

LC00054/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2004

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT

Introduced By: Senator Leo R. Blais

Date Introduced: January 08, 2004

Referred To: Senate Government Oversight

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "State Affairs and Government" is
2 hereby amended by adding thereto the following chapter:

3 CHAPTER 138

4 THE INTERSTATE COMPACT SUNSHINE ACT

5 **42-138-1. Title.** - - The act may be cited as the "Interstate Compact Sunshine Act."

6 **42-138-2. Statement of purpose.** - - It is the intent of the general assembly to make the
7 governing bodies of interstate compacts, to which the state of Rhode Island is or will be a party,
8 subject to the open access laws of the state.

9 **42-138-3. Definitions.** - - As used in this chapter:

10 (1) "Governing body" means the organization of an interstate compact that is authorized
11 by the respective members to act on behalf of the respective members in the particular business
12 that is the subject of the interstate compact;

13 (2) "Interstate compact" means any agreement entered into between the state of Rhode
14 Island and one or more other states, regardless of subject matter or the need for federal
15 congressional approval;

16 (3) "Open access policy" means a constitutional provision, regulation, or court ruling,
17 such as a sunshine law or freedom of information act, that intends or has the effect of increasing
18 the transparency of any government operation to public scrutiny.

19 (4) "Written notice" means the written conveyance of information from the governing

1 body to the citizens of the state of Rhode Island in a manner that would reasonably inform the
2 citizens of the state of Rhode Island that the governing body has scheduled a meeting, whether or
3 not any citizen actually received the written conveyance;

4 (5) "Records" includes, but is not limited to, meeting minutes, records of votes, or any
5 other information that the governing body is required to keep under the terms of an interstate
6 compact;

7 (6) "Electronic" includes, but is not limited to, video, audio, or internet; and

8 (7) "Official meeting" means any meeting of an interstate compact governing body that is
9 required by the terms of the interstate compact or a decision of the governing body.

10 **42-138-4. Governing body compliance with open access law. - -** (a) The state of Rhode
11 Island shall require as a condition of continued or future participation in any interstate compact,
12 that the governing body of the interstate compact adopt an open access policy ensuring that:

13 (1) Public notice of meetings be provided to the public and state of Rhode Island thirty
14 (30) days before an official meeting of the governing body of the interstate compact; and

15 (2) Public access to the written and/or electronic records of all official meetings be
16 provided to the public and state of Rhode Island thirty (30) days after an official meeting of the
17 governing body of the interstate compact.

18 (b) The participation of the state of Rhode Island in any interstate compact that does not
19 comply with subsection (a) (1) and (2) may be null and void and may be rescinded in the manner
20 provided for the rescinding of participation in the enabling measure establishing Rhode Island's
21 participation in the interstate compact.

22 (c) A copy of this act shall upon passage, be forwarded to the office of all interstate
23 compacts of which Rhode Island is a member, and the governing body of the interstate compact
24 shall take measures to comply with subsection (a) within twelve (12) months after the effective
25 date of this chapter.

26 **42-138-5. Severability. --** If any provision of this chapter or the application of this
27 chapter to any person or circumstances is held invalid, the invalidity shall not affect other
28 provisions or applications of the chapter which can be given effect without the invalid provision
29 or application, and to this end the provisions of this chapter are declared to be severable.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would provide that any interstate compact entered into by the state would be
- 2 subject to the open access laws of the state, including, but not limited to, the provisions for open
- 3 meetings and access to public records.
- 4 This act would take effect upon passage.

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Presented by