

TO: All Legislators

FROM: Senator Chris Larson, Representative Jimmy Anderson

RE: LRB-2525: Eliminating the record retention exemption for the WI Legislature

DATE: Thursday, March 18, 2021

DEADLINE: Wednesday, March 24, 2021

Openness and transparency are two of the hallmarks of the American system of government. Any journalist, business owner, or average citizen can make an open records request to get a better view of what is being done in their name, whether it be the Department of Revenue, their local school board or Common Council, even the Governor's office. Technically, this applies to the legislature as well, but with one key difference.

While legislative offices are currently required to furnish records to the public upon receiving a reasonable request for information, there is no requirement that they retain such records prior to any request being received. This essentially makes open records for legislators an "honor system," and creates perverse incentives to delete records the public would otherwise have access to.

This bill would remove the record retention exemption currently afforded members of the legislature, and would mandate that they be "preserved for permanent use," as indicated in section 16.61(1) of WI Statutes. The immediate benefit of this bill would be to begin to restore faith in an institution that the public has grown increasingly mistrustful of in recent years. Long-term, it would help restore Wisconsin's once-revered reputation as a leader in clean government.

NOTE: This legislation is identical to 2019 SB-11/AB-32. See the LRB analysis below for more details.

If you have any questions or would like to co-sponsor this legislation, **please contact Senator Larson's office at 608-266-7505 by Noon on Wednesday, March 24, 2021.**

~~~

### ***Analysis by the Legislative Reference Bureau***

Currently, the Public Records Board supervises the state's public records management and preservation programs and may set retention schedules for public records. However, the records and correspondence of any member of the legislature are excluded from the definition of "public records" for public records retention purposes. This bill eliminates that exclusion.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.