



# Access 2012

## Rhode Island General Assembly



Senate Chamber



House of Representatives Chamber

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# State of Rhode Island and Providence Plantations

**A. Ralph Mollis**

*Secretary of State*

January 2013

*Dear Rhode Islander:*

I am pleased to issue the “Access 2012” report, which measures the General Assembly's compliance with the state's Open Meetings law. The annual Access report is part of my commitment to making government more open and accessible.

Since taking office in 2007, we have made more information about government available to the public than at any other time in state history. More than 800,000 individual documents and records are posted on our website at [sos.ri.gov](http://sos.ri.gov). At any time of the day or night, you can find the agenda for your town council meeting, see how much companies are spending to lobby at the State House and review proposed state rules and regulations before they become law.

Our Open Meetings law requires most governmental bodies to tell the public about their meetings at least 48 hours ahead of time. Even though the House and Senate are not subject to the law, we monitor their efforts to keep the public apprised of their work. There has been much improvement since I took office:

- House compliance has risen from 57 percent to 94 percent.
- Senate compliance has risen from 67 percent to 97 percent.

As in previous years, nearly all the violations came in the final days of the session. Fifteen of the 19 total violations occurred during the 48 hours before the General Assembly recessed in the early-morning hours of June 13. The legislature's capacity to give the public at least 48 hours notice as the year winds down is constrained by the compressed timeframe for consideration and the volume of bills that must be addressed.

Government belongs to the people. The more they know, the better they will be served. The results documented in this report prove that by working together we can make a difference.

Sincerely,

A. Ralph Mollis  
Secretary of State

# Glossary

<b>Addition</b>	An addition to a previously posted agenda, usually involving the inclusion of new bills to be heard.
<b>Appointments</b>	A meeting in which the committee considered executive appointments.
<b>Letter= Letter of the Law</b>	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.)
<b>Notice</b>	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.
<b>Organizational</b>	The first meeting held by a committee to set up its procedures.
<b>Spirit= Spirit of the Law</b>	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.
<b>Recess</b>	A brief break in the legislative session during which committee business can be undertaken.
<b>Revision</b>	A revision made to a previously posted notice.
<b>Rise</b>	An expression used to indicate the end of the day when all the members stand to end the session.
<b>Violations</b>	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

### Meetings

23 Meetings. 0 Meetings in Violation.

Grades	2012	2011
Letter of the Law	100%	100%
Spirit of the Law	100%	100%

## House Environment and Natural Resources

### Meetings

13 Meetings. 2 Meetings in Violation.

Grades	2012	2011
Letter of the Law	85%	100%
Spirit of the Law	100%	100%

### Meetings in Violation

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

Date of Meeting	Time	Agenda	Type of Violation
April 12 (Addition III)	Rise	9 bills	Letter
June 11(Addition I)	1 p.m.	7 bills	Letter

## House Finance

### Meetings

67 Meetings. 4 Meetings in Violation.

Grades	2012	2011
Letter of the Law	94%	95%
Spirit of the Law	100%	100%

### Meetings in Violation

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

Date of Meeting	Time	Agenda	Type of Violation
June 11 (Addition V)	1 p.m.	8 bills	Letter
June 11	4 p.m.	2 bills	Letter
June 11 (Addition I)	4 p.m.	3 bills	Letter
June 11 (Addition II)	4 p.m.	4 bills	Letter
June 12	1 p.m.	7 bills	Letter
June 12 (Addition I)	1 p.m.	8 bills	Letter
June 12	6:30 p.m.	2 bills	Letter

## House Health, Education and Welfare

### Meetings

17 Meetings. 2 Meetings in Violation.

Grades	2012	2011
Letter of the Law	88%	100%
Spirit of the Law	100%	100%

### Meetings in Violation

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

Date of Meeting	Time	Agenda	Type of Violation
June 11	Rise	1 bill	Letter
June 12	6:30 p.m.	3 bills	Letter

## House Judiciary

### Meetings

37 Meetings. 2 Meetings in Violation.

<b>Grades</b>	<b>2012</b>	<b>2011</b>
Letter of the Law	95%	97%
Spirit of the Law	100%	100%

### Meetings in Violation

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

<b>Date of Meeting</b>	<b>Time</b>	<b>Agenda</b>	<b>Type of Violation</b>
June 6 (Addition II)	Rise	10 bills	Letter
June 6 (Addition III)	Rise	12 bills	Letter
June 12 (Addition I)	1:30 p.m.	9 bills	Letter

## House Labor

### Meetings

22 Meetings. 1 Meeting in Violation.

<b>Grades</b>	<b>2012</b>	<b>2011</b>
Letter of the Law	96%	100%
Spirit of the Law	100%	100%

### Meetings in Violation

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

<b>Date of Meeting</b>	<b>Time</b>	<b>Agenda</b>	<b>Type of Violation</b>
June 12	6:30 pm	1 bill	Letter

## House Municipal Government

### Meetings

17 Meetings. 1 Meeting in Violation.

<b>Grades</b>	<b>2012</b>	<b>2011</b>
Letter of the Law	94%	89%
Spirit of the Law	100%	100%

### Meetings in Violation

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

<b>Date of Meeting</b>	<b>Time</b>	<b>Agenda</b>	<b>Type of Violation</b>
June 12	6:30 p.m.	2 bills	Letter
June 12 (Addition I)	6:30 p.m.	4 bills	Letter

## House Oversight

### Meetings

This Committee did not meet in 2012.

<b>Grades</b>	<b>2012</b>	<b>2011</b>
Letter of the Law	NA	100%
Spirit of the Law	NA	100%

## House Rules

### Meetings

This Committee did not meet in 2012.

<b>Grades</b>	<b>2012</b>	<b>2011</b>
Letter of the Law	NA	100%
Spirit of the Law	NA	100%

## House Small Business

### Meetings

4 Meetings. 0 Meetings in Violation.

<b>Grades</b>	<b>2012</b>	<b>2011</b>
Letter of the Law	100%	100%
Spirit of the Law	100%	100%

## House Veterans' Affairs

### Meetings

17 Meetings. 0 Meetings in Violation.

<b>Grades</b>	<b>2012</b>	<b>2011</b>
Letter of the Law	100%	100%
Spirit of the Law	100%	100%

## Average Compliance for House Standing Committees

### Meetings

217 Meetings. 12 Meetings in Violation.

<b>Grades</b>	<b>2012</b>	<b>2011</b>
Letter of the Law	94%	97%
Spirit of the Law	100%	100%

### Meetings in Violation

402 Meeting Notices. 16 Letter Violations. 0 Spirit Violations.

# Senate Standing Committees

## Senate Corporations

### Meetings

21 Meetings. 1 Meeting in Violation.

Grades	2012	2011
Letter of the Law	95%	100%
Spirit of the Law	100%	100%

### Meetings in Violation

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

Date of Meeting	Time	Agenda	Type of Violation
June 12	5 p.m.	1 bill	Letter

## Senate Education

### Meetings

10 Meetings. 0 Meetings in Violation.

Grades	2012	2011
Letter of the Law	100%	100%
Spirit of the Law	100%	100%

## Senate Environment and Agriculture

### Meetings

15 Meetings. 1 Meeting in Violation.

Grades	2012	2011
Letter of the Law	93%	100%
Spirit of the Law	100%	100%

### Meetings in Violation

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

Date of Meeting	Time	Agenda	Type of Violation
June 12	Recess	1 bill	Letter

## Senate Finance

### Meetings

54 Meetings. 3 Meetings in Violation.

Grades	2012	2011
Letter of the Law	94%	99%
Spirit of the Law	100%	100%

### Meetings in Violation

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

Date of Meeting	Time	Agenda	Type of Violation
March 29 (Addition IV)	2 p.m.	8 bills	Letter
June 12 (Addition I)	4:30 p.m.	6 bills	Letter
June 12	10 p.m.	1 bill	Letter

## Senate Government Oversight

### Meetings

9 Meetings. 0 Meetings in Violation.

<b>Grades</b>	<b>2012</b>	<b>2011</b>
Letter of the Law	100%	100%
Spirit of the Law	100%	100%

## Senate Health and Human Services

### Meetings

21 Meetings. 0 Meetings in Violation.

<b>Grades</b>	<b>2012</b>	<b>2011</b>
Letter of the Law	100%	100%
Spirit of the Law	100%	100%

## Senate Housing & Municipal Government

### Meetings

16 Meetings. 0 Meetings in Violation.

<b>Grades</b>	<b>2012</b>	<b>2011</b>
Letter of the Law	100%	100%
Spirit of the Law	100%	100%

## Senate Judiciary

### Meetings

31 Meetings. 1 Meeting in Violation.

Grades	2012	2011
Letter of the Law	97%	98%
Spirit of the Law	100%	100%

### Meetings in Violation

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

Date of Meeting	Time	Agenda	Type of Violation
June 7 (Addition I)	Rise	13 bills	Letter

## Senate Labor

### Meetings

11 Meetings. 1 Meeting in Violation.

Grades	2012	2011
Letter of the Law	91%	100%
Spirit of the Law	100%	100%

### Meetings in Violation

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

Date of Meeting	Time	Agenda	Type of Violation
June 13	12:30 a.m.	1 bill	Letter

## Senate Rules

### Meetings

This Committee did not meet in 2012

Grades	2012	2011
Letter of the Law	NA	100%
Spirit of the Law	NA	100%

## Senate Special Legislation And Veterans' Affairs

### Meetings

14 Meetings. 0 Meetings in Violation.

Grades	2012	2011
Letter of the Law	100%	100%
Spirit of the Law	100%	100%

## Average Compliance by Senate Standing Committees

### Meetings

202 Meetings. 7 Meetings in Violation.

Grades	2012	2011
Letter of the Law	97%	99%
Spirit of the Law	100%	100%

### Meetings in Violation

288 Meeting Notices. 7 Letter Violations. 0 Spirit Violations.

## Joint Committees

### Legislative Oversight Committee On Building Code Regulations

#### Meetings

This Committee did not meet in 2012.

Grades	2012	2011
Letter of the Law	NA	100%
Spirit of the Law	NA	100%

### Permanent Joint Committee On Economic Development

#### Meetings

6 Meetings. 0 Meetings in Violation.

Grades	2012	2011
Letter of the Law	100%	100%
Spirit of the Law	100%	100%

### Joint Committee On Defense Economy Planning

#### Meetings

This Committee did not meet in 2012.

Grades	2012	2011
Letter of the Law	NA	100%
Spirit of the Law	NA	100%

## Permanent Joint Legislative Committee On Health Care Oversight

### Meetings

4 Meetings. 0 Meetings in Violation.

Grades	2012	2011
Letter of the Law	100%	100%
Spirit of the Law	100%	100%

## Joint Committee On Legislative Services

### Meetings

This Committee did not meet in 2012.

Grades	2012	2011
Letter of the Law	NA	100%
Spirit of the Law	NA	100%

## Permanent Joint Committee On State Lottery

### Meetings

9 Meetings. 0 Meetings in Violation.

Grades	2012	2011
Letter of the Law	100%	100%
Spirit of the Law	100%	100%

## Average Compliance For Joint Committees

### Meetings

19 Meetings. 0 Meetings in Violation.

<b>Grades</b>	<b>2012</b>	<b>2011</b>
Letter of the Law	100%	100%
Spirit of the Law	100%	100%

## Average Compliance For All Committees

### Meetings

438 Meetings. 19 Meetings in Violation.

<b>Grades</b>	<b>2012</b>	<b>2011</b>
Letter of the Law	96%	98%
Spirit of the Law	100%	100%

### Meetings in Violation

23 Letter Violations. 0 Spirit Violations.

# **2011 Resolution 113**

## **HOUSE RESOLUTION**

### **ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2011-2012**

#### **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 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 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, to any bill originating in the Senate.

# **2011 Resolution 119**

## **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 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 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 Rule 6.2 on June 12, 2012 at 5:30 P.M.)

# **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); 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.

### **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; P.L. 2011, ch. 151, art. 12, § 1.)