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Testimony on 19-S 250A, Senate Resolution Adopting the Rules of the House of Representatives for the Years 2019 and 2020

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The ACLU of RI appreciates the opportunity to submit testimony on these proposed Rules for the 2019-2020 session. Our comments follow below.

Section 6.2: Committee Agenda-Posting

Amendments to this section would no longer require committee agendas to be posted on the bulletin board outside of the Statehouse library, but instead would allow them to be posted on the "legislative data bulletin board." Since we are not familiar with what this phrase refers to, and since the current library bulletin board has, we believe, proven useful, we urge that the library posting requirement remain in effect.

Section 6.4-1: Open Meetings

This section is amended to specify that any "matter for consideration only shall not be open for public testimony." We understand the point of this amendment, but we note that, especially towards the end of the session, committees may "consider" bills that are vastly different from the bills as they were introduced. While the committee might not want to completely reopen a hearing that has already taken place, there may be circumstances when limited testimony on a revised bill would be appropriate, especially considering the ability the proposed rules gives the public to review substitute bills in advance.

Section 6.18: Substitute Bills

The ACLU strongly supports this addition to the rules, providing for the posting of substitute bills at least 24 hours before consideration. It is a very important step in promoting greater transparency and keeping the public apprised of potentially significant changes in bills before they are voted on.

Section 10.15: Photographic Equipment

New language to this section eliminates the requirement that permission be received from the appropriate Senate leader before a person can photograph or record committee meetings, and the ACLU supports the removal of that provision. However, we would urge

clarification of the new standard, which would now allow such equipment unless it “blocks ingress or egress or unduly creates a distraction as determined by” the relevant Senate leader. We believe this standard is too broad. Some people might consider the presence of *any* photographic equipment to potentially be a distraction; that is one of the arguments that the courts, for example, use in limiting or banning cameras in the courtroom. Because this standard provides virtually unbridled discretion to restrict photographic equipment, we ask that the language “or unduly creates a distraction” be deleted or replaced with tighter language, such as creating an “unusually severe” distraction.

Section 10.17: Display of Posters, Signs, and Banners Prohibited in the Gallery or Hearing Rooms

The amendments to this section would expand a current ban on the display of placards, signs, or posters in the Senate gallery to additionally apply to any committee hearing. The ACLU opposed the original sign ban, and so we oppose this expansion of it. While the Senate should have the right to restrict the size of signs and ensure they are not obstructive, we also believe the public should have the right to quietly and peacefully express their views at committee meetings through the display of small signs.

The ACLU of Rhode Island appreciates your consideration of our views.

Submitted by: Steven Brown, Executive Director