

Bill to Create Independent Ethics Commission Stalled in Committee Amid Concerns Over Jurisdiction and Oversight

Sen. Gittens's push for an independent ethics commission stalled after testifiers admitted unfamiliarity with its companion bill, raising concerns about overlapping jurisdiction, transparency, and the need for oversight across all three branches of gov't.

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A bill proposing the creation of an independent Commission on Ethics and Conflicts of Interest was held in committee on Tuesday after key testifiers admitted they were unfamiliar with its companion legislation, prompting Senator Kenneth Gittens—the bill's sponsor—to temporarily halt the measure's progress.

Bill 36-0077, which seeks to establish the Commission, was scheduled for discussion in the Committee on Rules and Judiciary. Its companion measure, Bill 36-0078, which outlines funding and investigatory procedures, has been routed to the Committee on Budget, Appropriations, and Finance, where ongoing budget hearings have delayed its hearing. As a result, many of the objections raised during Tuesday's hearing stemmed from a lack of familiarity with the full legislative package.

Still, lawmakers and testifiers engaged in robust discussion about the proposed commission, which would serve as an independent oversight body for all three branches of government. In his introduction, Sen. Gittens described the bill as a necessary tool to "restore public trust and strengthen ethical accountability." The commission, he said, would offer a confidential mechanism for whistleblowers and alleviate the oversight burdens currently placed on the Department of Justice and the Inspector General.

"The commission will act as a deterrent, signaling that unethical conduct in public service will not be tolerated, nor will it be ignored," declared Mr. Gittens. He highlighted public disillusionment with government institutions, framing the commission as an essential step toward accountability.

As outlined in Bill 36-0077, the commission would be composed of five members: one appointed by the governor, one by the senate president, one by the Supreme Court's Chief Justice, and two jointly selected by the governor and Chief Justice. All appointees would be subject to legislative approval and limited to two five-year terms.

The timing of the bill's introduction coincided with the start of a high-profile federal corruption trial involving former Department of Sports, Parks and Recreation Commissioner Calvert White. Sen. Gittens referenced this in his remarks, noting that misconduct extends beyond criminal acts. "There is a broader spectrum of misconduct and deserves just as much attention, from questionable contracts to sweetheart leases to unjustified raises," he said.

The companion bill allocates \$1 million from the general fund to establish the Commission. "The cost of doing nothing, of continuing to allow waste, fraud and abuse to go unchecked, far outweighs the price of prevention and oversight," argued Mr. Gittens.

Despite these assurances, Cindy Richardson, Director of the Division of Personnel, voiced strong reservations. Speaking on behalf of the Governor's Chief of Staff, she warned that the proposed commission might create "overlapping statutory authority," particularly with the Office of the Attorney General. She also noted the Division of Personnel had already implemented steps to uphold ethical standards in the executive branch.

Ms. Richardson advocated for a "dual framework approach," in which the Commission would oversee high-level officials while her division would continue managing conduct among general government employees. She described plans for a new Personnel and Compliance Unit (PACU) to address "workforce level oversight" within the executive branch.

Mr. Gittens rejected that proposal outright. "You can't investigate yourself," he said. "An independent commission removes any perceived or actual biases and promotes impartiality." He emphasized that the bill was written to "avoid any internal handling of these sensitive matters by any existing government agencies," adding that the Division of Personnel "should not be charged with this."

Other testifiers offered additional critiques and recommendations. Kristin McKown, speaking on behalf of the Bar Association's Legislative and Law Reform Committee, suggested making the

nominee qualification process public and publishing vetting procedures to foster transparency and public trust. She also raised concerns about quorum rules, funding stability, and the absence of a codified code of conduct.

Gwen-Marie Moolenaar, president of the League of Women Voters, called for stronger language in the bill. She urged that the word “may” be replaced with “shall” when describing commissioners’ responsibilities and suggested naming approved alternates to maintain quorum in the event of a vacancy. Dr. Moolenaar also flagged the lack of third-party oversight for the proposed commission.

Jeremy Weddle, Assistant Attorney General at the Department of Justice, focused on language in the bill requiring the DOJ to “make available to the Commission such personnel, facilities and other assistance as the Commission may request.” Mr. Weddle called this clause “vague and open-ended,” warning that it could leave DOJ responsible for covering potential shortfalls, including office space and supplies.

To prevent undue burden on the Department of Justice, Mr. Weddle recommended revising the bill to “limit the Attorney General’s assistance.” He also noted that DOJ is the only agency specifically named as a support resource in the draft.

Senator Gittens pledged to take all applicable suggestions under review. He emphasized that the companion bill includes detailed provisions regarding penalties, investigative procedures, and potential conflicts with existing laws. However, it remains unclear when Bill 36-0077 will return for additional debate or whether changes will be made before then.