



Access 2008

Rhode Island General Assembly



Senate Chamber



House of Representatives Chamber

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February 2009

Dear Rhode Islander:

I am pleased to issue the “Access 2008” report. Introduced by former Secretary of State Jim Langevin in 1997, the annual Access reports document how the General Assembly’s legislative meetings process compares to the requirements of the state’s Open Meetings law.

The intent of the Open Meetings law is expressed in R.I. General Law 42-46-1: “It is essential to the maintenance of a democratic society that public business be performed in a open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy.”

My priority is to use technology to make government more open and accessible. The way people receive information has changed dramatically since the Access report was conceived. The General Assembly, which did not even have a website in 1997, now posts its meeting notices online. That simple improvement has enhanced the public’s access to its work.

This Access report uses letter grades that are familiar to all of us. Two categories of compliance were evaluated: Letter of the Law and Spirit of the Law. The former measures technical compliance with the state's Open Meetings law and the latter is an attempt to measure the intent of the General Assembly.

To their credit, the House and the Senate made more than a good-faith effort to keep the public apprised of their work last year, even though compliance with the Open Meetings law is completely voluntary on their part. Overall, both chambers of the General Assembly continued their commendable performance in 2008.

Among the highlights are:

- The House’s Letter-of-the-Law compliance rose to 87 percent
- Senate’s Letter-of-the-Law compliance held steady at 90 percent
- Both chambers achieved 100 percent compliance with the Spirit of the Law

The more people know about their government, the better it will serve them. The results documented in this report show our efforts are making a difference.

Sincerely,



A. Ralph Mollis
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. Letter grades are assigned as follows: **A** is compliance of 90% and above; **B** is 80% to 89%; **C** is 70% to 79%; **D** is 60% to 69% and **F** is anything below 60%.

House Standing Committees

House Constituent Services

Meetings

10 Meetings Total. 1 Meeting in Violation.

Grades	2008	2007
Letter of the Law	A (90%)	C (73%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

11 Total Notices. 1 Letter Violation. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 21	Recess	2 bills	Letter

House Corporations

Meetings

27 Meetings Total. 4 Meetings in Violation.

Grades	2008	2007
Letter of the Law	B (85%)	B (80%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

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

Date of Meeting	Time	Agenda	Type of Violation
June 17 (Addition II)	Rise	2 bills	Letter
June 20 (Addition II)	Rise	2 bills	Letter
June 20	Recess	1 bill	Letter
June 21	Recess	1 bill	Letter

House Environment and Natural Resources

Meetings

12 Meetings Total. 3 Meetings in Violation.

Grades	2008	2007
Letter of the Law	C (75%)	B (84%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

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

Date of Meeting	Time	Agenda	Type of Violation
June 17 (Addition I)	Rise	1 bill	Letter
June 20 (Addition I)	Recess	1 bill	Letter
June 21 (Addition I)	Recess	1 bill	Letter

House Finance

Meetings

91 Meetings Total. 6 Meetings in Violation.

Grades	2008	2007
Letter of the Law	A (94%)	A (94%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

191 Total Notices. 12 Letter Violations. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 17 (Addition II)	Rise	1 bill	Letter
June 17 (Addition III)	Rise	2 bills	Letter
June 17 (Addition IV)	Rise	1 bill	Letter
June 19	2:00 P.M.	14 bills	Letter
June 19 (Addition I)	2:00 P.M.	4 bills	Letter
June 20 (Addition III)	Recess	2 bills	Letter
June 20 (Addition IV)	Recess	4 bills	Letter
June 21	Recess	1 bill	Letter
June 21 (Addition I)	Recess	1 bill	Letter
June 21 (Addition II)	Recess	2 bills	Letter
June 21 (Addition III)	Recess	1 bill	Letter
June 21	12:00 A.M.	1 bill	Letter

House Health, Education and Welfare

Meetings

21 Meetings Total. 4 Meetings in Violation.

Grades	2008	2007
Letter of the Law	B (81%)	B (81%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

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

Date of Meeting	Time	Agenda	Type of Violation
April 8 (Addition II)	Rise	1 bill	Letter
June 19	2:00 P.M.	4 bills	Letter
June 20	2:00 P.M.	2 bills	Letter
June 20	Recess	2 bills	Letter

House Judiciary

Meetings

24 Meetings Total. 5 Meetings in Violation.

Grades	2008	2007
Letter of the Law	B (80%)	C (75%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

49 Total Notices. 14 Letter Violations. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 17 (Addition I)	Rise	1 bill	Letter
June 17 (Addition II)	Rise	1 bill	Letter
June 17 (Addition III)	Rise	1 bill	Letter
June 19	2:00 P.M.	19 bills	Letter
June 19 (Addition II)	2:00 P.M.	1 bill	Letter
June 20	2:00 P.M.	12 bills	Letter
June 20 (Addition II)	Recess	1 bill	Letter
June 20 (Addition III)	Recess	1 bill	Letter
June 20 (Addition IV)	Recess	1 bill	Letter
June 20 (Addition V)	Recess	4 bills	Letter
June 20 (Addition VI)	Recess	1 bill	Letter
June 21	Recess	4 bills	Letter
June 21 (Addition I)	Recess	1 bill	Letter
June 21 (Addition II)	Recess	1 bill	Letter

House Labor

Meetings

14 Meetings Total. 2 Meetings in Violation.

Grades	2008	2007
Letter of the Law	B (86%)	B (82%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

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

Date of Meeting	Time	Agenda	Type of Violation
June 20	2:00 P.M.	2 bills	Letter
June 21	Recess	1 bill	Letter

House Municipal Government

Meetings

14 Meetings Total. 4 Meetings in Violation.

Grades	2008	2007
Letter of the Law	C (72%)	C (75%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

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

Date of Meeting	Time	Agenda	Type of Violation
June 3 (Addition I)	6:30 P.M.	1 bill	Letter
June 17 (Addition I)	Rise	1 bill	Letter
June 17 (Addition II)	Rise	1 bill	Letter
June 19	2:00 P.M.	8 bills	Letter
June 20	2:00 P.M.	12 bills	Letter

House Rules

Meetings

1 Meeting Total. 0 Meetings in Violation.

Grades	2008	2007
Letter of the Law	A (100%)	A (100%)
Spirit of the Law	A (100%)	A (100%)

House Separation of Powers

Meetings

6 Meetings Total. 2 Meetings in Violation.

Grades	2008	2007
Letter of the Law	D (67%)	D (60%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

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

Date of Meeting	Time	Agenda	Type of Violation
June 19	2:45 P.M.	1 bill	Letter
June 21	Recess	1 bill	Letter

House Veterans' Affairs

Meetings

11 Meetings Total. No Meetings in Violation.

Grades	2008	2007
Letter of the Law	A (100%)	A (100%)
Spirit of the Law	A (100%)	A (100%)

Average Compliance for House Standing Committees

Meetings

231 Meetings Total. 31 Meetings in Violation.

Grades	2008	2007
Letter of the Law	B (87%)	B (86%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

408 Total Notices. 47 Letter Violations. 0 Spirit Violations.

Senate Standing Committees

Senate Constitutional and Regulatory Issues

Meetings

16 Meetings Total. 3 Meetings in Violation.

Grades	2008	2007
Letter of the Law	B (82%)	C (75%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

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

Date of Meeting	Time	Agenda	Type of Violation
June 18 (Addition II)	Rise	1 bill	Letter
June 18 (Addition III)	Rise	1 bill:	Letter
June 19	5:00 P.M.	2 bills	Letter
June 21	3:00 P.M.	3 bills	Letter

Senate Corporations

Meetings

17 Meetings Total. 2 Meetings in Violation.

Grades	2008	2007
Letter of the Law	B (89%)	A (91%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

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

Date of Meeting	Time	Agenda	Type of Violation
June 19 (Addition I)	Rise	1 bill	Letter
June 21	8:00 P.M.	2 bills	Letter

Senate Education

Meetings

11 Meetings Total. 2 Meetings in Violation.

Grades	2008	2007
Letter of the Law	B (82%)	C (75%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

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

Date of Meeting	Time	Agenda	Type of Violation
June 19 (Addition I)	3:30 P.M.	2 bills	Letter
June 20	Rise	1 bill	Letter

Senate Environment and Agriculture

Meetings

16 Meetings Total. 1 Meeting in Violation.

Grades	2008	2007
Letter of the Law	A (94%)	A (90%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

18 Total Notices. 1 Letter Violation. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 19	3:30 P.M.	2 bills	Letter

Senate Finance

Meetings

35 Meetings Total. 4 Meetings in Violation.

Grades	2008	2007
Letter of the Law	B (89%)	A (91%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

52 Total Notices. 10 Letter Violations. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 18	3:30 P.M.	7 bills	Letter
June 18 (Addition I)	3:30 P.M.	1 bill	Letter
June 19	Rise	1 bill	Letter
June 19 (Addition I)	Rise	5 bills	Letter
June 19 (Addition II)	Rise	2 bills	Letter
June 19 (Addition III)	Rise	12 bills	Letter
June 20	Rise	1 bill	Letter
June 20 (Addition I)	Rise	2 bills	Letter
June 20 (Addition II)	Rise	3 bills	Letter
June 21	11:00 A.M.	3 bills	Letter

Senate Government Oversight

Meetings

15 Meetings Total. 0 Meetings in Violation.

Grades	2008	2007
Letter of the Law	A (100%)	A (95%)
Spirit of the Law	A (100%)	A (100%)

Senate Health and Human Services

Meetings

20 Meetings Total. 1 Meeting in Violation.

Grades	2008	2007
Letter of the Law	A (95%)	A (96%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

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

Date of Meeting	Time	Agenda	Type of Violation
June 20	2:00 P.M.	1 bill	Letter
June 20 (Addition I)	2:00 P.M.	1 bill	Letter

Senate Housing & Municipal Government

Meetings

15 Meetings Total. 3 Meetings in Violation.

Grades	2008	2007
Letter of the Law	B (80%)	B (84%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

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

Date of Meeting	Time	Agenda	Type of Violation
June 17 (Addition I)	Rise	1 bill	Letter
June 19	Rise	4 bills	Letter
June 19 (Addition I)	Rise	1 bill	Letter
June 20	2:00 P.M.	5 bills	Letter
June 20 (Addition I)	2:00 P.M.	1 bill	Letter

Senate Judiciary

Meetings

34 Meetings Total. 3 Meetings in Violation.

Grades	2008	2007
Letter of the Law	A (92%)	A (90%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

59 Total Notices. 9 Letter Violations. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 19 (Addition I)	Rise	4 bills	Letter
June 19 (Addition II)	Rise	1 bill	Letter
June 20	1:30 P.M.	Appointment	Letter
June 20	3:00 P.M.	8 bills	Letter
June 20 (Addition I)	3:00 P.M.	3 bills	Letter
June 20 (Addition II)	3:00 P.M.	1 bill	Letter
June 20 (Addition III)	3:00 P.M.	1 bill	Letter
June 20 (Addition IV)	3:00 P.M.	3 bills	Letter
June 21	7:00 P.M.	3 bills	Letter

Senate Labor

Meetings

12 Meetings Total. 1 Meeting in Violation.

Grades	2008	2007
Letter of the Law	A (92%)	A (92%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

12 Total Notices. 1 Letter Violation. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 21	1:30 P.M.	2 bills	Letter

Senate Rules

Meetings

0 Meetings Total. No Meetings in Violation.

Grades	2008	2007
Letter of the Law	NA	A (100%)
Spirit of the Law	NA	A (100%)

Average Compliance by Senate Standing Committees

Meetings

191 Meetings. 20 Meetings in Violation.

Grades	2008	2007
Letter of the Law	A (90%)	A (90%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

260 Total Notices. 36 Letter Violations. 0 Spirit Violations.

Joint Committees

Legislative Oversight Committee On Building Code Regulations

Meetings

1 Meetings. No Meetings in Violation.

Grades	2008	2007
Letter of the Law	A (100%)	A (100%)
Spirit of the Law	A (100%)	A (100%)

Permanent Joint Committee On Economic Development

Meetings

2 Meetings. No Meetings in Violation.

Grades	2008	2007
Letter of the Law	A (100%)	NA –No Meetings
Spirit of the Law	A (100%)	

Joint Committee On Legislative Services

Meetings

1 Meeting. No Meetings in Violation.

Grades	2008	2007
Letter of the Law	A (100%)	NA –No Meetings
Spirit of the Law	A (100%)	

Permanent Joint Committee On State Lottery

Meetings

7 Meetings. No Meetings in Violation.

Grades	2008	2007
Letter of the Law	A (100%)	A (100%)
Spirit of the Law	A (100%)	A (100%)

Average Compliance For Joint Committees

Meetings

11 Total Meetings. No Meetings in Violation.

Grades	2008	2007
Letter of the Law	A (100%)	A (97%)
Spirit of the Law	A (100%)	A (100%)

Average Compliance For All Committees

Meetings

433 Total Meetings. 51 Meetings in Violation.

Grades	2008	2007
Letter of the Law	A (92%)	B (88%)
Spirit of the Law	A (100%)	A (100%)

Meetings in Violation

83 Letter Violations. 0 Spirit Violations.

Sections from the General Laws of Rhode Island, the Rules of the House of Representatives and the Rules of the Senate pertaining to public meeting notices

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); provided, that in the case of school committees the required public notice shall be published in a newspaper of general circulation in the school district under the committee's jurisdiction; however, ad hoc committees, sub committees and advisory committees of school committees shall not be required to publish notice in a newspaper; 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 circumven-

tion 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.

History

(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.)

2007 Resolution 90: Adopting the Rules of the House of Representatives for 2007 - 2008

Rule 13(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 the printed posting 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 House bulletin board or 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 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, to any bill originating in the Senate.

2007 Resolution 82: Adopting the Rules of the Senate for 2007 - 2008

Rule 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 the 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 its Rules on June 12, 2008.