

2015 -- S 0054

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS

Introduced By: Senators Pearson, Felag, Sosnowski, and Ottiano

Date Introduced: January 13, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-46-7 of the General Laws in Chapter 42-46 entitled "Open
2 Meetings" is hereby amended to read as follows:

3 **42-46-7. Minutes.** -- (a) All public bodies shall keep written minutes of all their
4 meetings. The minutes shall include, but need not be limited to:

5 (1) The date, time, and place of the meeting;

6 (2) The members of the public body recorded as either present or absent;

7 (3) A record by individual members of any vote taken; and

8 (4) Any other information relevant to the business of the public body that any member of
9 the public body requests be included or reflected in the minutes.

10 (b) (1) A record of all votes taken at all meetings of public bodies, listing how each
11 member voted on each issue, shall be a public record and shall be available, to the public at the
12 office of the public body, within two (2) weeks of the date of the vote. The minutes shall be
13 public records and unofficial minutes shall be available, to the public at the office of the public
14 body, within thirty-five (35) days of the meeting or at the next regularly scheduled meeting,
15 whichever is earlier, except where the disclosure would be inconsistent with §§ 42-46-4 and 42-
16 46-5 or where the public body by majority vote extends the time period for the filing of the
17 minutes and publicly states the reason.

18 (2) In addition to the provisions of subdivision (b)(1), all volunteer fire companies,
19 associations, fire ~~district-companies~~ districts, or any other organization currently engaged in the

1 mission of extinguishing fires and preventing fire hazards, whether it is incorporated or not, and
2 whether it is a paid department or not, shall post unofficial minutes of their meetings within
3 twenty-one (21) days of the meeting, but not later than seven (7) days prior to the next regularly
4 scheduled meeting, whichever is earlier, on the secretary of state's website. Provided, however,
5 that the provisions of this section shall not apply to any fire entity that does not have the authority
6 to tax, make public policy, or any combination thereof.

7 (c) The minutes of a closed session shall be made available at the next regularly
8 scheduled meeting unless the majority of the body votes to keep the minutes closed pursuant to
9 §§ 42-46-4 and 42-46-5.

10 (d) All public bodies within the executive branch of the state government and all state
11 public and quasi-public boards, agencies and corporations, and those public bodies set forth in
12 subdivision (b)(2), shall keep official and/or approved minutes of all meetings of the body and
13 shall file a copy of the minutes of all open meetings with the secretary of state for inspection by
14 the public within thirty-five (35) days of the meeting; provided that this subsection shall not apply
15 to public bodies whose responsibilities are solely advisory in nature.

16 (e) All minutes and unofficial minutes required by this section to be filed with the
17 secretary of state shall be electronically transmitted to the secretary of state in accordance with
18 rules and regulations which shall be promulgated by the secretary of state. If a public body fails to
19 transmit minutes or unofficial minutes in accordance with this subsection, then any aggrieved
20 person may file a complaint with the attorney general in accordance with § 42-46-8.

21 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would exempt fire companies with no tax and/or policy making authority from
- 2 certain posting requirements of the open meetings act.
- 3 This act would take effect upon passage.

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