



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

RE: Testimony in Support of S.B. 353 S.D. 1, Relating to Emergency Management
Hearing: February 11, 2025 at 10:00 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. 353 S.D. 1. We **recommend an amendment** to better effectuate the intent of this measure.

Public records laws are a critical mechanism to ensure government transparency. This bill seeks to safeguard that promise of openness for the public during government-declared emergencies, when transparency is especially crucial.

But S.B. 353 S.D. 1 only safeguards one part of the public records law. We thus recommend the following amendment (in bold) at page 2, lines 14 - 18, clarifying that *all* of chapter 92F is shielded from suspension:

(a) The governor or mayor shall not, through any proclamation or declaration of emergency or any rule or order adopted pursuant to this chapter, suspend **[agency response deadlines for requests] access to: [Public records] Records** pursuant to ~~[part II of]~~ chapter 92F . . .

This amendment would ensure that members of the public are still able to access their personal records under part III of chapter 92F. It would also ensure that the Office of Information Practices (OIP) remains empowered, under part IV of chapter 92F, to administer the law, which addresses the operational challenges faced by OIP when former Governor David Ige suspended the entirety of chapter 92F during the COVID-19 pandemic.

Thank you again for the opportunity to testify in support of S.B. 353 S.D. 1.

