

2015 -- S 0719

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - OPEN MEETINGS

Introduced By: Senator Michael J. McCaffrey

Date Introduced: March 18, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-46-6 and 42-46-7 of the General Laws in Chapter 42-46  
2 entitled "Open Meetings" are hereby amended to read as follows:

3 **42-46-6. Notice.** -- (a) All public bodies shall give written notice of their regularly  
4 scheduled meetings at the beginning of each calendar year. The notice shall include the dates,  
5 times, and places of the meetings and shall be provided to members of the public upon request  
6 and to the secretary of state at the beginning of each calendar year in accordance with subsection  
7 (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~~ commencement time of the meeting. This notice shall include the date the notice  
11 was posted, the date, time and place of the meeting, and a statement specifying the nature of the  
12 business to be discussed. Copies of the notice shall be maintained by the public body for a  
13 minimum of one year. Nothing contained herein shall prevent a public body, other than a school  
14 committee, from adding additional items to the agenda by majority vote of the members. School  
15 committees may, however, add items for informational purposes only, pursuant to a request,  
16 submitted in writing, by a member of the public during the public comment session of the school  
17 committee's meetings. Said informational items may not be voted upon unless they have been  
18 posted in accordance with the provisions of this section. Such additional items shall be for  
19 informational purposes only and may not be voted on except where necessary to address an

1 unexpected occurrence that requires immediate action to protect the public or to refer the matter  
2 to an appropriate committee or to another body or official.

3 (c) Written public notice shall include, but need not be limited to, posting a copy of the  
4 notice at the principal office of the public body holding the meeting, or if no principal office  
5 exists, at the building in which the meeting is to be held, and in at least one other prominent place  
6 within the governmental unit, and electronic filing of the notice with the secretary of state  
7 pursuant to subsection (f); however, nothing contained herein shall prevent a public body from  
8 holding an emergency meeting, upon an affirmative vote of the majority of the members of the  
9 body when the meeting is deemed necessary to address an unexpected occurrence that requires  
10 immediate action to protect the public. If an emergency meeting is called, a meeting notice and  
11 agenda shall be posted as soon as practicable and shall be electronically filed with the secretary of  
12 state pursuant to subsection (e) and, upon meeting, the public body shall state for the record and  
13 minutes why the matter must be addressed in less than forty-eight (48) hours [in accordance with §](#)  
14 [42-46-6\(b\)](#) and only discuss the issue or issues which created the need for an emergency meeting.  
15 Nothing contained herein shall be used in the circumvention of the spirit and requirements of this  
16 chapter.

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

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

29 (1) The revised agenda is electronically filed with the secretary of state pursuant to  
30 subsection (f), and is posted on the school district's website and the two (2) public locations  
31 required by this section at least forty-eight (48) hours in advance of the meeting [in accordance](#)  
32 [with § 42-6-6\(b\)](#) ;

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

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

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

7 (5) The published notice shall include a statement that any changes in the agenda will be  
8 posted on the school district's web site and the two (2) public locations required by this section  
9 and will be electronically filed with the secretary of state at least forty-eight (48) hours in advance  
10 of the meeting [in accordance with § 42-46-6\(b\)](#).

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

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

18 **42-46-7. Minutes.—Minutes and audio recordings.** -- (a) All public bodies shall keep  
19 written minutes of all their meetings. The minutes shall include, but need not be limited to:

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

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

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

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

25 (b) (1) A record of all votes taken at all meetings of public bodies, listing how each  
26 member voted on each issue, shall be a public record and shall be available, to the public at the  
27 office of the public body, within two (2) weeks of the date of the vote. The minutes shall be  
28 public records and unofficial minutes shall be available, to the public at the office of the public  
29 body, within thirty-five (35) days of the meeting or at the next regularly scheduled meeting,  
30 whichever is earlier, except where the disclosure would be inconsistent with §§ 42-46-4 and 42-  
31 46-5 or where the public body by majority vote extends the time period for the filing of the  
32 minutes and publicly states the reason.

33 (2) In addition to the provisions of subdivision (b)(1), all volunteer fire companies,  
34 associations, fire district companies, or any other organization currently engaged in the mission of

1 extinguishing fires and preventing fire hazards, whether it is incorporated or not, and whether it is  
2 a paid department or not, shall post unofficial minutes of their meetings within twenty-one (21)  
3 days of the meeting, but not later than seven (7) days prior to the next regularly scheduled  
4 meeting, whichever is earlier, on the secretary of state's website.

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

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

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

19 (f) All public bodies shall make electronic audio recordings of all open and closed  
20 meetings to be on permanent file. The electronic audio recordings of open meetings shall be a  
21 public record and shall be made available to the public on electronic file disk for a fee not to  
22 exceed one dollar (\$1.00), at the office of the public body. The electronic audio recordings of a  
23 closed session shall be made available to the public on electronic file disk for a fee not to exceed  
24 one dollar (\$1.00), at the office of the public body, after the next regularly scheduled meeting  
25 unless the majority of the body votes to keep the minutes closed pursuant to §§ 42-46-4 and 42-  
26 46-5.

27 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 exclude weekends and state holidays from the calculation of the forty-  
2 eight (48) hour public notice requirement, and require audio recordings to be made of all open  
3 and closed meetings of public bodies.

4           This act would take effect upon passage.

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