

# ASSEMBLY, No. 5625

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 17, 2019

**Sponsored by:**

Assemblywoman **ELIANA PINTOR MARIN**

District 29 (Essex)

Assemblywoman **NANCY F. MUNOZ**

District 21 (Morris, Somerset and Union)

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District 6 (Burlington and Camden)

**Co-Sponsored by:**

Assemblywomen **B.DeCroce, Schepisi, Murphy, Pinkin and Downey**

**SYNOPSIS**

Requires payment of expenses related to background investigations for certain gubernatorial transition positions.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/21/2019)

1 AN ACT concerning background investigations for certain  
2 gubernatorial transition positions and amending P.L.1969, c.213.

3

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

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7 1. Section 3 of P.L.1969, c.213 (C.52:15A-3) is amended to  
8 read as follows:

9 3. (a) The Director of the Division of Purchase and Property  
10 referred to **[hereinafter]** in **[this act]** P.L.1969, c.213 (C.52:15A-1  
11 et seq.) as "the director," is authorized to provide, upon request, to  
12 each Governor-elect, for use in connection with **[his]** the Governor-  
13 elect's preparations for the assumption of official duties as  
14 Governor necessary services and facilities, including:

15 (1) Suitable office space appropriately equipped with furniture,  
16 furnishings, office machines and equipment, and office supplies as  
17 determined by the director, after consultation with the Governor-  
18 elect, or **[his]** a designee provided for in subsection (e) of this  
19 section, at **[such]** any place or places within the State of New  
20 Jersey as the Governor-elect shall designate;

21 (2) Payment of the compensation of members of office staffs  
22 designated by the Governor-elect at rates determined by **[him]** the  
23 Governor-elect. Provided, that any employee of any agency of any  
24 branch of the State Government may be detailed to **[such]** these  
25 staffs on a reimbursable or nonreimbursable basis with the consent  
26 of the head of the agency; and while so detailed **[such]** the  
27 employee shall be responsible only to the Governor-elect for the  
28 performance of **[his]** the employee's duties. Provided further, that  
29 any employee so detailed shall continue to receive the  
30 compensation provided pursuant to law for **[his]** the employee's  
31 regular employment, and shall retain the rights and privileges of  
32 **[such]** this employment without interruption. Notwithstanding any  
33 other law, persons receiving compensation as members of office  
34 staffs under this subsection, other than those detailed from agencies,  
35 shall not be held or considered to be employees of the State  
36 Government, except for purposes of the Public Employees'  
37 Retirement System **[(chapter 15A of Title 43)]** , P.L.1954, c.84  
38 (C.43:15A-1 et seq.) and the "New Jersey Conflicts of Interest  
39 Law," P.L.1971, c.182 (C.52:13D-12 et seq.);

40 (3) Payment of expenses for the procurement of services of  
41 experts or consultants or organizations thereof for the Governor-  
42 elect may be authorized at rates not to exceed **[\$100.00]** \$100 per  
43 diem for individuals;

**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 (4) Payment of travel expenses and subsistence allowances,  
2 including rental by the State Government of hired motor vehicles,  
3 found necessary by the Governor-elect, as authorized for persons  
4 employed intermittently or for persons serving without  
5 compensation, as may be appropriate;

6 (5) Communications services found necessary by the Governor-  
7 elect;

8 (6) Payment of expenses for necessary printing and binding;

9 (7) Payment of expenses related to confidential character,  
10 financial, and criminal background investigations of applicants for  
11 positions of a lower rank than cabinet-level when deemed necessary  
12 by the Governor-elect or the Governor-elect's assistant designated  
13 pursuant to subsection e. of this section.

14 (b) The director shall not expend **[no]** funds for the provision of  
15 services and facilities under **[this act]** P.L.1969, c.213 (C.52:15A-1  
16 et seq.) in connection with any obligations incurred by the  
17 Governor-elect before the day following the date of the general  
18 elections.

19 (c) The term "Governor-elect" as used in **[this act]** P.L.1969,  
20 c.213 (C.52:15A-1 et seq.) shall mean such person as is the  
21 apparent successful candidate for the office of Governor,  
22 respectively, as ascertained by the Secretary of State following the  
23 general election.

24 (d) Each Governor-elect shall be entitled to conveyance of all  
25 mail matter, including airmail, sent by **[him]** the Governor-elect in  
26 connection with **[his]** preparations for the assumption of official  
27 duties as Governor.

28 (e) Each Governor-elect may designate to the director an  
29 assistant authorized to make on **[his]** the Governor-elect's behalf  
30 such designations or findings of necessity as may be required in  
31 connection with the services and facilities to be provided under  
32 **[this act]** P.L.1969, c.213 (C.52:15A-1 et seq.).

33 (f) In the case where the Governor-elect is the incumbent  
34 Governor there shall be no expenditures of funds for the provision  
35 of services and facilities to **[such]** the incumbent under **[this act]**  
36 P.L.1969, c.213 (C.52:15A-1 et seq.), and any funds appropriated  
37 for **[such]** these purposes shall be returned to the general funds of  
38 the treasury.

39 (g) The salary of each person receiving compensation as a  
40 member of the office staff under paragraph (2) subsection (a) of this  
41 section, other than one detailed from an agency, shall be reported to  
42 the State Ethics Commission and made available by the commission  
43 to the public. Each **[such]** person shall complete the training  
44 program required pursuant to section 2 of P.L.2005, c.382  
45 (C.52:13D-21.1) promptly after employment, and shall be provided  
46 by the commission, and shall acknowledge receipt thereof, with all  
47 ethics materials, forms, codes, guides, orders and notices required

1 to be distributed to State employees. The Governor-elect shall  
2 designate which of these persons shall (1) file with the commission  
3 the financial disclosure statement required of State officers and  
4 employees by law, regulation, or executive order and (2) certify that  
5 the person is not in violation of ethical standards or conflicts of  
6 interest restrictions or requirements.  
7 (cf: P.L.2005, c.382, s.14)

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9 2. This act shall take effect immediately.

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### STATEMENT

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14 This bill amends the "The Gubernatorial Transition Act" to  
15 authorize payment of expenses related to confidential character,  
16 financial, and criminal background investigations, sometimes  
17 referred to as "four-way investigations," of certain applicants for  
18 positions in the Governor-elect's transition team.

19 Under current law, the Director of the Division of Purchase and  
20 Property is authorized to provide necessary services and facilities to  
21 each Governor-elect for the purpose of preparing for assuming  
22 official duties as Governor. These services and facilities include  
23 suitable office space appropriately equipped with furniture,  
24 furnishings, office machines and equipment, and office supplies;  
25 payment of compensation to the members of office staffs designated  
26 by the Governor-elect; payment of expenses to procure services of  
27 experts, consultants, or organizations; payment of travel expenses  
28 and subsistence allowances for intermittent employees or  
29 volunteers; communications services found necessary by the  
30 Governor-elect; and payment of expenses for necessary printing and  
31 binding.

32 This bill adds to this list of transition payments those expenses  
33 related to confidential character, financial, and criminal background  
34 investigations of applicants for positions of a lower rank than  
35 cabinet-level when deemed necessary by the Governor-elect or the  
36 Governor-elect's designated assistant.