

August 23, 2023

Dear Chairs Euer and Craven:

I am writing to weigh in on an issue for a potential Constitutional Convention should the voters of Rhode Island approve the measure this November. I would like to bring to the Honorable Commission's attention a good government reform that RI should consider: State Legislative Vetoes.

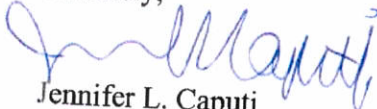
In at least almost half of the states, state constitutions establish a "legislative veto" system in which the state legislature—or a subset of the legislature—can reject or temporarily suspend agency rulemaking outside of the conventional lawmaking process. After seeing the way our executive branch/RIDOH handled the COVID crisis and the issues that we see at many of our state agencies such as RIDOT and RIDEM, I believe a legislative veto can be an effective tool.

Legislative vetoes can be in many forms. I believe that New Jersey's model is one we should closely examine. They have a strong form legislative veto. The legislature can reject or invalidate proposed or existing rules that have been approved by the executive branch. Both legislative chambers would need to veto a regulation by a majority vote. In looking at the states that follow this model, the review begins with either a joint legislative committee that focuses on administrative rulemaking or with each chamber's standing committee that has subject-matter expertise most relevant to the rule under review (in RI that could be the Senate and House oversight standing committees). These committees can provide feedback to the requesting agency, and if dissatisfied with the agency's response, can formally recommend that the whole legislature reject or modify the rule. Such a recommendation typically requires a joint or concurrent resolution, which usually requires majority approval in each chamber. If the resolution passes both chambers and thus rejects or modifies the rule, the affected agency is generally free to try to promulgate the rule or an amended version of it again.

I am sure that others have testified about another measure that I would support, the line-item veto for our Governor. I only mention it here to point out that it would make sense to consider both constitutional changes as the two measures balance each other out as one gives more power to the legislative branch and the other gives necessary power to the executive branch.

Thank you very much for taking my written testimony into consideration. I appreciate the time you are all taking from your busy schedules in the summer to sit on this critical commission.

Sincerely,



Jennifer L. Caputi  
Cranston, RI

