TYLER VORPAGEL

STATE REPRESENTATIVE • 27TH ASSEMBLY DISTRICT

Assembly Bill 443: relating to publication of certain proposed rules and changes to existing rules
Testimony of State Representative Tyler Vorpagel
Committee on State Affairs and Governments Operations
October 28, 2015

Thank you Chairman Swearingen and fellow committee members of State Affairs and Government Operations for hearing Assembly Bill 443. Currently if the Wisconsin Supreme Court wants to consider a new rule or change an existing rule it must hold a hearing on said rule or change, that would not change under this proposed bill. The current law also requires the court to publish notice of the hearing, including the full text of the proposed rule change, in a newspaper for three consecutive weeks prior to, and in the State Bar of Wisconsin within 30 to 60 days prior to said hearing. This legislation allows the Supreme Court to provide the same notice of the proposed rule change in the newspaper and in the State Bar of Wisconsin, but would allow the Supreme Court to post, the full text of the rule change-on the court's Internet site. This change is simply updating a practice to conform to modern technological advancements. Most people that would be looking for changes in rules would first go to the Court's website as it is now. This will streamline government and allow the court to save money by posting the proposed rule change on their already maintained website rather than pay to run the full text, for 3 weeks in a newspaper.

So in summary, notice of a rule change will still be published in a newspaper and in the Wisconsin State Bar, as is current practice. The only change is that the full text of the proposed rule change, which can cost thousands of dollars, would be viewable on the Supreme Court website. I'd be happy to answer any questions, but I would refer any technical questions to the Supreme Court when they testify. Thank you.

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Testimony
Of
Nancy Rottier
Legislative Liaison

In Support of
2015 Assembly Bill 443
Relating to Publication of Court Rules

Assembly Committee on State Affairs and Government Operations
Representative Rob Swearingen, Chair
October 28, 2015

Thank you very much. My name is Nancy Rottier and I am the Legislative Liaison for the state court system. I am appearing here in favor of Senate Bill 346.

With me today is Julie Rich, who is a Supreme Court Commissioner. One of Julie's primary roles is to assist the Supreme Court in the development of its rules. She will be able to address how the Court develops its rules, including the efforts it makes to solicit public input.

SB 346 will change the current requirement that the Court publish the full text of a proposed rule in the newspaper. The notice of a public hearing will still be published three times in the newspaper, but the full text of the rule would not be included. The full text would, instead, be published on the court system's website.

This bill represents a small change that we believe will save tax dollars. It is also a recognition that most people commonly turn to the Internet to find in depth information on topics such as this. In fact, the court system's website already contains a section with the current Supreme Court rules, plus any proposed changes to the rules. The full text of proposed rules are contained on that section of the website.

The bill is also in line with similar changes made to publication requirements for other units of government. One recent one was 2007 Wisconsin Act 72 that changed the requirements for publication of municipal ordinances. The act allowed cities, towns, villages and counties to publish a summary of ordinances, rather than the full text, in the newspaper.

Thank you for allowing me to testify this afternoon. After Julie's presentation, we would be happy to take questions. Thank you.

Supreme Court of Wisconsin

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Testimony
Of
Julie Anne Rich
Supreme Court Commissioner

In Support of
2015 Assembly Bill 443
Relating to Publication of Court Rules

Assembly Committee on State Affairs and Government Operations
Representative Rob Swearingen, Chair
October 28, 2015

Thank you. My name is Julie Anne Rich and I work for the Wisconsin Supreme Court. I am appearing here in favor of Senate Bill 346.

One of my tasks is to assist the court with rules matters. As you likely know, one of the Supreme Court's roles is to oversee the court system in Wisconsin, including the practice of law. There are a variety of rules addressing aspects of the court system, such as bar admissions, rules of professional conduct for lawyers, record retention, and rules of procedure. From time to time the court is asked to change rules or adopt new rules and when that happens the court typically conducts a public hearing.

We routinely comply with the notice provisions of 751.12. The reason this matter may seen to have arisen suddenly is because this term, the court happens to have - for the first time in a few years - a couple petitions for rule changes that are quite long. So, when we prepared the usual request for publication to the newspapers, we realized that publishing the entire text of this matter in the paper would cost some $8,000. And, the court has another petition scheduled for winter that is even longer.

Under this proposal we would continue to provide public notice in a State Bar publication and in the newspaper. We would still print the hearing notice and the petition, which is usually a brief summary of the proposed rule change. However, it would allow us to print the Internet address to the court rules website where people could review the full text, instead of publishing all the proposed changes in their entirety in the newspaper. Our rules website has been available for years and works well. There, we post not only rule petitions and proposed changes, in full, but also all public comments we receive on a matter and all public court communications on the matter.

We also seek to ensure broad public notice by sending – on every rule matter for which the court will obtain written comment or have a hearing – a letter to interested persons that explains the rule proposal, states when the hearing will be, and invites written comment and public testimony. We send this letter to nearly 50 different organizations and individuals – such as the Bankers, the Counties Association, the Sheriffs, and the League of Women Voters. This letter prompts most of the comments the court receives on rule matters.

I believe the current requirement is neither cost effective nor particularly efficient at providing the public with notice and I support the proposal.

Thank you for allowing me to testify this morning.