

## **Senate Bill 2343**

**Senator Judy Lee, January 31, 2023**

SB 2343 enables access to documents important to a board's business to be available to new board members.

Section 1 applies to the State Board of Higher Education and calls for them to establish a policy ensuring transparent communication between members of the board on all topics relating to the specific powers and duties assigned to them. Each member must have equal access to all current and historic information relating to their discussions and duties.

This is intended to give new members of the board all of the information about current decisions being made by providing the background which came before a new board member's service. It is perfectly reasonable for any new person, whether hired in a business or appointed to a board, to know what has transpired before their arrival.

There has never been any intention of revealing information inappropriately. The documents will all be in the same categories in which they were originally placed, whether exempt or confidential. SB 2343 is to enable a current or incoming board member to have access to exempt records, for example, to understand all about a building project that may have begun before he or she joined the board. It is also appropriate in my view, for a new board member to have an idea of the caliber of candidates who have applied for various positions in order to understand if the best plans have been in place for recruiting new hires. The names would still be confidential.

I assume that the Board, just as some businesses do, has new members sign an agreement stating that documents that are viewed will remain confidential. If not, surely the orientation would make that clear. It is unacceptable to suggest that new members are going to publicize anything in an exempt or confidential document, just as it would be insulting to a physician or other health care provider to think that they will share health care information inappropriately after reviewing a chart. I am very familiar with confidentiality in my own work life.

Many positions have that expectation. You must trust your colleagues in order to work together well.

It is, of course, also ridiculous to think that departing Board members are going to forget everything that they have heard or seen in their years of service. They honor that expectation of confidentiality, too.

Page 8 line 28-30 defines 'public entity governing body' to include public boards, including a state institution of higher education.

Section 3 on page 9 states that a public entity may not deny a member of the governing body access to a closed, exempt, confidential or other record, including meeting records, whether written or recorded, which was created by or for the current or a prior governing body in the course of conducting the business of the public entity,

The business and activities of public boards must be transparent, with proper privacy for certain information as specified here, but with all information available to board members. The taxpayers supporting these public entities deserve to know that the people who are supposed to be conducting public business are able to have access to all information needed to make important decisions. Transparency is critical to good governing, always ensuring that the details which are protected remain that way.

SB 2343 is intended to support the good work of all public boards, including the board of higher education, by insuring that all board members have the information they need to contribute to the discussions and decisions being made.

Members will know that there will be information which cannot be shared outside of those board meetings, just as many of us have known in our work lives that much of what we have learned cannot be shared.

I respectfully request that you give favorable review to SB 2343 to support not only the boards which need all members to be fully informed in order to discuss and make wise decisions, but so citizens can trust that the work of the board is being done properly.