

GOPweb

JFC E-updates, talking points, columns, messaging and whatever else comes up during the budget process are posted on GOPweb.

It is our intention to keep you informed about what is in the budget and how it might impact you and your district. If you have any questions or suggestions of what you would like to see in a JFC update, please feel free to call Caroline Krause at 6-2344.

Records Update – Why It’s Important

There have been some recent questions raised about the changes adopted during yesterday’s JFC meeting pertaining to public records. Attached to this message are a series of talking points for your use on this matter.

Over the course of the next few days, we will have continued conversations with Senate colleagues and the governor’s office about any need for potential changes. We plan to discuss the adopted changes during our next caucus meeting on Tuesday at 1p.m.

These changes reflect an effort to protect the free flow of ideas among legislators, protect constituents’ ability to have open dialogue with their representatives, allow easier updates to records laws to keep up with advances in technology (text messages, visual voice mail are currently all records)

Allows for Collaboration. Currently, legislative service agencies have confidentiality restrictions that prevent them from disclosing information, even to each other. The proposal clarifies that service agencies may work together to serve the legislature.

Protects constituents. Constituents need to be able to contact their legislator without fear of reprisal from political foes. The proposal gives legislators the right to refuse to disclose the identity of constituents who contact them about legislative business, protecting the integrity of the legislator-constituent relationship.

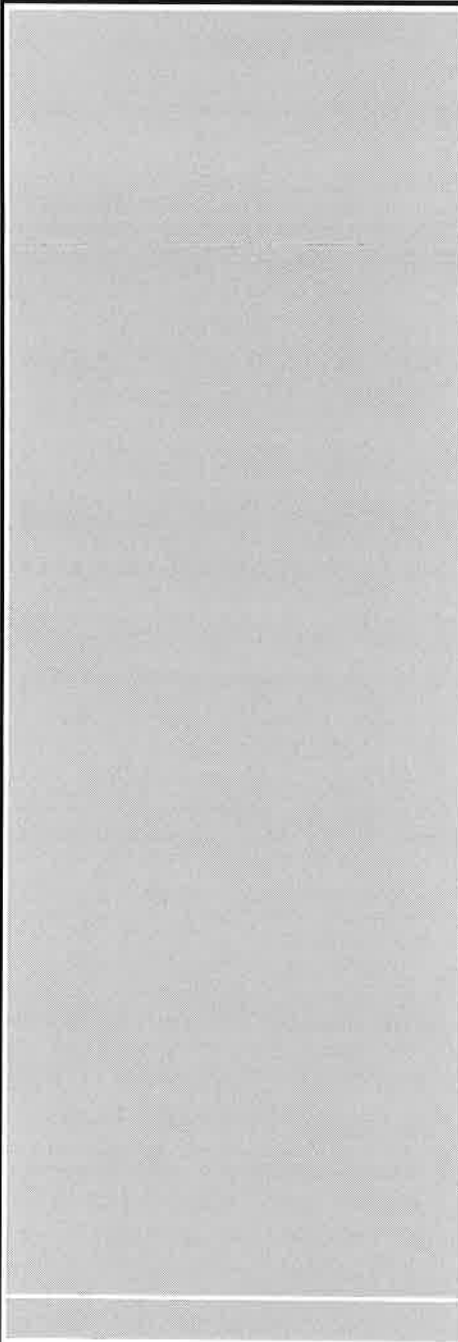
Protects legislative intent. Legislative intent should be determined by committee action and floor debate, since the legislators in committee and on the floor don't even know the contents of a drafting file when they are voting on a bill. This is how it works in Congress, because the Freedom of Information Act does not apply to Congress.

Protects the free flow of ideas. Legislators need to be able to have candid discussions with service agencies and staff. Staff provide no value if legislators are afraid to talk openly about policy ideas. The alternative is greater reliance on lobbyists and interest groups.

Privilege: Codifies protections that already exist in other states, in Congress, and in Wisconsin case law. The proposal codifies a privilege for legislators that is similar to the privilege already afforded federal legislators (via the speech and debate clause) to legislators in most other states.

- The proposal is consistent with Wisconsin Supreme Court precedent which, in finding that legislative privilege exists under the state constitution, construed the privilege to extend to all matters as much as is “necessary to achieve its objective of protecting the integrity of the legislative process.”
- Meaning, it needed “to reach matters that are an integral part of the processes by which members of the legislature participate with respect to the consideration of proposed legislation or with respect to other matters which are within the regular course of the legislative process.”

o State v. Beno, 116 Wis. 2d 122 (1984)

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- This privilege would only apply to communications made in the course of legislative business and would not protect communications about criminal or campaign activities.
 - Despite claims to the contrary, legislative privilege is not unusual. It exists in Congress and in most other states. **Today, there are at least 43 states that have form of legislative privilege including Minnesota and Michigan.**

Joint Committee on Finance

“I predict future happiness for Americans, if they can prevent the government from wasting the labors of the people under the pretense of caring for them.” Thomas Jefferson