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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO PUBLIC RECORDS - CUSTODY AND PROTECTION

Introduced By: Representatives Keable, Lally, Petrarca, Jackson, and Marcello

Date Introduced: January 11, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 38-1-1.1 of the General Laws in Chapter 38-1 entitled "Custody and  
2 Protection" is hereby amended to read as follows:

3           **38-1-1.1. Definitions.** -- For the purpose of this chapter:

4           (1) "Agency" or "public body" shall mean any executive, legislative, judicial, regulatory,  
5 administrative body of the state, or any political subdivision thereof; including, but not limited to,  
6 any department, division, agency, commission, board, office, bureau, authority, any school, fire,  
7 or water district, or other agency or quasi-public agency of Rhode Island state or local  
8 government which exercises governmental functions, or any other public or private agency,  
9 person, partnership, corporation, or business entity acting on behalf of any public agency.

10          (2) "Public business" means any matter over which the public body has supervision,  
11 control, jurisdiction, or advisory power.

12          (3) "Public record" or "public records" shall mean all documents, papers, letters, maps,  
13 books, tapes, photographs, films, sound recordings, or other material regardless of physical form  
14 or characteristics made or received pursuant to law or ordinance or in connection with the  
15 transaction of official business by any agency.

16          (4) "Supervisor of the regulatory body" means the chief or head of a section having  
17 enforcement responsibility for a particular statute or set of rules and regulations within a  
18 regulatory agency.

19          SECTION 2. Section 38-3-2 of the General Laws in Chapter 38-3 entitled "Public

1 Records Administration" is hereby amended to read as follows:

2 **38-3-2. Definitions.** -- For the purpose of this chapter:

3 (1) "Agency" or "public body" shall mean any executive, legislative, judicial, regulatory,  
4 administrative body of the state, or any political subdivision thereof; including, but not limited to,  
5 any department, division, agency, commission, board, office, bureau, authority, any school, fire,  
6 or water district, or other agency or quasi-public agency of state or local government which  
7 exercises governmental functions, or any other public or private agency, person, partnership,  
8 corporation, or business entity acting on behalf of any public agency.

9 (2) "Program" shall mean the public records administration program of the secretary of  
10 state.

11 (3) "Public record" or "public records" shall mean all documents, papers, letters, maps,  
12 books, tapes, photographs, films, sound recordings, or other material regardless of physical form  
13 or characteristics made or received pursuant to law or ordinance or in connection with the  
14 transaction of official business by any agency.

15 (4) "Public records repository" shall mean the establishment maintained by the program  
16 for preservation of those public records determined by the program to have permanent value  
17 warranting their continued preservation and which has been accepted by the program for transfer  
18 to its custody.

19 (5) "Records center" shall mean an establishment maintained by the program for the  
20 storage, processing, servicing, and security of public records that must be retained for varying  
21 periods of time but need not be retained in an agency's office equipment or space.

22 (6) "Records control schedule" shall mean the document establishing the official  
23 retention, maintenance, and disposal requirements for a series or type of record based on  
24 administrative, legal, fiscal, and historical values for the scheduled records.

25 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO PUBLIC RECORDS - CUSTODY AND PROTECTION

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- 1           This act would amend the definition of “agency” or “public body” as defined in chapters
- 2 38-3 and 38-1 to include quasi-public agencies.
- 3           This act would take effect upon passage.

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