

2014 -- H 8105

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS

Introduced By: Representatives McLaughlin, Hull, and Bennett

Date Introduced: April 30, 2014

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-46-8 of the General Laws in Chapter 42-46 entitled "Open
2 Meetings" is hereby amended to read as follows:

3 **42-46-8. Remedies available to aggrieved persons or entities.** -- (a) Any citizen or
4 entity of the state who is aggrieved as a result of violations of the provisions of this chapter may
5 file a complaint with the attorney general. The attorney general shall investigate the complaint
6 and if the attorney general determines that the allegations of the complaint are meritorious he or
7 she may file a complaint on behalf of the complainant in the superior court against the public
8 body.

9 (b) No complaint may be filed by the attorney general after one hundred eighty (180)
10 days from the date of public approval of the minutes of the meeting at which the alleged violation
11 occurred, or, in the case of an unannounced or improperly closed meeting, after one hundred
12 eighty (180) days from the public action of a public body revealing the alleged violation,
13 whichever is greater.

14 (c) Nothing within this section shall prohibit any individual from retaining private
15 counsel for the purpose of filing a complaint in the superior court within the time specified by this
16 section against the public body which has allegedly violated the provisions of this chapter;
17 provided, however, that if the individual has first filed a complaint with the attorney general
18 pursuant to this section, and the attorney general declines to take legal action, the individual may
19 file suit in superior court within ninety (90) days of the attorney general's closing of the complaint

1 or within one hundred eighty (180) days of the alleged violation, whichever occurs later.

2 (d) The court shall award reasonable attorney fees and costs to a prevailing plaintiff,
3 other than the attorney general, except where special circumstances would render such an award
4 unjust. The court may issue injunctive relief and declare null and void any actions of a public
5 body found to be in violation of this chapter. In addition, the court may impose a civil fine not
6 exceeding five thousand dollars (\$5,000) against a public body or any of its members found to
7 have committed a willful or knowing violation of this chapter. A fine imposed against a school
8 committee and/or its chairperson shall be paid as a personal responsibility of the chairperson, and
9 said sum shall not be eligible for reimbursement by the school district or the city or town wherein
10 the district is located.

11 (e) Nothing within this section shall prohibit the attorney general from initiating a
12 complaint on behalf of the public interest.

13 (f) Actions brought under this chapter may be advanced on the calendar upon motion of
14 the petitioner.

15 (g) The attorney general shall consider all complaints filed under this chapter to have
16 also been filed under section 38-2-8(b) if applicable.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS

1 This act would require the school committee chairperson to personally pay any fine
2 imposed by the superior court for violations of the open meetings act, without reimbursement by
3 the school district, city or town where the district is located.

4 This act would take effect upon passage.

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