



**State of Rhode Island  
DEPARTMENT OF BUSINESS REGULATION  
1511 Pontiac Avenue, Bldg. 68-2  
Cranston, Rhode Island 02920**

**Office of the Director**

Via email: [HouseStateGovernmentandElections@rilegislature.gov](mailto:HouseStateGovernmentandElections@rilegislature.gov)

June 14, 2021

Representative Evan P. Shanley  
Chair, House Committee on State Government and Elections  
Rhode Island State House  
Providence, RI 02903

Re: House 5891A – An Act Relating To State Affairs and Government – Open Meetings  
(Virtual Meetings)

Dear Mr. Chairman:

The Department of Business Regulation (“DBR”) submits this statement of support of its bill, H5891A.

As a result of the Covid-19 pandemic, public bodies subject to the Open Meetings Act (“OMA”) have been meeting remotely using video conferencing technology (and sometimes teleconferencing) since the Spring of 2020.<sup>i</sup> In order to capitalize on the benefits of this technology and continue the increased public access/participation in public meetings, DBR prepared this bill with the assistance of a Working Group comprised of state and local stakeholders.<sup>ii</sup>

Based upon the feedback received from this Committee and from public testimony in the House and Senate, DBR has proposed amendments in this SubA to provide public bodies the flexibility to hold an in-person, virtual or hybrid meeting. The legislation would still sunset on July 1, 2023, allowing for two full legislative sessions in which potential amendments could be considered by the legislature. Starting on January 1, 2022, this legislation would require all municipal councils, school committees/boards, zoning boards, planning boards and quasi-publics to hold hybrid meetings. That means that in-person meetings of those public bodies must provide remote public access through livestreaming and video conferencing when public comment or testimony will be received during the meeting. The SubA also includes exceptions to the hybrid meeting requirement, allowing site visits, zoning and planning workshops, and meetings of subdivisions of those five categories to be held as in-person only meetings. Notably, the municipalities have been advised that they may use American Rescue Plan Local Fiscal Recovery Funds to support the purchase of hybrid meeting equipment.

The intent of this legislation is to provide a transition out of the pandemic status quo under the Executive Orders to a new OMA which embraces the technological advances of the pandemic. Public bodies would benefit from the flexibility in this legislation to hold meetings in ways that best suit their members and constituents. Significantly, this legislation allows members of public bodies to participate remotely, making it easier to achieve a quorum. The public would benefit from the continued ability to attend more meetings remotely.

We worked to find a compromise between government and public interests. We considered the testimony from the Good Government Groups, but it would not be feasible to implement all their requests at this time given the diversity of public bodies subject to this Act. There are public bodies subject to OMA that have no budgets and no staff. We need legislation that works for all entities, from the largest agencies down to the smallest state and local boards.

The Executive Orders regarding OMA are likely to end when this session ends. If the legislature does not amend OMA during this session, no public bodies will be able to have hybrid or virtual meetings where their members participate remotely and there will be no incentive for public bodies to continue to provide remote public access. Furthermore, if we wait a few years to take this step forward, municipalities may not have the assistance of federal funds to purchase the technology for hybrid meetings.

I am available to answer any questions on this matter. I will be at the hearing but can also be reached at (401) 462-9551 or [liz.tanner@dbr.ri.gov](mailto:liz.tanner@dbr.ri.gov).

Very truly yours,



Elizabeth M. Tanner, Esq.  
Director

cc. Members of the House Committee on State Government and Elections

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<sup>i</sup> In April 2020, DBR took on a statewide role in virtual meetings when it purchased 100 Zoom Enterprise Licenses and offered one license to each municipality for free for the first year of the contract. Additional licenses were also provided to other state agencies at a bulk rate.

Starting in June 2020, DBR assembled a Working Group to prepare a best practices guide on [Holding Public Meetings via Video Conference](#) (issued July 2020 and updated September 2020). This guide was distributed to the National Governors Association and shared nationwide. Since September, DBR has presented trainings on these best practices to over 300 people including DBR's boards, state and municipal board staff, executive branch attorneys, private attorneys and the Health Services Council.

DBR is working with the Department of Revenue, Division of Municipal Finance, to continue to provide Zoom licenses to municipalities and state agencies at a reduced bulk rate. These licenses include Zoom meetings and webinars for up to 500 people and toll-free phone numbers. Zoom meetings and webinars can also be livestreamed to YouTube or Facebook Live. The state will also provide municipalities with a list of recommended audio/visual equipment to purchase for virtual meetings.

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ii The Working Group is comprised of:

- DBR board legal counsels and board staff members,
- A Division of Information Technology Project Manager,
- A city clerk, a town clerk, a municipal planner, and 3 municipal solicitors,
- The Chief of the Open Government Unit at the Office of the RI Attorney General,
- The Associate Director of Public Information at the Department of State,
- The League of Cities and Towns,
- Common Cause of RI, and
- Rhode Island Housing.