

2023 -- H 5184 SUBSTITUTE A

LC000581/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS

Introduced By: Representative Joseph M. McNamara

Date Introduced: January 19, 2023

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-46-6 of the General Laws in Chapter 42-46 entitled "Open
2 Meetings" is hereby amended to read as follows:

3 **42-46-6. Notice.**

4 (a) All public bodies shall give written notice of their regularly scheduled meetings at the
5 beginning of each calendar year. The notice shall include the dates, times, and places of the
6 meetings and shall be provided to members of the public upon request and to the secretary of state
7 at the beginning of each calendar year in accordance with subsection (f).

8 (b) Public bodies shall give supplemental written public notice of any meeting within a
9 minimum of forty-eight (48) hours, excluding weekends and state holidays in the count of hours,
10 before the date. This notice shall include the date the notice was posted; the date, time, and place
11 of the meeting; and a statement specifying the nature of the business to be discussed. Copies of the
12 notice shall be maintained by the public body for a minimum of one year. Nothing contained herein
13 shall prevent a public body, other than a school committee, from adding additional items to the
14 agenda by majority vote of the members. School committees may, however, add items for
15 informational purposes only, pursuant to a request, submitted in writing, by a member of the public
16 during the public comment session of the school committee's meetings. Said informational items
17 may not be voted upon unless they have been posted in accordance with the provisions of this
18 section. Such additional items shall be for informational purposes only and may not be voted on
19 except where necessary to address an unexpected occurrence that requires immediate action to

1 protect the public or to refer the matter to an appropriate committee or to another body or official.

2 (c) Written public notice shall include, but need not be limited to, posting a copy of the
3 notice at the principal office of the public body holding the meeting, or if no principal office exists,
4 at the building in which the meeting is to be held, and in at least one other prominent place within
5 the governmental unit, and electronic filing of the notice with the secretary of state pursuant to
6 subsection (f); however, nothing contained herein shall prevent a public body from holding an
7 emergency meeting, upon an affirmative vote of the majority of the members of the body when the
8 meeting is deemed necessary to address an unexpected occurrence that requires immediate action
9 to protect the public. If an emergency meeting is called, a meeting notice and agenda shall be posted
10 as soon as practicable and shall be electronically filed with the secretary of state pursuant to
11 subsection (f) and, upon meeting, the public body shall state for the record and minutes why the
12 matter must be addressed in less than forty-eight (48) hours in accordance with subsection (b) of
13 this section and only discuss the issue or issues that created the need for an emergency meeting.
14 Nothing contained herein shall be used in the circumvention of the spirit and requirements of this
15 chapter.

16 (d) Nothing within this chapter shall prohibit any public body, or the members thereof,
17 from responding to comments initiated by a member of the public during a properly noticed open
18 forum even if the subject matter of a citizen's comments or discussions were not previously posted,
19 provided such matters shall be for informational purposes only and may not be voted on except
20 where necessary to address an unexpected occurrence that requires immediate action to protect the
21 public or to refer the matter to an appropriate committee or to another body or official. Nothing
22 contained in this chapter requires any public body to hold an open-forum session to entertain or
23 respond to any topic which is not posted for public hearing on the meeting notice posted for that
24 hearing nor does it prohibit any public body from limiting comment on any topic which is not
25 posted for public hearing on the meeting notice posted for that hearing at such an open-forum
26 session. If a public hearing was posted, the public body shall allow citizens to comment on a matter
27 at that public meeting if the posted subject matter posted for that hearing is withdrawn or held over
28 for vote at a future meeting of that public body. No public body, or the members thereof, may use
29 this section to circumvent the spirit or requirements of this chapter.

30 (e) A school committee may add agenda items not appearing in the published notice
31 required by this section under the following conditions:

32 (1) The revised agenda is electronically filed with the secretary of state pursuant to
33 subsection (f), and is posted on the school district's website and the two (2) public locations
34 required by this section at least forty-eight (48) hours in advance of the meeting in accordance with

1 subsection (b) of this section;

2 (2) The new agenda items were unexpected and could not have been added in time for
3 newspaper publication;

4 (3) Upon meeting, the public body states for the record and minutes why the agenda items
5 could not have been added in time for newspaper publication and need to be addressed at the
6 meeting;

7 (4) A formal process is available to provide timely notice of the revised agenda to any
8 person who has requested that notice, and the school district has taken reasonable steps to make the
9 public aware of this process; and

10 (5) The published notice shall include a statement that any changes in the agenda will be
11 posted on the school district's website and the two (2) public locations required by this section and
12 will be electronically filed with the secretary of state at least forty-eight (48) hours in advance of
13 the meeting in accordance with subsection (b) of this section.

14 (f) All notices required by this section to be filed with the secretary of state shall be
15 electronically transmitted to the secretary of state in accordance with rules and regulations that shall
16 be promulgated by the secretary of state. This requirement of the electronic transmission and filing
17 of notices with the secretary of state shall take effect one year after this subsection takes effect.

18 (g) If a public body fails to transmit notices in accordance with this section, then any
19 aggrieved person may file a complaint with the attorney general in accordance with § 42-46-8.

20 SECTION 2. This act shall take effect on September 1, 2023.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS

1 This act would provide that public bodies not be required to hold open-forum sessions on
2 any topic not on the meeting notice and would limit comment on any topic not previously posted.

3 This act would take effect on September 1, 2023.

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