

SENATE, No. 1200

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

SYNOPSIS

Prohibits State department heads from holding over in office for more than 120 days; requires Governor to nominate successor to county prosecutor and other county officials no later than 120 days after their term expires.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain officials appointed by the Governor and
2 supplementing Title 52 of the Revised Statutes.

3

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

6

7 1. The executive head of any principal department in the
8 Executive Branch of State government with the title of
9 commissioner or secretary shall not hold over in office for more
10 than 120 days after the expiration of the term of the Governor who
11 appointed that person. The person shall be eligible for
12 reappointment to that position with the advice and consent of the
13 Senate. This section shall not apply to the Attorney General and the
14 Secretary of State.

15

16 2. The Governor shall nominate a successor to a county
17 prosecutor no later than 120 days after the expiration of the term of
18 that office. A county prosecutor may be reappointed to that
19 position with the advice and consent of the Senate.

20

21 3. The Governor shall nominate a successor to a county official
22 no later than 120 days after the expiration of the term of that office
23 when the term of that county official is prescribed by law and the
24 official is appointed by the Governor with the advice and consent of
25 the Senate. This section shall apply to a county superintendent of
26 elections. A county official may be reappointed to that position
27 with the advice and consent of the Senate.

28

29 4. If an official serving in a position covered by section 1 of
30 this act, P.L. , c. (C.)(pending before the Legislature as
31 this bill), has served in a holdover capacity for more than 120 days
32 as of the effective date of this act, the Governor shall nominate a
33 successor within 30 days of that effective date.

34

35 5. This act shall take effect immediately.

36

37

38

STATEMENT

39

40 This bill prohibits the executive head of a principal department
41 in the Executive Branch with the title of commissioner or secretary
42 from holding over in office for more than 120 days after the
43 expiration of the term of the Governor who appointed that person.
44 The bill would not apply to the Attorney General and the Secretary
45 of State who, under the New Jersey Constitution, serve during the
46 term of the Governor.

47 The bill also limits the holdover period for a county prosecutor
48 by requiring that the Governor nominate a successor no later 120

1 days after the expiration of the term of office. The State
2 Constitution provides that a prosecutor serves for a five-year term
3 and until the appointment and qualification of a successor.

4 In addition, the bill requires the Governor to nominate a
5 successor to a county official no later than 120 days after the
6 expiration of the term of office if the term is prescribed by law and
7 the official is appointed by the Governor with the advice and
8 consent of the Senate.

9 All such officials could be reappointed to their positions with the
10 advice and consent of the Senate.

11 Finally, if an official has served as the head of a department in
12 the Executive Branch of State government in a holdover capacity
13 for more than 120 days as of the effective date of this bill, the
14 Governor must nominate a successor within 30 days of that
15 effective date.