



ACCESS 1999

A REPORT *on the*
GENERAL ASSEMBLY'S COMPLIANCE
with the
LETTER *and* SPIRIT *of the* OPEN MEETINGS LAW
for the
1999 LEGISLATIVE SESSION
by the SECRETARY OF STATE

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Executive Summary

The Open Meetings Law was created by the General Assembly in 1976 to ensure that the public's business was conducted in a manner that allowed for citizen participation and review. The public policy statement of the law stated, "It is essential to the maintenance of a democratic society that public business be performed in an 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."

With that in mind, Secretary of State Jim Langevin presented a report of the 1997 session which reviewed the General Assembly's compliance with the Open Meetings Law. "Access Denied" provided a quantitative analysis of violations of both the letter and spirit of the law by a number of legislative committees. It was produced in cooperation with the Taubman Center for Public Policy at Brown University, with a team of three interns and two professors working with the Secretary of State's office to examine a wide range of legislative records from the previous year's session.

While the report initially drew harsh criticism from legislative leaders, the findings highlighted a serious problem in terms of public access to the decision-making process and it soon became clear that steps could be taken to reduce the hurdles to citizen participation and promote citizen involvement.

A follow up study released last spring, "Access 1998: Opening the Door" found a remarkable turnaround had taken place during the 1998 legislative session. There were significant reductions in violations of the law by legislative committees across the board and a virtual elimination of those violations which circumvented the spirit of the law.

This year's report reveals that the positive changes enacted after the initial Access report are continuing to produce meaningful results for the people of Rhode Island.

"A people who
mean to be their
own governors
must arm
themselves with the
power knowledge
gives."

James Madison

Executive Summary

Compliance Improvement Highlights

The first Access report, analyzing the 1997 session, disclosed widespread violations of the Open Meetings Law. 52% of all legislative hearings had some degree of violation.

To their credit, legislative leaders focused their attention on the problem and took steps to resolve it, as the second Access report found significant improvements during the 1998 session. Just 10% of all legislative hearings had some degree of violation.

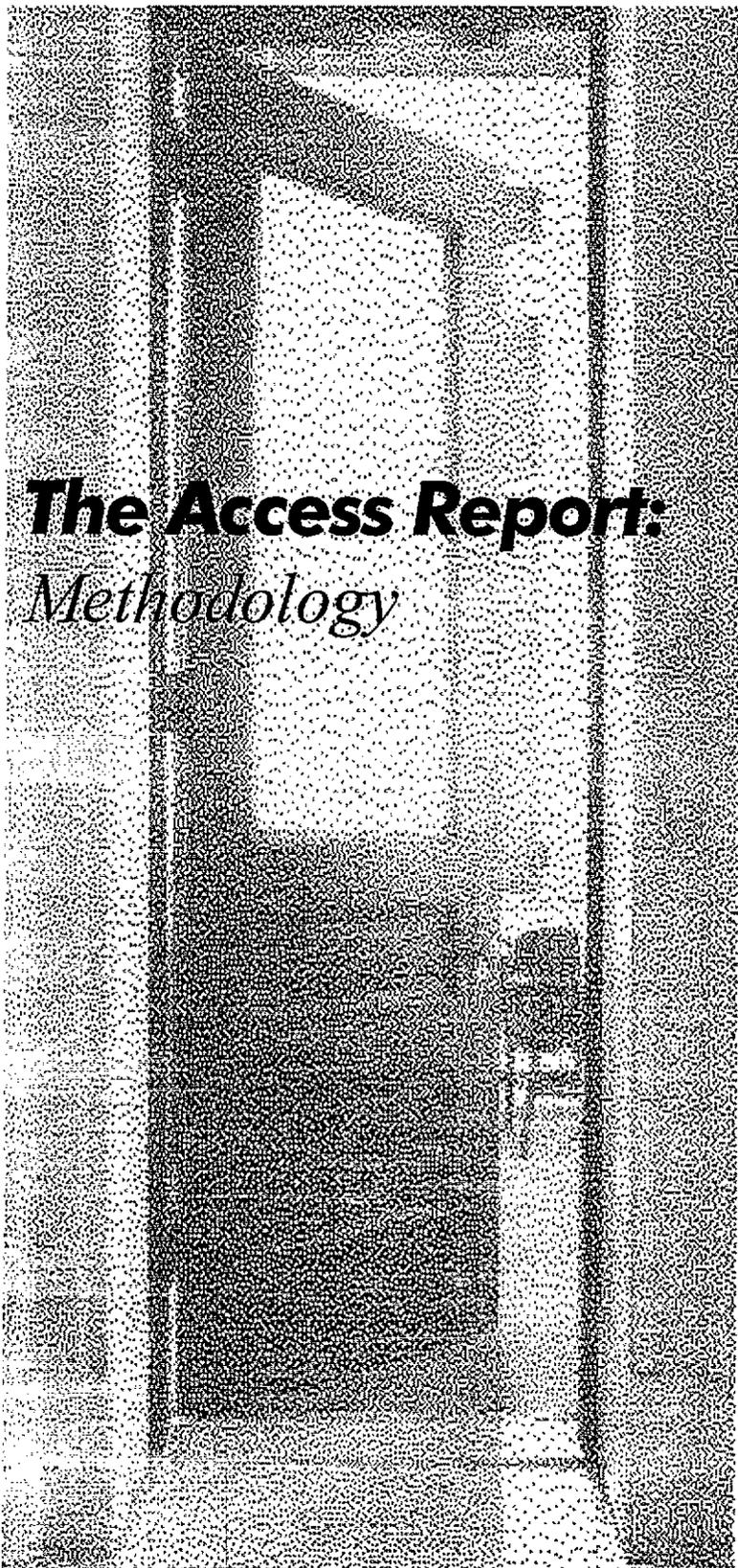
This Access report for the 1999 session shows evidence of the continuing priority that legislative leaders have assigned to complying with the Open Meetings Law. The Assembly improved its record of compliance - legislative hearings during the 1999 session had the fewest violations and were more accessible than in the two previous sessions. The percentage of hearings with some degree of infraction shrank to 5%, giving the general assembly a 95% compliance rate.

Report Highlights

- Continuing the practice started last year, the committees have again not used any continuous or multi-day calendars.
- There has also been a reduction in the number of large agendas - only 3 this year compared to 7 last session and 47 in 1997.
- The total number of violations declined to 25, continuing the downward trend from 51 in 1998 and 342 in 1997.

Totals of Violations for the entire General Assembly

	<u>1999</u>	<u>1998</u>	<u>1997</u>
■ Total number of <i>Letter of the Law</i> Violations	22	44	166
■ Total number of <i>Spirit of the Law</i> Violations	3	7	176



The Access Report:
Methodology

The office of Secretary of State, following the methodology established in conjunction with Brown University, reviewed a variety of legislative materials to look at each standing committee's compliance with the Open Meetings Law. The research used computerized legislative tracking database records, time-stamped meeting notices, minutes of meetings, and the various stamps affixed to the backs of original bills to compile a record of legislative activity.



"It is essential to the maintenance of a democratic society that public business be performed in an 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."

Methodology in Assigning Grades

Each standing committee was assigned two grades, based on their percentage of compliance with either the letter of the law or the spirit of the law compared to the number of meetings held.

An "A" grade means the committee was in compliance at least 90% of the time, a "B" grade means 80-89% compliance, and so on down the line, with an "F" indicating less than 60% compliance.

Letter of the Law

The notice provisions of the law require public bodies to "give supplemental written public notice of any meeting within a minimum of forty-eight (48) hours before the date. This notice shall include, in addition to date, time, and place, a statement specifying the nature of the business to be discussed."

Three types of violations were identified within this category:

- Meetings with no public notice
- Meetings without adequate public notice
- Additions or revisions made without adequate public notice

Open Meetings Law

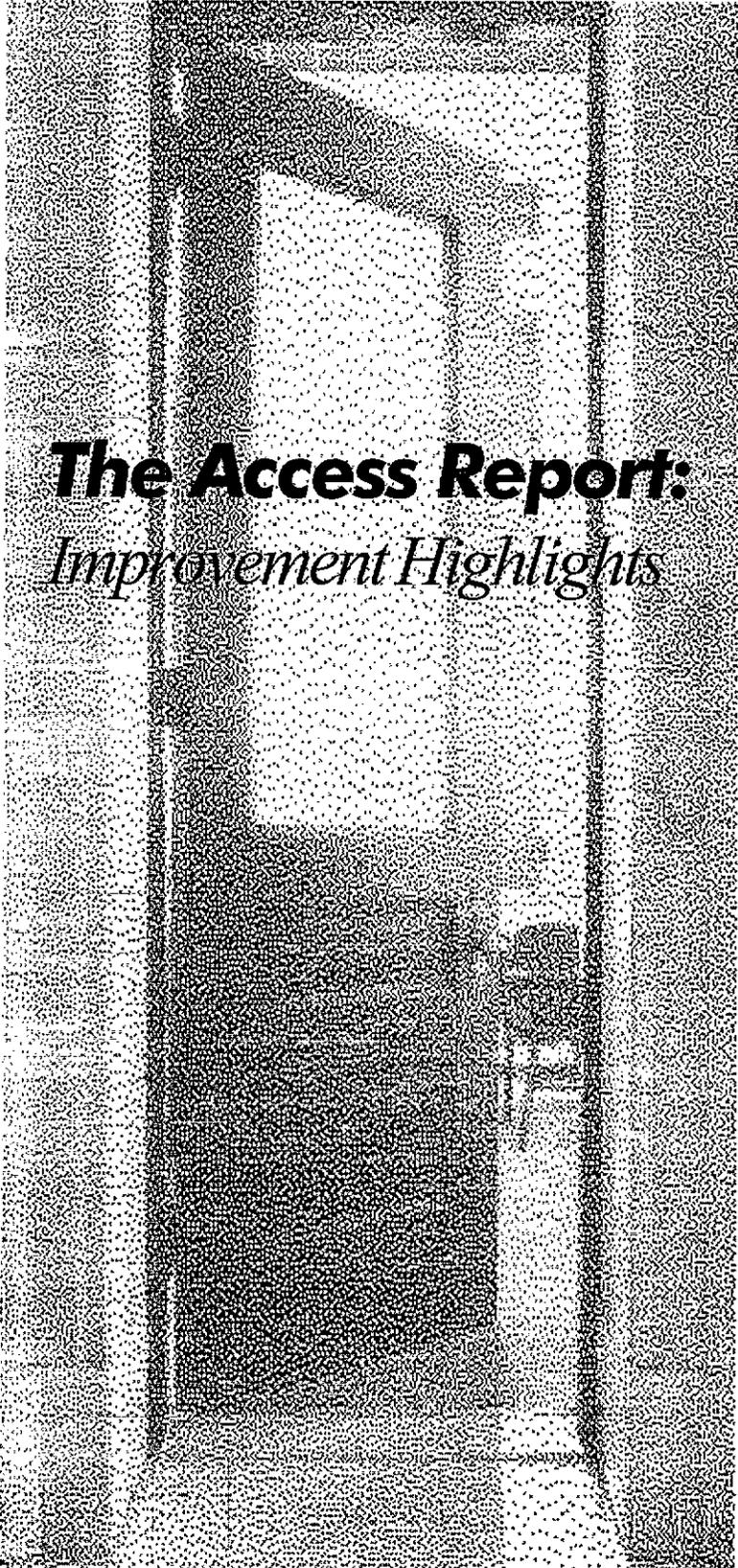
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Spirit of the Law

These are violations which restrict access and evade the spirit and purpose of the law. Such circumventions violate a provision of the act itself which states, "nothing contained herein shall be used in the circumvention of the spirit and requirements of this chapter."

These include:

- Meetings with continuous calendars
- Meetings posted as part of a multi-day calendar
- Meetings with unreasonable agendas



The Access Report:
Improvement Highlights

House Committee Improvement Highlights

A grade was assigned to each House and Senate Committee based on their percentage of compliance with the Open Meetings Law. Compliance percentages and grades were assigned in two categories—violations of the letter of the law and the spirit of the law. An "A" means the committee was in compliance at least 90% of the time, while an "F" indicates less than 60% compliance.

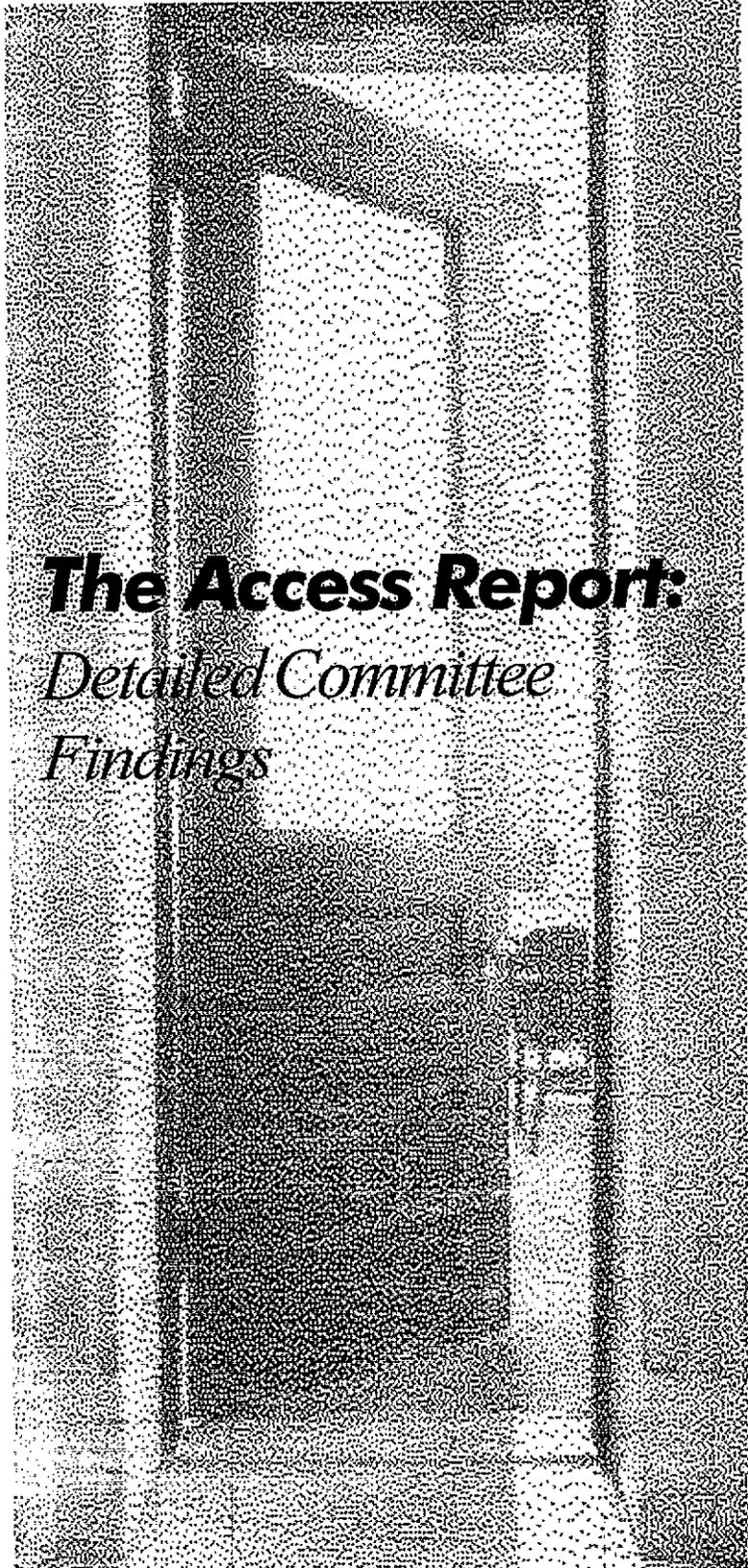
House Committee Grades

	1999 Compliance Percentage/Grade	1998 Compliance Percentage/Grade	1997 Compliance Percentage/Grade
House Corporations			
<i>Compliance w/Letter of the Law:</i>	86% B	74% C	39% F
<i>Compliance w/Spirit of the Law:</i>	100% A	100% A	59% F
House Finance			
<i>Compliance w/Letter of the Law:</i>	97% A	96% A	74% C
<i>Compliance w/Spirit of the Law:</i>	100% A	99% A	87% B
House HEW			
<i>Compliance w/Letter of the Law:</i>	97% A	91% A	81% B
<i>Compliance w/Spirit of the Law:</i>	100% A	100% A	69% D
House Judiciary			
<i>Compliance w/Letter of the Law:</i>	87% B	80% B	57% F
<i>Compliance w/Spirit of the Law:</i>	90% A	83% B	61% D
House Labor			
<i>Compliance w/Letter of the Law:</i>	92% A	81% B	76% C
<i>Compliance w/Spirit of the Law:</i>	100% A	96% A	55% F
House Special Legislation			
<i>Compliance w/Letter of the Law:</i>	87% B	96% A	60% D
<i>Compliance w/Spirit of the Law:</i>	100% A	100% A	27% F

Senate Committee Improvement Highlights

Senate Committee Grades

	1999 Compliance Percentage/Grade	1998 Compliance Percentage/Grade	1997 Compliance Percentage/Grade
Senate Corporations			
<i>Compliance w/Letter of the Law:</i>	100% A	80% B	49% F
<i>Compliance w/Spirit of the Law:</i>	100% A	100% A	85% B
Senate Finance			
<i>Compliance w/Letter of the Law:</i>	100% A	100% A	82% B
<i>Compliance w/Spirit of the Law:</i>	100% A	100% A	79% C
Senate HEW			
<i>Compliance w/Letter of the Law:</i>	100% A	100% A	80% B
<i>Compliance w/Spirit of the Law:</i>	100% A	100% A	100% A
Senate Judiciary			
<i>Compliance w/Letter of the Law:</i>	98% A	100% A	66% D
<i>Compliance w/Spirit of the Law:</i>	100% A	100% A	100% A
Senate Labor			
<i>Compliance w/Letter of the Law:</i>	92% A	92% A	73% C
<i>Compliance w/Spirit of the Law:</i>	100% A	100% A	100% A
Senate Special Legislation			
<i>Compliance w/Letter of the Law:</i>	93% A	100% A	50% F
<i>Compliance w/Spirit of the Law:</i>	100% A	100% A	100% A



The Access Report:

Detailed Committee

Findings

Grades

Letter of the Law

Percentage of meetings in compliance with the strict statutory requirements of the Open Meetings Law:

86%

Grade: B

Spirit of the Law

Percentage of meetings in compliance with the spirit and intent of the Open Meetings Law:

100%

Grade: A

Percentage of Violation For Each Category

	# of violations	# of Meetings	% of Mtgs. in violation
Meetings with no public notice:	1	36	3%
Meetings without adequate notice:	2	36	6%
Additions without adequate notice:	4	36	11%
Continuous calendar meetings:	0	36	0%
Multi-day agenda postings:	0	36	0%
Unreasonable number of bills:	0	36	0%

Grades

Letter of the Law

Percentage of meetings in compliance with the strict statutory requirements of the Open Meetings Law:

97%

Grade: A

Spirit of the Law

Percentage of meetings in compliance with the spirit and intent of the Open Meetings Law:

100%

Grade: A

Percentage of Violation For Each Category

	# of violations	# of Meetings	% of Mtgs. in violation
Meetings with no public notice:	0	104	0%
Meetings without adequate notice:	3	104	3%
Additions without adequate notice:	1	104	1%
Continuous calendar meetings:	0	104	0%
Multi-day agenda postings:	0	104	0%
Unreasonable number of bills:	0	104	0%

House Health, Education and Welfare

Grades

Letter of the Law

Percentage of meetings in compliance with the strict statutory requirements of the Open Meetings Law:

97%

Grade: A

Spirit of the Law

Percentage of meetings in compliance with the spirit and intent of the Open Meetings Law:

100%

Grade: A

Percentage of Violation For Each Category

	# of violations	# of Meetings	% of Mtgs. in violation
Meetings with no public notice:	1	30	3%
Meetings without adequate notice:	1	30	3%
Additions without adequate notice:	0	30	0%
Continuous calendar meetings:	0	30	0%
Multi-day agenda postings:	0	30	0%
Unreasonable number of bills:	0	30	0%

House Judiciary

Grades

Letter of the Law

Percentage of meetings in compliance with the strict statutory requirements of the Open Meetings Law:

87%

Grade: B

Spirit of the Law

Percentage of meetings in compliance with the spirit and intent of the Open Meetings Law:

90%

Grade: A

Percentage of Violation For Each Category

	# of violations	# of Meetings	% of Mtgs. in violation
Meetings with no public notice:	0	30	0%
Meetings without adequate notice:	3	30	10%
Additions without adequate notice:	1	30	3%
Continuous calendar meetings:	0	30	0%
Multi-day agenda postings:	0	30	0%
Unreasonable number of bills:	3	30	10%

Grades

Letter of the Law

Percentage of meetings in compliance with the strict statutory requirements of the Open Meetings Law:

92%

Grade: A

Spirit of the Law

Percentage of meetings in compliance with the spirit and intent of the Open Meetings Law:

100%

Grade: A

Percentage of Violation For Each Category

	# of violations	# of Meetings	% of Mtgs. in violation
Meetings with no public notice:	0	25	0%
Meetings without adequate notice:	2	25	8%
Additions without adequate notice:	0	25	0%
Continuous calendar meetings:	0	25	0%
Multi-day agenda postings:	0	25	0%
Unreasonable number of bills:	0	25	0%

House Special Legislation

Grades

Letter of the Law

Percentage of meetings in compliance with the strict statutory requirements of the Open Meetings Law:

87%

Grade: B

Spirit of the Law

Percentage of meetings in compliance with the spirit and intent of the Open Meetings Law:

100%

Grade: A

Percentage of Violation For Each Category

	# of violations	# of Meetings	% of Mtgs. in violation
Meetings with no public notice:	1	16	6%
Meetings without adequate notice:	1	16	6%
Additions without adequate notice:	1	16	6%
Continuous calendar meetings:	0	16	0%
Multi-day agenda postings:	0	16	0%
Unreasonable number of bills:	0	16	0%

Grades

Letter of the Law

Percentage of meetings in compliance with the strict statutory requirements of the Open Meetings Law:

100%

Grade: A

Spirit of the Law

Percentage of meetings in compliance with the spirit and intent of the Open Meetings Law:

100%

Grade: A

Percentage of Violation For Each Category

	# of violations	# of Meetings	% of Mtgs. in violation
Meetings with no public notice:	0	42	0%
Meetings without adequate notice:	0	42	0%
Additions without adequate notice:	0	42	0%
Continuous calendar meetings:	0	42	0%
Multi-day agenda postings:	0	42	0%
Unreasonable number of bills:	0	42	0%

Grades

Letter of the Law

Percentage of meetings in compliance with the strict statutory requirements of the Open Meetings Law:

100%

Grade: A

Spirit of the Law

Percentage of meetings in compliance with the spirit and intent of the Open Meetings Law:

100%

Grade: A

Percentage of Violation For Each Category

	# of violations	# of Meetings	% of Mtgs. in violation
Meetings with no public notice:	0	73	0%
Meetings without adequate notice:	0	73	0%
Additions without adequate notice:	0	73	0%
Continuous calendar meetings:	0	73	0%
Multi-day agenda postings:	0	73	0%
Unreasonable number of bills:	0	73	0%

Senate Health, Education and Welfare

Grades

Letter of the Law

Percentage of meetings in compliance with the strict statutory requirements of the Open Meetings Law:

100%

Grade: A

Spirit of the Law

Percentage of meetings in compliance with the spirit and intent of the Open Meetings Law:

100%

Grade: A

Percentage of Violation For Each Category

	# of violations	# of Meetings	% of Mtgs. in violation
Meetings with no public notice:	0	20	0%
Meetings without adequate notice:	0	20	0%
Additions without adequate notice:	0	20	0%
Continuous calendar meetings:	0	20	0%
Multi-day agenda posting:	0	20	0%
Unreasonable number of bills:	0	20	0%

Senate Judiciary

Grades

Letter of the Law

Percentage of meetings in compliance with the strict statutory requirements of the Open Meetings Law:

98%

Grade: A

Spirit of the Law

Percentage of meetings in compliance with the spirit and intent of the Open Meetings Law:

100%

Grade: A

Percentage of Violation For Each Category

	# of violations	# of Meetings	% of Mtgs. in violation
Meetings with no public notice:	0	45	0%
Meetings without adequate notice:	0	45	0%
Additions without adequate notice:	1	45	2%
Continuous calendar meetings:	0	45	0%
Multi-day agenda postings:	0	45	0%
Unreasonable number of bills:	0	45	0%

Grades

Letter of the Law

Percentage of meetings in compliance with the strict statutory requirements of the Open Meetings Law:

92% Grade: A

Spirit of the Law

Percentage of meetings in compliance with the spirit and intent of the Open Meetings Law:

100% Grade: A

Percentage of Violation For Each Category

	# of violations	# of Meetings	% of Mtgs. in violation
Meetings with no public notice:	0	12	0%
Meetings without adequate notice:	0	12	0%
Additions without adequate notice:	1	12	8%
Continuous calendar meetings:	0	12	0%
Multi-day agenda postings:	0	12	0%
Unreasonable number of bills:	0	12	0%

Senate **Special Legislation**

Grades

Letter of the Law

Percentage of meetings in compliance with the strict statutory requirements of the Open Meetings Law:

93%

Grade: A

Spirit of the Law

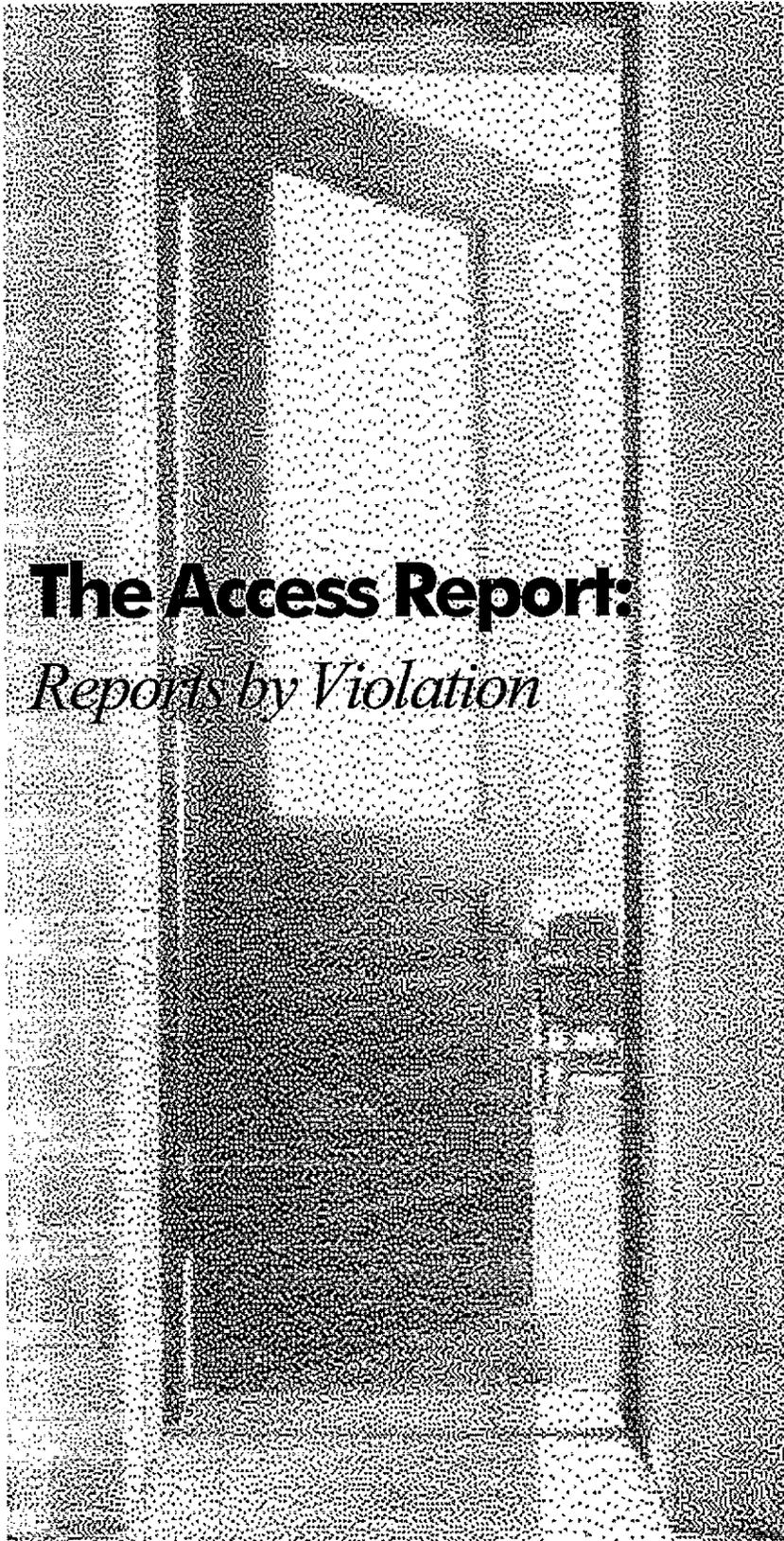
Percentage of meetings in compliance with the spirit and intent of the Open Meetings Law:

100%

Grade: A

Percentage of Violation For Each Category

	# of violations	# of Meetings	% of Mtgs. in violation
Meetings with no public notice:	0	15	0%
Meetings without adequate notice:	0	15	0%
Additions without adequate notice:	1	15	7%
Continuous calendar meetings:	0	15	0%
Multi-day agenda postings:	0	15	0%
Unreasonable number of bills:	0	15	0%



The Access Report:
Reports by Violation

Meetings with **Any Violation**

Once all the information on the different types of violations was obtained, a total number of meetings with any violation was determined. We could then indicate what percentage of meetings were held in violation of the spirit and letter of the law as compared to the total number of meetings.

Committee	Meetings w/ violation	Total Meetings	% Meetings w/ violation
House Corporations	5	36	14%
House Finance	3	104	3%
House HEW	2	30	7%
House Judiciary	6	30	20%
House Labor	2	25	8%
House Special Legislation	3	16	19%
Senate Corporations	0	42	0%
Senate Finance	0	73	0%
Senate HEW	0	20	0%
Senate Judiciary	1	45	2%
Senate Labor	1	12	8%
Senate Special Legislation	1	15	7%
Totals:	24	448	5%

Meetings with No Public Notice

Under the state's Open Meetings Law, any and all public meetings must be posted 48 hours in advance. This posting must contain an agenda of items to be discussed, as well as the date, time, and location of the meeting. Failure to post meetings essentially shuts out members of the public and those who do not have a full-time presence in the State House from taking part in the consideration of legislation.

Committee	Meetings held without notice	Total Meetings	% Meetings without notice
House Corporations	1	36	3%
House Finance	0	104	0%
House HEW	1	30	3%
House Judiciary	0	30	0%
House Labor	0	25	0%
House Special Legislation	1	16	6%
Senate Corporations	0	42	0%
Senate Finance	0	73	0%
Senate HEW	0	20	0%
Senate Judiciary	0	45	0%
Senate Labor	0	12	0%
Senate Special Legislation	0	15	0%
Totals:	3	448	1%

Meetings without Adequate Notice

The 48 hour provision of the Open Meetings Law is meant to ensure adequate public notice of the actions to be taken at public meetings. But legislative deadlines often result in a rush to action whereby committees fail to post in a timely manner. This has left the public with little or no warning that issues of concern to them are about to be considered. As a result, members of the public have little or no time to have input in the legislative process.

Committee	Meetings w/out 48 hr. notice	Total Meetings	% meetings w/out 48 hr. notice
House Corporations	2	36	6%
House Finance	3	104	3%
House HEW	1	30	3%
House Judiciary	3	30	10%
House Labor	2	25	8%
House Special Legislation	1	16	6%
Senate Corporations	0	42	0%
Senate Finance	0	73	0%
Senate HEW	0	20	0%
Senate Judiciary	0	45	0%
Senate Labor	0	12	0%
Senate Special Legislation	0	15	0%
Totals:	12	448	3%

Meetings with **Additions without Adequate Notice**

There is no provision in the Open Meetings Law which allows a committee to post additions or revisions to the agenda less than 48 hours before the meeting. Violations of this provision leave the public with inadequate notice of what has been added to the agenda.

Committee	Meetings w/ additions posted under 48 hr.	Total meetings	% of meetings w/ additions posted under 48 hr. notice
House Corporations	4	36	11%
House Finance	1	104	1%
House HEW	0	30	0%
House Judiciary	1	30	3%
House Labor	0	25	0%
House Special Legislation	1	16	6%
Senate Corporations	0	42	0%
Senate Finance	0	73	0%
Senate HEW	0	20	0%
Senate Judiciary	1	45	2%
Senate Labor	1	12	8%
Senate Special Legislation	1	15	7%
Totals:	10	448	2%

Meetings held with **Continuous Calendars**

Meetings held with continuous calendars refers to the practice of posting a meeting notice which indicates that bills may be heard and or considered that were on a previous notice or notices in addition to those items placed on the agenda. They may even state any bills not previously heard and/or considered by the committee may be taken up as part of the meeting's agenda. This make the posted agenda meaningless. During the 1999 session, no committees posted continuous agendas.

Committee	Meetings with continuous calendars	Total meetings	% of meetings w/ continuous calendars
House Corporations	0	36	0%
House Finance	0	104	0%
House HEW	0	30	0%
House Judiciary	0	30	0%
House Labor	0	25	0%
House Special Legislation	0	16	0%
Senate Corporations	0	42	0%
Senate Finance	0	73	0%
Senate HEW	0	20	0%
Senate Judiciary	0	45	0%
Senate Labor	0	12	0%
Senate Special Legislation	0	15	0%
Totals:	0	448	0%

Meetings held with Multi Day Agendas

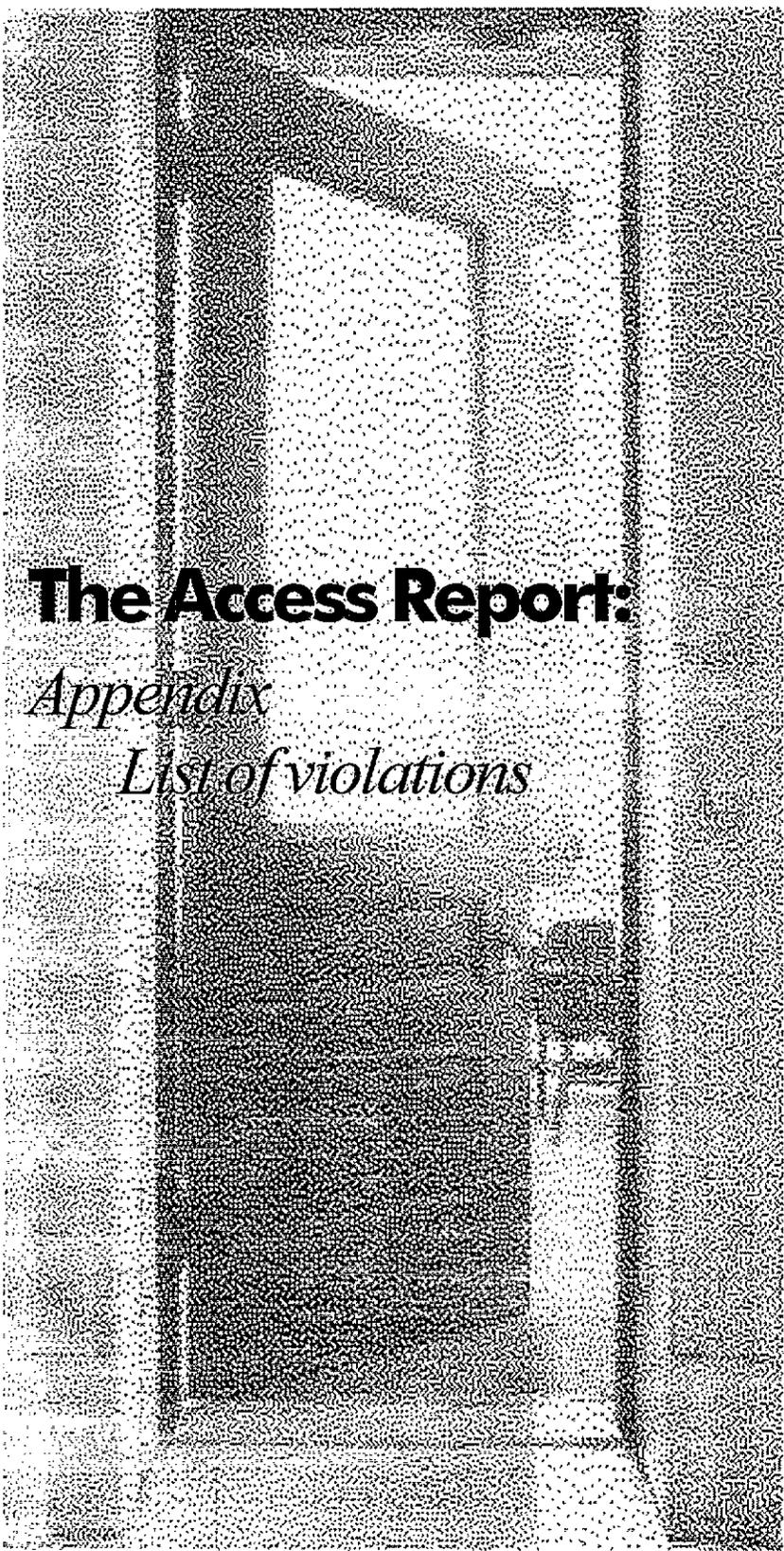
Meetings held with multi day agendas refers to the practice of posting meeting notices for multiple days, with no indication of which bills will be heard on which day. It represents a considerable hurdle to public participation in the process. During the 1999 session, no committees posted multi day agendas.

Committee	Meetings with multi day agendas	Total meetings	% of meetings w/ multi day agendas
House Corporations	0	36	0%
House Finance	0	104	0%
House HEW	0	30	0%
House Judiciary	0	30	0%
House Labor	0	25	0%
House Special Legislation	0	16	0%
Senate Corporations	0	42	0%
Senate Finance	0	73	0%
Senate HEW	0	20	0%
Senate Judiciary	0	45	0%
Senate Labor	0	12	0%
Senate Special Legislation	0	15	0%
Totals:	0	448	0%

Meetings with Unreasonable Agendas

In some instances, committees circumvent the spirit and intent of the Open Meetings Law by posting more bills than they can realistically expect to hear at a single meeting. This forces people tracking a particular bill to attend numerous hours of hearings on the off chance that their legislation is taken up, unless they have received information as to exactly when the bill will be considered.

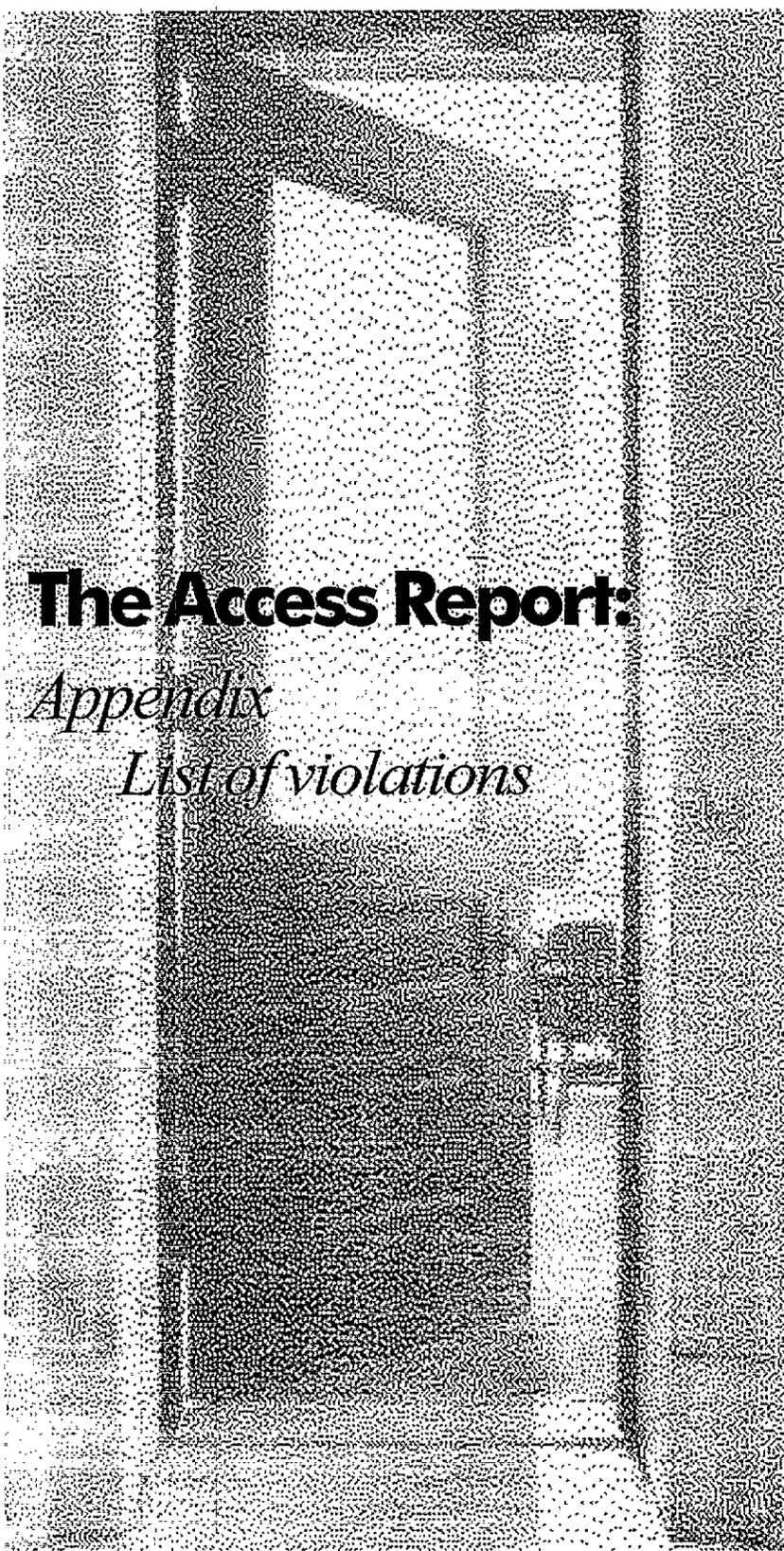
Committee	Meetings with unreasonable agendas	Total meetings	% of meetings w/ unreasonable agendas
House Corporations	0	36	0%
House Finance	0	104	0%
House HEW	0	30	0%
House Judiciary	3	30	10%
House Labor	0	25	0%
House Special Legislation	0	16	0%
Senate Corporations	0	42	0%
Senate Finance	0	73	0%
Senate HEW	0	20	0%
Senate Judiciary	0	45	0%
Senate Labor	0	12	0%
Senate Special Legislation	0	15	0%
Totals:	3	448	1%



The Access Report:

Appendix

List of violations



The Access Report:

Appendix

List of violations

Meetings with at least one violation

House Corporations

Date	Letter of the Law Violations	Spirit of the Law Violations
Thursday, April 08, 1999	Additions and Revisions Posted Under 48 hours Notice	
Thursday, June 10, 1999	Additions and Revisions Posted Under 48 hours Notice Initial Notice Posted Under 48hrs.	
Wednesday, June 16, 1999	Additions and Revisions Posted Under 48 hours Notice	
Thursday, June 24, 1999	Additions and Revisions Posted Under 48 hours Notice Initial Notice Posted Under 48hrs.	
Friday, June 25, 1999	Meeting without public notice.	

Meetings with at least one violation

House Finance

Date	Letter of the Law Violations	Spirit of the Law Violations
Wednesday, June 23, 1999	Additions and Revisions Posted Under 48 hours Notice Initial Notice Posted Under 48hrs.	
Thursday, June 24, 1999	Initial Notice Posted Under 48hrs.	
Friday, June 25, 1999	Initial Notice Posted Under 48hrs.	

Meetings with at least one violation

House HEW

Date	Letter of the Law Violations	Spirit of the Law Violations
Thursday, January 21, 1999	Initial Notice Posted Under 48hrs.	
Friday, June 25, 1999	Meeting without public notice.	

Meetings with at least one violation

House Judiciary

Date	Letter of the Law Violations	Spirit of the Law Violations
Wednesday, April 07, 1999		Unreasonable Number of Bills Posted On Agenda
Thursday, April 08, 1999	Additions and Revisions Posted Under 48 hours Notice	
Thursday, June 17, 1999	Initial Notice Posted Under 48hrs.	Unreasonable Number of Bills Posted On Agenda
Friday, June 18, 1999		Unreasonable Number of Bills Posted On Agenda
Tuesday, June 22, 1999	Initial Notice Posted Under 48hrs.	
Thursday, June 24, 1999	Initial Notice Posted Under 48hrs.	

Meetings with at least one violation

House Labor

Date	Letter of the Law Violations	Spirit of the Law Violations
Thursday, June 24, 1999	Initial Notice Posted Under 48hrs.	
Friday, June 25, 1999	Initial Notice Posted Under 48hrs.	

Meetings with at least one violation

House Special Legislation

Date	Letter of the Law Violations	Spirit of the Law Violations
Thursday, March 04, 1999	Initial Notice Posted Under 48hrs.	
Wednesday, May 19, 1999	Additions and Revisions Posted Under 48 hours Notice	
Friday, June 25, 1999	Meeting without public notice.	

Meetings with at least one violation

Senate Judiciary

Date	Letter of the Law Violations	Spirit of the Law Violations
Friday, June 25, 1999	Additions and Revisions Posted Under 48 hours Notice	

Meetings with at least one violation

Senate Labor

Date	Letter of the Law Violations	Spirit of the Law Violations
Friday, June 25, 1999	Additions and Revisions Posted Under 48 hours Notice	

Meetings with at least one violation

Senate Special Legislation

Date	Letter of the Law Violations	Spirit of the Law Violations
Friday, June 25, 1999	Additions and Revisions Posted Under 48 hours Notice	