

ASSEMBLY, No. 2502

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 14, 1996

By Assemblymen CARROLL and BUCCO

1 AN ACT concerning the imposition of fines and penalties by one
2 department of the State upon another and supplementing chapter 14
3 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. Notwithstanding any other law, or rule or regulation adopted
9 pursuant thereto, to the contrary, no department of the State within
10 the Executive branch of the State government shall impose on, or
11 collect from, any other department of the State any fine or penalty for
12 violations of State law, except as otherwise required by federal law.

13 b. Nothing in this act shall be construed to limit the enforcement
14 authority of a department of the State within the Executive branch, or
15 to excuse a department of the State from complying with State and
16 federal law, when the department is found to be in violation of State
17 or federal law.

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19 2. This act shall take effect immediately.

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22 STATEMENT

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24 This bill prohibits a State department in the Executive Branch from
25 imposing on or collecting from another State department in the
26 Executive Branch any fine or penalty, except as otherwise required by
27 federal law. The bill also specifies that this prohibition in no way
28 limits a department's authority to enforce State and federal law or
29 excuses a department from complying with State and federal law when
30 it is found in violation of State or federal law.

31 In recent time, the Department of Environmental Protection has
32 imposed on the Department of Transportation heavy penalties for
33 effluent violations. While enforcement of environmental laws are
34 important, the collection of the fine or penalty would result in the
35 moving of moneys within the General Fund that produces no
36 environmental benefit and does not realistically affect enforcement of
37 State or federal law.

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3 Prohibits imposition of fines and penalties by one department of the

4 State upon another, except as otherwise required by federal law.