

2021 -- H 5891

LC002033

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS

Introduced By: Representative Alex D. Marszalkowski

Date Introduced: February 24, 2021

Referred To: House State Government & Elections

(Dept. of Business and Regulation)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-46-2, 42-46-3, 42-46-5, 42-46-6 and 42-46-7 of the General
2 Laws in Chapter 42-46 entitled "Open Meetings" are hereby amended to read as follows:

3 **42-46-2. ~~Definitions.~~ Definitions. (Effective until July 1, 2023)**

4 As used in this chapter:

5 (1) "Adequate, alternative means of public access" means measures that provide
6 transparency and permit timely and effective public access to the deliberations of the public body
7 to include, but not be limited to, providing public access through telephone, Internet or satellite-
8 enabled audio or video conferencing, livestreaming or any other technology that enables the public
9 to clearly follow the proceedings of the public body while those activities are occurring.

10 ~~(1)~~(2) "Meeting" means the convening of a public body to discuss and/or act upon a matter
11 over which the public body has supervision, control, jurisdiction, or advisory power. As used
12 herein, the term "meeting" expressly includes, without limiting the generality of the foregoing, so-
13 called "workshop," "working," or "work" sessions.

14 ~~(2)~~(3) "Open call" means a public announcement by the chairperson of the committee that
15 the meeting is going to be held in executive session and the chairperson must indicate which
16 exception of § 42-46-5 is being involved.

17 ~~(3)~~(4) "Open forum" means the designated portion of an open meeting, if any, on a properly
18 posted notice reserved for citizens to address comments to a public body relating to matters
19 affecting the public business.

1 ~~(4)~~(5) "Prevailing plaintiff" includes those persons and entities deemed "prevailing parties"
2 pursuant to 42 U.S.C. § 1988.

3 ~~(5)~~(6) "Public body" means any department, agency, commission, committee, board,
4 council, bureau, or authority, or any subdivision thereof, of state or municipal government or the
5 board of directors of any library that funded at least twenty-five percent (25%) of its operational
6 budget in the prior budget year with public funds, and shall include all authorities defined in § 42-
7 35-1. For purposes of this section, any political party, organization, or unit thereof meeting or
8 convening is not and should not be considered to be a public body; provided, however, that no such
9 meeting shall be used to circumvent the requirements of this chapter.

10 ~~(6)~~(7) "Quorum," unless otherwise defined by applicable law, means a simple majority of
11 the membership of a public body.

12 **42-46-3. ~~Open meetings.~~ Open meetings. (Effective until July 1, 2023)**

13 Every meeting of all public bodies shall be open to the public [including through adequate](#)
14 [means of public access](#) unless closed pursuant to §§ 42-46-4 and 42-46-5.

15 ~~**42-46-5. Purposes for which meeting may be closed -- Use of electronic**~~
16 ~~**communications -- Judicial proceedings -- Disruptive conduct.**~~ **Purposes for which meeting**
17 **may be closed -- Use of electronic communications -- Judicial proceedings -- Disruptive**
18 **conduct. (Effective until July 1, 2023)**

19 (a) A public body may hold a meeting closed to the public pursuant to § 42-46-4 for one
20 or more of the following purposes:

21 (1) Any discussions of the job performance, character, or physical or mental health of a
22 person or persons provided that such person or persons affected shall have been notified in advance
23 in writing and advised that they may require that the discussion be held at an open meeting.

24 Failure to provide such notification shall render any action taken against the person or
25 persons affected null and void. Before going into a closed meeting pursuant to this subsection, the
26 public body shall state for the record that any persons to be discussed have been so notified and
27 this statement shall be noted in the minutes of the meeting.

28 (2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to
29 collective bargaining or litigation.

30 (3) Discussion regarding the matter of security including, but not limited to, the deployment
31 of security personnel or devices.

32 (4) Any investigative proceedings regarding allegations of misconduct, either civil or
33 criminal.

34 (5) Any discussions or considerations related to the acquisition or lease of real property for

1 public purposes, or of the disposition of publicly held property wherein advanced public
2 information would be detrimental to the interest of the public.

3 (6) Any discussions related to or concerning a prospective business or industry locating in
4 the state of Rhode Island when an open meeting would have a detrimental effect on the interest of
5 the public.

6 (7) A matter related to the question of the investment of public funds where the premature
7 disclosure would adversely affect the public interest. Public funds shall include any investment
8 plan or matter related thereto, including, but not limited to, state lottery plans for new promotions.

9 (8) Any executive sessions of a local school committee exclusively for the purposes: (i) of
10 conducting student disciplinary hearings; or (ii) of reviewing other matters which relate to the
11 privacy of students and their records, including all hearings of the various juvenile hearing boards
12 of any municipality; provided, however, that any affected student shall have been notified in
13 advance in writing and advised that he or she may require that the discussion be held in an open
14 meeting.

15 Failure to provide such notification shall render any action taken against the student or
16 students affected null and void. Before going into a closed meeting pursuant to this subsection, the
17 public body shall state for the record that any students to be discussed have been so notified and
18 this statement shall be noted in the minutes of the meeting.

19 (9) Any hearings on, or discussions of, a grievance filed pursuant to a collective bargaining
20 agreement.

21 (10) Any discussion of the personal finances of a prospective donor to a library.

22 ~~(b) No meeting of members of a public body or use of electronic communication, including~~
23 ~~telephonic communication and telephone conferencing, shall be used to circumvent the spirit or~~
24 ~~requirements of this chapter; provided, however, these meetings and discussions are not prohibited.~~

25 ~~(1) Provided, further however, that discussions of a public body via electronic~~
26 ~~communication, including telephonic communication and telephone conferencing, shall be~~
27 ~~permitted only to schedule a meeting.~~

28 ~~(2) Provided, further however, that a member of a public body may participate by use of~~
29 ~~electronic communication or telephone communication while on active duty in the armed services~~
30 ~~of the United States.~~

31 ~~(3) Provided, further however, that a member of that public body, who has a disability as~~
32 ~~defined in chapter 87 of title 42 and:~~

33 ~~(i) Cannot attend meetings of that public body solely by reason of his or her disability; and~~

34 ~~(ii) Cannot otherwise participate in the meeting without the use of electronic~~

1 ~~communication or telephone communication as reasonable accommodation, may participate by use~~
2 ~~of electronic communication or telephone communication in accordance with the process below.~~

3 ~~(4) The governor's commission on disabilities is authorized and directed to:~~

4 ~~(i) Establish rules and regulations for determining whether a member of a public body is~~
5 ~~not otherwise able to participate in meetings of that public body without the use of electronic~~
6 ~~communication or telephone communication as a reasonable accommodation due to that member's~~
7 ~~disability;~~

8 ~~(ii) Grant a waiver that allows a member to participate by electronic communication or~~
9 ~~telephone communication only if the member's disability would prevent him/her from being~~
10 ~~physically present at the meeting location, and the use of such communication is the only~~
11 ~~reasonable accommodation; and~~

12 ~~(iii) Any waiver decisions shall be a matter of public record.~~

13 ~~(e) This chapter shall not apply to proceedings of the judicial branch of state government~~
14 ~~or probate court or municipal court proceedings in any city or town.~~

15 ~~(d) This chapter shall not prohibit the removal of any person who willfully disrupts a~~
16 ~~meeting to the extent that orderly conduct of the meeting is seriously compromised.~~

17 **42-46-6. Notice. Notice. (Effective until July 1, 2023)**

18 (a) [Annual meeting calendar](#). All public bodies shall give written notice of their regularly
19 scheduled meetings at the beginning of each calendar year. The notice shall include the dates, times,
20 and places of the meetings and shall be provided to members of the public upon request and to the
21 secretary of state at the beginning of each calendar year in accordance with subsection (f).

22 (b) Public bodies shall give supplemental written public notice of any meeting within a
23 minimum of forty-eight (48) hours, excluding weekends and state holidays in the count of hours,
24 before the date. This notice shall include the date the notice was posted; the date, time, and place
25 of the meeting; [information on how to attend the meeting remotely and/or view the livestream, if](#)
26 [applicable](#); and a statement specifying the nature of the business to be discussed. Copies of the
27 notice shall be maintained by the public body for a minimum of one year. Nothing contained herein
28 shall prevent a public body, other than a school committee, from adding additional items to the
29 agenda by majority vote of the members. School committees may, however, add items for
30 informational purposes only, pursuant to a request, submitted in writing, by a member of the public
31 during the public comment session of the school committee's meetings. Said informational items
32 may not be voted upon unless they have been posted in accordance with the provisions of this
33 section. Such additional items shall be for informational purposes only and may not be voted on
34 except where necessary to address an unexpected occurrence that requires immediate action to

1 protect the public or to refer the matter 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 exists,
4 at the building in which the meeting is to be held, and in at least one other prominent place within
5 the governmental unit, and electronic filing of the notice with the secretary of state pursuant to
6 subsection (f); however, nothing contained herein shall prevent a public body from holding an
7 emergency meeting, upon an affirmative vote of the majority of the members of the body when the
8 meeting is deemed necessary to address an unexpected occurrence that requires immediate action
9 to protect the public. If an emergency meeting is called, a meeting notice and agenda shall be posted
10 as soon as practicable and shall be electronically filed with the secretary of state pursuant to
11 subsection (f) and, upon meeting, the public body shall state for the record and minutes why the
12 matter must be addressed in less than forty-eight (48) hours in accordance with subsection (b) of
13 this section and only discuss the issue or issues that created the need for an emergency meeting.
14 Nothing contained herein shall be used in the circumvention of the spirit and requirements of this
15 chapter.

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

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

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

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

34 (3) Upon meeting, the public body states for the record and minutes why the agenda items

1 could not have been added in time for newspaper publication and need to be addressed at the
2 meeting;

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

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

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

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

16 **42-46-7. ~~Minutes.~~ Minutes. (Effective until July 1, 2023)**

17 (a) All public bodies shall keep written minutes of all their meetings. The minutes shall
18 include, but need not be limited to:

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

20 (2) The members of the public body recorded as either present or absent, and for all
21 members of the public body who are present, record whether attendance is in person or remote via
22 electronic means;

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

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

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

33 (2) In addition to the provisions of subsection (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 meeting,
4 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 scheduled
6 meeting unless the majority of the body votes to keep the minutes closed pursuant to §§ 42-46-4
7 and 42-46-5.

8 (d) All public bodies shall keep official and/or approved minutes of all meetings of the
9 body and shall file a copy of the minutes of all open meetings with the secretary of state for
10 inspection by the public within thirty-five (35) days of the meeting; provided that this subsection
11 shall not apply to public bodies whose responsibilities are solely advisory in nature.

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

17 SECTION 2. Chapter 42-46 of the General Laws entitled "Open Meetings" is hereby
18 amended by adding thereto the following sections:

19 **42-46-15. Virtual participation in open meetings by members of the public body.**
20 **(Effective until July 1, 2023).**

21 (a) Members of public bodies may participate in public meetings by virtual means through
22 telephone or audio/video conferencing and such members shall be included in the quorum.

23 (b) Public bodies shall not deny any person including a member of the public body the
24 ability to participate remotely in a meeting for any reason.

25 **42-46-16. Livestreaming of meetings and virtual public access. (Effective until July 1,**
26 **2023).**

27 All meetings subject to this chapter, whether held as an in-person meeting, hybrid meeting
28 or all-virtual meeting, that are required to be public pursuant to this chapter shall be accessible to
29 the public through adequate, alternative means of public access, that:

30 (1) Are offered to the public without subscription, toll, or similar charge to the public;

31 (2) Enable the public to clearly follow the proceedings of the public body in real time;

32 (3) Allow members of the public to provide live testimony or public comment through
33 virtual means; and

34 (4) Ensure that any party entitled or required to appear before it, shall be able to do so

1 [remotely.](#)

2 **42-46-17. Use of electronic communications by and between members of public**
3 **bodies. (Effective until July 1, 2023).**

4 [The use of electronic communication, including telephonic, text, email, facsimile,](#)
5 [teleconferencing, instant messaging, social networking/media, or similar means of communications](#)
6 [shall not be used by any member of a public body to circumvent the spirit or requirement of this](#)
7 [chapter; provided, that electronic communication may be used to:](#)

- 8 [\(1\) Participate in a meeting by virtual means as may be permitted by this chapter; and](#)
9 [\(2\) Schedule a meeting or determine the availability of members of a public body for the](#)
10 [purpose of conducting a meeting under this chapter.](#)

11 **42-46-18. Exclusion of judiciary. (Effective until July 1, 2023).**

12 [This chapter shall not apply to proceedings of the judicial branch of state government or](#)
13 [probate court or municipal court proceedings in any city or town.](#)

14 **42-46-19. Disruptive conduct. (Effective until July 1, 2023).**

15 [This chapter shall not prohibit the removal of any person who willfully disrupts a meeting](#)
16 [to the extent that orderly conduct of the meeting is seriously compromised.](#)

17 **42-46-20. Sunset.**

18 [The provisions and requirements of §§ 42-46-2, 42-46-3, 42-46-5, 42-46-6, 42-46-7, 42-](#)
19 [46-15, 42-46-16, 42-46-17, 42-46-18 and 42-46-19 shall expire on July 1, 2023.](#)

20 SECTION 3. Chapter 42-46 of the General Laws entitled "Open Meetings" is hereby
21 amended by adding thereto the following sections:

22 **42-46-2.1. Definitions. (Effective July 1, 2023)**

23 [As used in this chapter:](#)

24 [\(1\) "Meeting" means the convening of a public body to discuss and/or act upon a matter](#)
25 [over which the public body has supervision, control, jurisdiction, or advisory power. As used](#)
26 [herein, the term "meeting" expressly includes, without limiting the generality of the foregoing, so-](#)
27 [called "workshop," "working," or "work" sessions.](#)

28 [\(2\) "Open call" means a public announcement by the chairperson of the committee that the](#)
29 [meeting is going to be held in executive session and the chairperson must indicate which exception](#)
30 [of § 42-46-5 is being invoked.](#)

31 [\(3\) "Open forum" means the designated portion of an open meeting, if any, on a properly](#)
32 [posted notice reserved for citizens to address comments to a public body relating to matters](#)
33 [affecting the public business.](#)

34 [\(4\) "Prevailing plaintiff" includes those persons and entities deemed "prevailing parties"](#)

1 pursuant to 42 U.S.C. § 1988.

2 (5) "Public body" means any department, agency, commission, committee, board, council,
3 bureau, or authority, or any subdivision thereof, of state or municipal government or the board of
4 directors of any library that is funded at least twenty-five percent (25%) of its operational budget
5 in the prior budget year with public funds, and shall include all authorities defined in § 42-35-1.
6 For purposes of this section, any political party, organization, or unit thereof meeting or convening
7 is not and should not be considered to be a public body; provided, however, that no such meeting
8 shall be used to circumvent the requirements of this chapter.

9 (6) "Quorum," unless otherwise defined by applicable law, means a simple majority of the
10 membership of a public body.

11 **42-46-3.1. Open meetings. (Effective July 1, 2023)**

12 Every meeting of all public bodies shall be open to the public unless closed pursuant to §§
13 42-46-4 and 42-46-5.1.

14 **42-46-5.1. Purposes for which meeting may be closed - Use of electronic**
15 **communications - Judicial proceedings - Disruptive conduct. (Effective July 1, 2023)**

16 (a) A public body may hold a meeting closed to the public pursuant to § 42-46-4 for one
17 or more of the following purposes:

18 (1) Any discussions of the job performance, character, or physical or mental health of a
19 person or persons; provided, that such person or persons affected shall have been notified in
20 advance in writing and advised that they may require that the discussion be held at an open meeting.

21 Failure to provide such notification shall render any action taken against the person or
22 persons affected null and void. Before going into a closed meeting pursuant to this subsection, the
23 public body shall state for the record that any persons to be discussed have been so notified and
24 this statement shall be noted in the minutes of the meeting;

25 (2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to
26 collective bargaining or litigation;

27 (3) Discussion regarding the matter of security including, but not limited to, the deployment
28 of security personnel or devices;

29 (4) Any investigative proceedings regarding allegations of misconduct, either civil or
30 criminal;

31 (5) Any discussions or considerations related to the acquisition or lease of real property for
32 public purposes, or of the disposition of publicly held property wherein advanced public
33 information would be detrimental to the interest of the public;

34 (6) Any discussions related to or concerning a prospective business or industry locating in

1 the state of Rhode Island when an open meeting would have a detrimental effect on the interest of
2 the public;

3 (7) A matter related to the question of the investment of public funds where the premature
4 disclosure would adversely affect the public interest. Public funds shall include any investment
5 plan or matter related thereto, including, but not limited to, state lottery plans for new promotions;

6 (8) Any executive sessions of a local school committee exclusively for the purposes:

7 (i) Of conducting student disciplinary hearings; or

8 (ii) Of reviewing other matters which relate to the privacy of students and their records,
9 including all hearings of the various juvenile hearing boards of any municipality; provided,
10 however, that any affected student shall have been notified in advance in writing and advised that
11 he or she may require that the discussion be held in an open meeting.

12 Failure to provide such notification shall render any action taken against the student or
13 students affected null and void. Before going into a closed meeting pursuant to this subsection, the
14 public body shall state for the record that any students to be discussed have been so notified and
15 this statement shall be noted in the minutes of the meeting;

16 (9) Any hearings on, or discussions of, a grievance filed pursuant to a collective bargaining
17 agreement; or

18 (10) Any discussion of the personal finances of a prospective donor to a library.

19 (b) No meeting of members of a public body or use of electronic communication, including
20 telephonic communication and telephone conferencing, shall be used to circumvent the spirit or
21 requirements of this chapter; provided, however, these meetings and discussions are not prohibited.

22 (1) Provided, further however, that discussions of a public body via electronic
23 communication, including telephonic communication and telephone conferencing, shall be
24 permitted only to schedule a meeting.

25 (2) Provided, further however, that a member of a public body may participate by use of
26 electronic communication or telephone communication while on active duty in the armed services
27 of the United States.

28 (3) Provided, further however, that a member of that public body, who has a disability as
29 defined in chapter 87 of title 42 and:

30 (i) Cannot attend meetings of that public body solely by reason of his or her disability; and

31 (ii) Cannot otherwise participate in the meeting without the use of electronic
32 communication or telephone communication as reasonable accommodation, may participate by use
33 of electronic communication or telephone communication in accordance with the process stated in
34 § 42-46-5.1(b)(4).

1 (4) The governor's commission on disabilities is authorized and directed to:

2 (i) Establish rules and regulations for determining whether a member of a public body is
3 not otherwise able to participate in meetings of that public body without the use of electronic
4 communication or telephone communication as a reasonable accommodation due to that member's
5 disability;

6 (ii) Grant a waiver that allows a member to participate by electronic communication or
7 telephone communication only if the member's disability would prevent him or her from being
8 physically present at the meeting location, and the use of such communication is the only
9 reasonable accommodation; and

10 (iii) Any waiver decisions shall be a matter of public record.

11 (c) This chapter shall not apply to proceedings of the judicial branch of state government
12 or probate court or municipal court proceedings in any city or town.

13 (d) This chapter shall not prohibit the removal of any person who willfully disrupts a
14 meeting to the extent that orderly conduct of the meeting is seriously compromised.

15 **42-46-6.1. Notice. (Effective July 1, 2023)**

16 (a) All public bodies shall give written notice of their regularly scheduled meetings at the
17 beginning of each calendar year. The notice shall include the dates, times, and places of the
18 meetings and shall be provided to members of the public upon request and to the secretary of state
19 at the beginning of each calendar year in accordance with subsection (f) of this section.

20 (b) Public bodies shall give supplemental written public notice of any meeting within a
21 minimum of forty-eight (48) hours, excluding weekends and state holidays in the count of hours,
22 before the date. This notice shall include the date the notice was posted; the date, time, and place
23 of the meeting; and a statement specifying the nature of the business to be discussed. Copies of the
24 notice shall be maintained by the public body for a minimum of one year. Nothing contained herein
25 shall prevent a public body, other than a school committee, from adding additional items to the
26 agenda by majority vote of the members. School committees may, however, add items for
27 informational purposes only, pursuant to a request, submitted in writing, by a member of the public
28 during the public comment session of the school committee's meetings. Said informational items
29 may not be voted upon unless they have been posted in accordance with the provisions of this
30 section. Such additional items shall be for informational purposes only and may not be voted on
31 except where necessary to address an unexpected occurrence that requires immediate action to
32 protect the public or to refer the matter to an appropriate committee or to another body or official.

33 (c) Written public notice shall include, but need not be limited to, posting a copy of the
34 notice at the principal office of the public body holding the meeting, or if no principal office exists,

1 at the building in which the meeting is to be held, and in at least one other prominent place within
2 the governmental unit, and electronic filing of the notice with the secretary of state pursuant to
3 subsection (f) of this section; however, nothing contained herein shall prevent a public body from
4 holding an emergency meeting, upon an affirmative vote of the majority of the members of the
5 body when the meeting is deemed necessary to address an unexpected occurrence that requires
6 immediate action to protect the public. If an emergency meeting is called, a meeting notice and
7 agenda shall be posted as soon as practicable and shall be electronically filed with the secretary of
8 state pursuant to subsection (f) of this section and, upon meeting, the public body shall state for the
9 record and minutes why the matter must be addressed in less than forty-eight (48) hours in
10 accordance with subsection (b) of this section and only discuss the issue or issues that created the
11 need for an emergency meeting. Nothing contained herein shall be used in the circumvention of the
12 spirit and requirements of this chapter.

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

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

25 (1) The revised agenda is electronically filed with the secretary of state pursuant to
26 subsection (f) of this section, and is posted on the school district's website and the two (2) public
27 locations required by this section at least forty-eight (48) hours in advance of the meeting in
28 accordance with subsection (b) of this section;

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

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

34 (4) A formal process is available to provide timely notice of the revised agenda to any

1 person who has requested that notice, and the school district has taken reasonable steps to make the
2 public aware of this process; and

3 (5) The published notice shall include a statement that any changes in the agenda will be
4 posted on the school district's website and the two (2) public locations required by this section and
5 will be electronically filed with the secretary of state at least forty-eight (48) hours in advance of
6 the meeting in accordance with subsection (b) of this section.

7 (f) All notices required by this section to be filed with the secretary of state shall be
8 electronically transmitted to the secretary of state in accordance with rules and regulations that shall
9 be promulgated by the secretary of state. This requirement of the electronic transmission and filing
10 of notices with the secretary of state shall take effect one year after this subsection takes effect.

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

13 **42-46-7.1. Minutes. (Effective July 1, 2023)**

14 (a) All public bodies shall keep written minutes of all their meetings. The minutes shall
15 include, but need not be limited to:

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

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

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

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

21 (b)(1) A record of all votes taken at all meetings of public bodies, listing how each member
22 voted on each issue, shall be a public record and shall be available to the public at the office of the
23 public body within two (2) weeks of the date of the vote. The minutes shall be public records and
24 unofficial minutes shall be available to the public at the office of the public body within thirty-five
25 (35) days of the meeting or at the next regularly scheduled meeting, whichever is earlier, except
26 where the disclosure would be inconsistent with §§ 42-46-4 and 42-46-5.1 or where the public body
27 by majority vote extends the time period for the filing of the minutes and publicly states the reason.

28 (2) In addition to the provisions of subsection (b)(1) of this section, all volunteer fire
29 companies, associations, fire district companies, or any other organization currently engaged in the
30 mission of extinguishing fires and preventing fire hazards, whether it is incorporated or not, and
31 whether it is a paid department or not, shall post unofficial minutes of their meetings within twenty-
32 one (21) days of the meeting, but not later than seven (7) days prior to the next regularly scheduled
33 meeting, whichever is earlier, on the secretary of state's website.

34 (c) The minutes of a closed session shall be made available at the next regularly scheduled

1 meeting unless the majority of the body votes to keep the minutes closed pursuant to §§ 42-46-4
2 and 42-46-5.1.

3 (d) All public bodies shall keep official and/or approved minutes of all meetings of the
4 body and shall file a copy of the minutes of all open meetings with the secretary of state for
5 inspection by the public within thirty-five (35) days of the meeting; provided, that this subsection
6 shall not apply to public bodies whose responsibilities are solely advisory in nature.

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

12 SECTION 4. This act shall take effect upon passage.

=====
LC002033
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS

1 This act would amend the "open meetings act" to allow virtual meetings and participation
2 by electronic communication until July 1, 2023. The amendments would sunset on July 1, 2023.
3 The current substantive provisions of the "open meetings act" would be adopted and effective on
4 July 1, 2023

5 This act would take effect upon passage.

=====
LC002033
=====