

# House Bill 1528

**Presented by:** Randy Christmann, Chair  
Public Service Commission

**Before:** Senate State and Local Government Committee  
Honorable Kristin Roers, Chair

**Date:** March 30, 2023

## TESTIMONY

Madam Chair and members of the committee, I'm Randy Christmann, Chair of the Public Service Commission, here to testify on HB 1528. It is my assumption that this legislation is a response to what happened last year in one situation, in one agency, by two people who are no longer there. In my opinion, nothing really needs to be done because the current language in Section 4 of the bill (especially #'s 1 and 2) already addresses the issue. If people do not properly follow the current requirements they are probably not going to follow new ones either. But if it is determined that something more needs to be done, it should not be rushed into. This is the kind of technical, far-reaching policy that should be addressed through an interim study. It will affect different agencies in different ways.

If changes are going to be made this hastily, I recommend retention for 6 months instead of 2 years. Certainly no more than 1 year. Retaining all these emails and records will require so much time to search that this is going to get very expensive for either agencies or for the people requesting records. If sudden departures of key people are the issue, six months should be plenty of time.

The focus of any proposed legislation should be elected officials, agency heads, and deputies, not all supervisors. Supervisors are not defined, but could include even someone supervising a single new trainee. Keeping all the emails and files of this many people, for such long periods of time, will make searches enormous, time consuming, and expensive. People other than elected officials, agency heads, and deputies should simply be subject to the record retention policy of their individual agency. Agency record retention policies should probably be audited or reviewed by an interim legislative committee occasionally to assure they meet minimum standards.

Drafts should not be retained at all. This will lessen the willingness of people to think boldly and collaborate with co-workers to create the best possible final product.

Finally, I am not sure the state archivist should be part of a review. In the case of the PSC, that would be turning over trade secret protected information to someone beyond the intended recipients.

In addition to the complexity of handling open records requests that this legislation will cause, it should also be noted that under this proposal the state will be storing massive amounts of very sensitive information. If there is ever a breach at ITD, the state's liability could be scary.

This concludes my testimony. Thank you for your time and I am available for questions.