2013 -- H 5179 SUBSTITUTE A

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S T A T E   O F   R H O D E   I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N   A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT

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 sections 42-46-4 and

16   42-46-5 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, or any other organization organized or created for the

1   purpose 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.

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   sections 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. This requirement of

17   the electronic transmission and filing of minutes with the secretary of state shall take effect one

18   year after this subsection takes effect. If a public body fails to transmit minutes or unofficial

19   minutes in accordance with this subsection, then any aggrieved person may file a complaint with

20   the attorney general in accordance with section 42-46-8.

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

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N   A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT

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1   This act would require independent fire districts to post draft minutes of their meetings on

2   the secretary of state's website.

3   This act would take effect upon passage.

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LC00629/SUB A
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