The Narragansett Bay Commission One Service Road Providence, Rhode Island 02905

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Vincent J. Mesolella Chairman

Laurie A. Horridge Executive Director

March 18, 2024

The Honorable Evan P. Shanley *Chair*House State Government & Elections State House
Providence, RI 02903

RE: Narragansett Bay Commission; House Bill 7181; Against

Dear Chairman Shanley and Members of the Committee:

I am writing to convey the Narragansett Bay Commission's (NBC) concerns with House Bill 7181.

As you know, the NBC is a diligent public corporation that strives to go above and beyond in the name of transparency and access to public information. The NBC is dedicated to ensuring its continued mission of always providing accurate information to the public. We commend your efforts to update and clarify the Rhode Island Access to Public Records Act; however, we have concerns with some of the proposed changes.

Principally, the NBC is concerned about the requirement that public bodies post all public documents to be discussed at a noticed meeting in their filing with the Secretary of State (page 6, lines 33-34 through page 7 line 3). This would require the NBC to prepare and finalize every single document that will be reviewed by NBC's Board members, including proposed resolutions and back-up information, well in advance of a meeting or else face significant fines for each document not prepared in advance. While the agendas for NBC's Board meetings are finalized and posted ahead of time and in compliance with the Access to Public Records Act, NBC staff is often still working on the documents and proposed resolutions that the Board will discuss up until the day of the meeting. Furthermore, it is important for our Board members to be the first to review these documents and vet the issues in open meetings, before these documents are published for the public to review.

Additionally, the NBC is concerned with the provision in 38-2-3(h) which provides that any extension of time to respond to a request for cause beyond the initial twenty (20) day extension requires the explicit written consent of the requestor. Public bodies are the entities that are most intimately familiar with the size of files and records that must be sorted through to provide a accurate response to a public records request and further are the entities that are aware of the number and scope of other pending requests that could justify the need for additional time. Public entities are best positioned to gage whether a request is overly burdensome or

voluminous. That determination should not be left to a requestor who is unaware of the number of requests a public entity is processing or the volume of records associated with a particular request. The Access to Public Records Act already contains statutory procedures and adequate civil penalties to address any concerns the legislature might have about a public entity abusing its discretion in that regard.

To that end, the NBC respectfully requests that the legislature amend H7181 by removing lines 33-34 on page 6, lines 1-3 on page 7, and the proposed verbiage at lines 6-7 on page 8. Thank you for the opportunity to comment.

Sincerely,

Jennifer J. Harrington, Esq.

General Counsel and Legislative Liason

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