PUBLIC FIRST
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Senate Committee on Judiciary
Honorable Karl Rhoads, Chair
Honorable Mike Gabbard, Vice Chair

RE: **Testimony in support of S.B. 1651 S.D. 1, Relating to Public Meetings**
Hearing: February 20, 2025 at 10:01 a.m.

Dear Chair and Members of the Committee:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency. Thank you for the opportunity to submit testimony in **support** of S.B. 1651 S.D. 1.

This measure is necessary to carry out the intent of the Legislature in passing H.B. 1598, enacted as Act 11 (2024). Act 11 was intended to afford the public and board members *more* time to review meeting materials than the then-existing 48-hour deadline, by giving them at least two full business days to review the materials. *E.g.,* H. Stand. Comm. Rep. No. 672-24 at 1 (Bill intended to "give the general public and the government agencies ample time to review materials prior to the meeting in situations where the meeting may take place following a weekend or holiday.").

Despite this clear intent, the Office of Information Practices (OIP) has interpreted the law to provide the public and board members *less* time to review materials. OIP's interpretation creates situations in which board members have only one business day to review board packet materials. OIP has also taken the position that there is no deadline for boards to notify the public about the availability of a board packet. That means a board could provide notice that its board packet is available for inspection *after* the meeting to which it pertains. This bill addresses both of these concerns.

To simplify the deadline and increase operational flexibility, we recommend the following amendment at page 2, lines 4 – 6 (changes in bold):

"At the time the board packet is distributed to the board members, but no later than [~~two~~] **three [~~7:45 a.m. on the third~~]** business days **[~~day~~]** before the meeting. . . ."

Thank you again for the opportunity to testify in support of S.B. 1651 S.D. 1.