

Testimony on H 8562—An Act Relating to State Affairs and Government—Office of Inspector General

Position: Support with Amendments

Common Cause Rhode Island supports H 8562, a bill that would create an Office of Inspector General, but we believe it could be strengthened with several amendments. As an organization focused on government accountability, an Office of Inspector General can be a tool for bringing much needed accountability to Rhode Island government.

Given our history with 2004's Separation of Powers amendments, we were pleased to see that the process for appointing the Inspector General laid out in § 42-9.4-4 comports with Article IX, Section 5 of the Rhode Island Constitution. We do note that the revolving door restrictions are much longer than one year in other states. Two states that recently enacted similar legislation have five year (Minnesota) and three year (Delaware) revolving door restrictions, and the model legislation published by The Association of Inspectors General suggests five years. Delaware's revolving door also applies to registered lobbyists, something we think should be added to this legislation.

The legislation allows for removal by the governor for cause, but it does not require the governor to state in writing their reason. The model legislation requires the appointing authority to state in writing the reasons for removal, something we think this legislation should incorporate.

We are very pleased that the legislation requires applicants to have professional certification from The Association of Inspectors General in § 42-9.4-3. Our research indicates that this is a common requirement for similar positions in other jurisdictions. We are also very pleased to see in § 42-9.4-6(h) that the Inspector General must abide by professional standards, a common feature in other jurisdictions, and a recommendation in the model legislation.

Given the potential overlap with other offices and agencies in Rhode Island, particularly with the Office of Auditor General and the Rhode Island Ethics Commission, we feel it may be useful if the legislation defines the terms "waste, fraud, and abuse" as Minnesota's statute does. We do not need overlap with the financial and performance audit function provided by the Office of the Auditor General, for instance.

To be effective, the Inspector General needs to be sufficiently staffed and funded. We believe that § 42-9.4-1 should allow for the Inspector General to hire in-house legal counsel, if needed, not just contracted legal services. This is common in such offices. The model legislation published by The Association of Inspectors General suggests that legislation should provide some minimal level of funding for the office to protect against its budget being undermined. We suggest adding language to that effect.

Finally, we refer you to the testimony of the ACLU of Rhode Island, and specifically the concerns raised by that organization about how the legislation deals with records related to its investigations, and other issues of transparency. Common Cause Rhode Island supports all of their suggestions for improvements.

Thank you for considering our testimony.

