and
40 commissions; and county prosecutors.

41 This bill provides that a person shall not serve in an acting
42 capacity as the head of a principal department or in a cabinet-level
43 position in the Executive Branch of State Government, or as
44 Attorney General, or as a county prosecutor for a period of more
45 than six months, when that position is required to be filled by the
46 Governor's nomination with the advice and consent of the Senate, if
47 the Governor has not submitted that person's name in nomination to
48 the Senate to fill that position on a permanent basis. When the

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1 name of a person serving in an acting capacity is not submitted in
2 nomination to the Senate prior to the end of that six- month period,
3 the person serving in an acting capacity would terminate that
4 service at the end of the six months. The bill applies only to the
5 heads of principal departments and cabinet-level positions in the
6 Executive Branch, the Attorney General, and county prosecutors.
7 The bill further provides that, when any person is serving in an
8 acting capacity on the effective date of the bill, and the Governor
9 has not submitted that person's name in nomination to the Senate to
10 serve on a permanent basis, the Governor shall nominate that person
11 within 30 days of that effective date, or at the next Senate session,
12 whichever is sooner, or the person shall vacate that position.