

2010 -- S 2159

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS

Introduced By: Senators Gallo, P Fogarty, Sosnowski, DiPalma, and Metts

Date Introduced: February 04, 2010

Referred To: Senate Judiciary

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

1 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
4 exists, at the building in which the meeting is to be held, and in at least one other prominent place
5 within the governmental unit, and electronic filing of the notice with the secretary of state
6 pursuant to subsection (f); provided, that in the case of school committees the required public
7 notice shall be published in a newspaper of general circulation in the school district under the
8 committee's jurisdiction, or published through electronic means pursuant to subsection (h);
9 however, ad hoc committees, sub committees and advisory committees of school committees
10 shall not be required to publish notice in a newspaper or through electronic means provided
11 herein; however, nothing contained herein shall prevent a public body from holding an
12 emergency meeting, upon an affirmative vote of the majority of the members of the body when
13 the meeting is deemed necessary to address an unexpected occurrence that requires immediate
14 action to protect the public. If an emergency meeting is called, a meeting notice and agenda shall
15 be posted as soon as practicable and shall be electronically filed with the secretary of state
16 pursuant to subsection (e) and, upon meeting, the public body shall state for the record and
17 minutes why the matter must be addressed in less than forty-eight (48) hours and only discuss the
18 issue or issues which created the need for an emergency meeting. Nothing contained herein shall
19 be used in the circumvention of the spirit and requirements of this chapter.

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

1 (2) ~~The~~ If the school committee traditionally publishes public notice in a newspaper of
2 general circulation and the new agenda items were unexpected and could not have been added in
3 time for newspaper publication;

4 (3) Upon meeting, and if the school committee traditionally publishes public notice in a
5 newspaper of general circulation, the public body states for the record and minutes why the
6 agenda items could not have been added in time for newspaper publication and need to be
7 addressed at the meeting;

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

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

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

20 (g) If a public body fails to transmit notices in accordance with this section, then any
21 aggrieved person may file a complaint with the attorney general in accordance with section 42-
22 46-8.

23 (h) A school committee may publish public notice through electronic means, including,
24 but not limited to, the school district or municipality website and, if available, an electronic
25 distribution system such as email; provided, that if a municipality operates a cable access channel,
26 notice shall also be published on that channel. Publication through electronic means shall satisfy
27 any newspaper publication requirement for public notice provided by law and any requirement
28 for publication of public notice where the method of publication is not specified; provided,
29 further, that any electronic notification published under this subsection shall be posted in
30 accordance with section 42-46-6.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS

1 This act would amend various provisions relative to school committees and notice for
2 open meetings and publication of such notice via electronic means.

3 This act would take effect upon passage.

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