

Access 2015

Rhode Island General Assembly



Nellie M. Gorbea
Secretary of State



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Dear Rhode Islander,

It is my belief that government can and must be effective, transparent, and accountable to the people it serves in order to succeed. Part of this transparency comes with the general public having access to and information about meetings in our government. Therefore, I am pleased to present the **2015 Access Report** which measures the General Assembly's compliance with our state's Open Meetings Act (R.I.G.L. 42-46).

The state's Open Meetings Act requires all government bodies to inform the public of their intent to meet at least 48 hours in advance of their meeting. The law also requires that the government provide an agenda for the meeting as part of its notice. Although the House of Representatives and Senate are not subject to the Open Meetings Act, the Department of State reports on their efforts to keep the general public informed of their activities.

This year you will see that the General Assembly continues to see improvement in their compliance numbers. In 2015, the General Assembly held a total of 489 meetings. The General Assembly's compliance with the Open Meetings Act in 2015 was 95 percent, up from 94 percent in 2014, and 93 percent in 2013. This is a marked improvement from the first Access Report back in 1997, drafted by then Secretary Langevin. Compliance by the House in 2015 was 91 percent. Compliance by the Senate was 99 percent last year. In 2015, a total of 23 committee meetings, out of 489, were held in violation of the Open Meetings Act.

The legislature's capacity to give the public at least 48 hours notice as the year winds down is constrained by the compressed timeframe and the volume of bills that must be addressed. Similar to past years, all meeting violations occurred after the House and Senate suspended their rules on June 18, 2015. (For a copy of these rules go to sos.ri.gov.)

Ensuring full transparency in government for all stakeholders is one of the Department of State's primary responsibilities. As your Secretary of State, I am firmly committed to empowering a better-informed citizenry through easily accessible and well-organized information.

For more information on how the Department of State can help you be an engaged Rhode Islander, visit sos.ri.gov. You can also send me your questions and suggestions at SecretaryGorbea@sos.ri.gov.

Together we can help Rhode Island continue improve and move forward.

With sincere regards,

A handwritten signature in black ink, appearing to read 'Nellie M. Gorbea', written in a cursive style.

Nellie M. Gorbea
Secretary of State



Glossary

Addition	An addition to a previously posted agenda, usually involving the inclusion of new bills to be heard.
Appointments	A meeting in which the committee considered executive appointments.
Letter = Letter of the Law	Notices that are posted less than 48 hours / 2 days before the date of the committee meeting violate the letter of the law. (Rhode Island General Laws 42-46-6.)
Notice	Each separate document posted by a standing or joint committee of the General Assembly. This includes additions and time/date/place changes, but not corrections or cancellations.
Organizational	The first meeting held by a committee to set up its procedures.
Spirit = Spirit of the Law	Notices that have more than one hearing date/time listed or give no specific hearing date or have unreasonably long agendas violate the spirit of the law.
Recess	A brief break in the legislative session during which committee business can be undertaken.
Revision	A revision made to a previously posted notice.
Rise	An expression used to indicate the end of the day when all the members stand to end the session.
Violations	Committee meeting notices that violate the letter and/or spirit of the law.

Methodology

Compliance Formula

The number of meetings held in violation by a committee was divided by the total number of meetings held by that committee, and that figure was then multiplied by 100 to get the percentage of meetings that were in violation. The percentage of meetings held in violation was then subtracted from 100% to get the percentage of meetings by the committee that were in compliance with the law. Here is an example: A committee held 25 meetings and 1 of those meetings was in violation. $1/25 = .04 \times 100 = 4\%$ of the meetings were in violation. 4% subtracted from $100\% = 96\%$ of the meetings were in compliance with the law.

Percentages and Grading

Compliance percentages are rounded to the nearest tenth of a percent.



House Standing Committees

House Corporations

27 Meetings. 4 Meetings in Violation. 60 Total Notices.

Grades	2015	2014
Letter of the Law:	85%	92%
Spirit of the Law:	100%	100%

Meetings in Violation

60 Total Notices. 6 Letter Violations. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 23 (Addition II)	3:45 P.M.	13 bills	Letter
June 24	3:30 P.M.	6 bills	Letter
June 25	3:30 P.M.	6 bills	Letter
June 25	8:30 P.M.	2 bills	Letter
June 25 (Addition I)	8:30 P.M.	3 bills	Letter
June 25 (Addition II)	8:30 P.M.	5 bills	Letter

House Environment and Natural Resources

17 Meetings. 1 Meeting in Violation. 26 Total Notices.

Grades	2015	2014
Letter of the Law:	94%	92%
Spirit of the Law:	100%	100%

Meetings in Violation

26 Total Notices. 2 Letter Violations. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 24	3:45 P.M.	2 bills	Letter
June 24 (Addition I)	3:45 P.M.	3 bills	Letter



House Finance

62 Meetings. 4 Meetings in Violation. 85 Total Notices.

Grades	2015	2014
Letter of the Law:	94%	92%
Spirit of the Law:	100%	100%

Meetings in Violation

85 Total Notices. 4 Letter Violations. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 22 (Addition I)	3:00 P.M.	30 bills	Letter
June 24	2:30 P.M.	16 bills	Letter
June 25	3:00 P.M.	6 bills	Letter
June 25	8:30 P.M.	3 bills	Letter

House Health, Education and Welfare

27 Meetings. 4 Meetings in Violation. 45 Total Notices.

Grades	2015	2014
Letter of the Law:	85%	88%
Spirit of the Law:	100%	100%

Meetings in Violation

45 Total Notices. 6 Letter Violations. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 23 (Addition I)	3:00 P.M.	18 bills	Letter
June 24	3:00 P.M.	7 bills	Letter
June 24 (Addition I)	3:00 P.M.	9 bills	Letter
June 25	3:00 P.M.	8 bills	Letter
June 25 (Addition I)	3:00 P.M.	9 bills	Letter
June 25	8:30 P.M.	1 bill	Letter



House Judiciary

33 Meetings. 4 Meetings in Violation. 60 Total Notices.

Grades	2015	2014
Letter of the Law:	88%	88%
Spirit of the Law:	100%	100%

Meetings in Violation

60 Total Notices. 6 Letter Violations. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 23 (Addition I)	3:00 P.M.	10 bills	Letter
June 23 (Addition II)	3:00 P.M.	11 bills	Letter
June 24	3:00 P.M.	5 bills	Letter
June 24 (Addition I)	3:00 P.M.	6 bills	Letter
June 25	3:30 P.M.	6 bills	Letter
June 25	8:30 P.M.	2 bills	Letter

House Labor

18 Meetings. 2 Meetings in Violation. 29 Total Notices.

Grades	2015	2014
Letter of the Law:	89%	82%
Spirit of the Law:	100%	100%

Meetings in Violation

29 Total Notices. 3 Letter Violations. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 25	4:00 P.M.	1 bill	Letter
June 25 (Addition I)	4:00 P.M.	3 bills	Letter
June 25	8:30 P.M.	2 bills	Letter



House Municipal Government

22 Meetings. 3 Meetings in Violation. 41 Total Notices.

Grades	2015	2014
Letter of the Law:	86%	87%
Spirit of the Law:	100%	100%

Meetings in Violation

41 Total Notices. 5 Letter Violations. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 23 (Addition I)	3:30 P.M.	8 bills	Letter
June 24	3:30 P.M.	3 bills	Letter
June 25	3:30 P.M.	4 bills	Letter
June 25 (Addition I)	3:30 P.M.	5 bills	Letter
June 25 (Addition II)	3:30 P.M.	7 bills	Letter

House Oversight

6 Meetings. 0 Meetings in Violation. 7 Total Notices.

Grades	2015	2014
Letter of the Law:	100%	100%
Spirit of the Law:	100%	100%

House Rules

2 Meeting. 0 Meetings in Violation. 2 Total Notices.

Grades	2015	2014
Letter of the Law:	100%	100%
Spirit of the Law:	100%	100%

House Small Business

8 Meetings. 0 Meetings in Violation. 13 Total Notices.

Grades	2015	2014
Letter of the Law:	100%	93%
Spirit of the Law:	100%	100%



House Veterans' Affairs

15 Meetings. 0 Meetings in Violation. 20 Total Notices.

Grades	2015	2014
Letter of the Law:	100%	96%
Spirit of the Law:	100%	100%

Average Compliance for House Standing Committees

Meetings

237 Meetings. 22 Meetings in Violation. 334 Total Notices.

Grades	2015	2014
Letter of the Law:	91%	91%
Spirit of the Law:	100%	100%

Meetings in Violation

334 Meeting Notices. 32 Letter Violations. 0 Spirit Violations.



Senate Standing Committees

Senate Commerce

31 Meetings. 0 Meetings in Violation. 50 Total Notices.

Grades	2015	2014
Letter of the Law:	100%	96%
Spirit of the Law:	100%	100%

Senate Education

15 Meetings. 0 Meetings in Violation. 22 Total Notices.

Grades	2015	2014
Letter of the Law:	100%	95%
Spirit of the Law:	100%	100%

Senate Environment and Agriculture

18 Meetings. 0 Meetings in Violation. 25 Total Notices.

Grades	2015	2014
Letter of the Law:	100%	100%
Spirit of the Law:	100%	100%

Senate Finance

55 Meetings. 0 Meetings in Violation. 66 Total Notices.

Grades	2015	2014
Letter of the Law:	100%	97%
Spirit of the Law:	100%	100%



Senate Government Oversight

10 Meetings. 0 Meetings in Violation. 13 Total Notices.

Grades	2015	2014
Letter of the Law:	100%	100%
Spirit of the Law:	100%	100%

Senate Health and Human Services

36 Meetings. 0 Meetings in Violation. 46 Total Notices.

Grades	2015	2014
Letter of the Law:	100%	97%
Spirit of the Law:	100%	100%

Senate Housing and Municipal Government

12 Meetings. 0 Meetings in Violation. 14 Total Notices.

Grades	2015	2014
Letter of the Law:	100%	100%
Spirit of the Law:	100%	100%

Senate Judiciary

39 Meetings. 1 Meeting in Violation. 53 Total Notices.

Grades	2015	2014
Letter of the Law:	97%	95%
Spirit of the Law:	100%	100%

Meetings in Violation

53 Meeting Notices. 1 Letter Violation. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 24	5:00 P.M.	1 bill	Letter



Senate Labor

14 Meetings. 0 Meetings in Violation. 19 Total Notices.

Grades	2015	2014
Letter of the Law:	100%	100%
Spirit of the Law:	100%	100%

Senate Rules

1 Meetings. 0 Meetings in Violation. 1 Total Notice.

Grades	2015	2014
Letter of the Law:	100%	100%
Spirit of the Law:	100%	100%

Senate Special Legislation And Veterans Affairs

15 Meetings. 0 Meetings in Violation. 20 Total Notices.

Grades	2015	2014
Letter of the Law:	100%	100%
Spirit of the Law:	100%	100%

Average Compliance by Senate Standing Committees

246 Meetings. 1 Meeting in Violation. 329 Total Notices.

Grades	2015	2014
Letter of the Law:	99%	97%
Spirit of the Law:	100%	100%

Meetings in Violation

329 Meeting Notices. 1 Letter Violation. 0 Spirit Violations.



Joint Committees

Permanent Joint Committee On State Lottery

6 Meetings. 0 Meetings in Violation. 8 Total Notices.

Grades	2015	2014
Letter of the Law:	100%	100%
Spirit of the Law:	100%	100%

Average Compliance for Joint Committees

6 Meetings. 0 Meetings in Violation. 8 Total Notices

Grades	2015	2014
Letter of the Law:	100%	100%
Spirit of the Law:	100%	100%

Average Compliance for All Committees

489 Meetings. 23 Meetings in Violation. 671 Total Notices.

Grades	2015	2014
Letter of the Law:	95%	94%
Spirit of the Law:	100%	100%

Meetings in Violation

33 Letter Violations. 0 Spirit Violations.



The Rules of the House of Representatives and the Rules of the Senate pertaining to public meeting notices.

2015 Resolution 63

House Resolution Adopting Rules of The House of Representatives for the years 2015-2016

Rules Pertaining to Committees

(12)(c) The Chair of every committee shall post, in print and electronically, at least forty-eight (48) hours prior to any committee meeting, a list by number and title of the bills and resolutions to be heard at that meeting. Such postings shall be made electronically and on the Legislative Data Bulletin Board. The electronic posting shall be considered the official date of the posting. In the event that the electronic posting system is inoperable then the official posting shall be posted on the Legislative Data Bulletin Board. The Chair shall limit such listings to the number of bills or resolutions he or she reasonably expects can be taken up by the committee at that meeting. Any bill or resolution so posted which the committee is not able to take up at the stated meeting must be re-posted as stated above. Such postings shall be made electronically, and on the Legislative Data bulletin board. Copies of all posted bills or resolutions shall be provided in print or electronically to all committee members and principal sponsors. A committee shall not hear any said bill or resolution without such notice except by the consent of a majority of its members and with at least one (1) day's notification to the principal House sponsor. The sponsor may, however, waive such one-day notification. The time requirements of this section shall not apply to House bills returned from the Senate with amendment, or, after the 50th legislative day (May 20, 2015 (for the 2015 session) and May 11, 2016 (for the 2016 session), to any bill originating in the Senate. (*Note: The House suspended Rule 12(c) on June 18, 2015 at 7:45 P.M.)



2015 Resolution 81

Senate Resolution Adopting The Rules of The Senate

SECTION 6 PROCEEDINGS IN COMMITTEE

6.1 Time for Committee Meetings.

The president of the senate, in consultation with the chairs, shall establish regular calendar days and times for the meetings of all standing committees. The committee chair may call such other meetings as may be required to conduct the business of the committee.

6.2 Committee Agenda -- Posting.

At least forty-eight (48) hours before any standing committee meeting, a committee agenda containing the number, title and a short explanation of each bill to be considered must be placed on the bulletin boards provided for such agenda. The rule shall not apply to bills previously passed by the senate and amended by the house. There shall be at least two (2) bulletin boards for such posting, at least one (1) of which shall be for the public's use and shall be under the control of and situated at the main entrance to the state library. There shall also be at least one (1) bulletin board for the exclusive use of the senators which shall be situated in a convenient location. (*Note: The Senate suspended Rule 6.2 on June 18, 2015 at 5:15 P.M.)



The General Laws of Rhode Island

Rhode Island General Law 42-46-6. Notice.

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

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

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

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

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

(1) The revised agenda is electronically filed with the secretary of state pursuant to subsection (f), and is



posted on the school district's website and the two (2) public locations required by this section at least forty-eight (48) hours in advance of the meeting;

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

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

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

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

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

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

(G.L. 1956, 42-46-6; P.L. 1976, ch. 330, 2; P.L. 1981, ch. 182, 1; P.L. 1984, ch. 372, 1; P.L. 1988, ch. 659, 1; P.L. 1998, ch. 379, 1; P.L. 2001, ch. 360, 1; P.L. 2003, ch. 305, 1; P.L. 2003, ch. 362, 1; P.L. 2006, ch. 328, 1; P.L. 2006, ch. 453, 1; P.L. 2006, ch. 458, 1; P.L. 2011, ch. 151, art. 12, 1.)