

JOHN SPIROS

State Representative • 86th Assembly District

Assembly Bills 119 and 120

September 21, 2017

Testimony from Rep. Spiros

Good afternoon, and thank you Chairman Ott and members of the Assembly Committee on Judiciary for allowing me to have the opportunity to share my testimony with you today regarding Assembly Bills 119 and 120, which were the result of the Legislative Council Study Committee on Publication of Government Documents and Legal Notices.

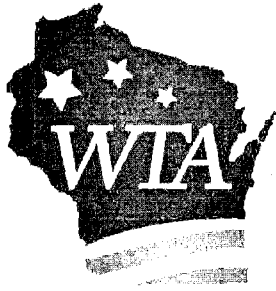
The Study Committee was directed to update and recodify chapters 35 and 985, statutes relating to the publication and distribution of government documents and legal notices, to reflect technological advances and remove obsolete provisions. In addition, the committee was to study whether, and in what circumstances, current law should be modified to allow for information to be made available only electronically or through nontraditional media outlets. In the end, the Study Committee chose to submit two bills to be considered in the legislature.

Assembly Bill 119 modifies current law relating to the method of notification when a legal notice is provided electronically. Specifically, this bill requires that a qualifying municipality include an easily identifiable link to its notices on the municipality's website homepage. Last session the legislature passed Assembly Bill 199, which allowed municipalities to post a legal notice in one public place and on their website rather than in three public places. Assembly Bill 119 that we are discussing today would ensure that those legal notices are as easy as possible for citizens to find on the municipalities website.

Assembly Bill 120 allows a municipality the option to publish a summary for the second and third insertions that are required for publication of certain Class 2 and Class 3 notices if the summarized notice also identifies a number of sources where the full-text content may be viewed. This bill will reduce costs and burden for municipalities, as well as ensure that citizens are still able to easily find the Class 2 and Class 3 notices.

I am also looking into an amendment that would clarify the last paragraph of the bill dealing with notices that are a result of a court order or court proceeding. This amendment would not change the intent behind the bill, but would simply add some clarification.

Thank you again for allowing me the opportunity to share testimony in support of these bills, and I welcome any questions. Scott and Steve from Leg Council are also here with me and would be happy to help answer questions.



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AB 119 Testimony

Chair Ott, members of the committee, thank you for the opportunity to testify today. Before I provide comments on AB 119, which modifies Act 79 from last session, I want to step back and consider the impacts of Act 79. Act 79 was an idea that the very rural Town of Wyoming in Waupaca County came up with. They thought that they could save the Clerk time, save the taxpayers money, and increase access to the public by moving our public notice strategy in Wisconsin into the 21st century. They were right.

And, this is how federalism is supposed to work. The most local level of government should have the authority to be entrepreneurial and invent ideas that ultimately work. Representative Spiros recognized the value of local invention and was the Assembly lead on Act 79 and we are very thankful.

The Town of Wyoming is so very proud of this effort. Here is a picture of their home page. At the bottom, you will see a picture of the whole Town Board at the signing of the bill. The Chair, who is a lifelong Wisconsin resident, had never been in Madison in his life until the day he was shoulder to shoulder with the Governor. It will stand as a high point in his life for years to come.

AB 119 makes modifications to Act 79 from last session by requiring that local government have a link on their home page to the meeting agendas. At face value, this doesn't seem like a big deal. It makes sense. In fact, if you look at the Town of Wyoming's home page, they already do it. I would estimate that most towns already do it, which makes AB 119 a solution looking for a problem.

Again at face value this makes sense, but when I talked with towns about this proposal, several consistent comments came up – the word insulting came up a lot, the words nanny-state came up once, one Clerk said – “do they think in Madison that we don't know what we're doing?”. They are upset that legislators don't think that local government is smart enough to manage their own websites and that the state needs to tell them how to do it. They are upset that what was a great illustration of federalism in Act 79 could potentially be turned on its head in AB 119 by having the state tell local government how to manage their website.

Does it make sense to have the agendas linked on the home page? Yes. Are towns going to die on this hill? No. But, is AB119 antithetical to federalism? Yes. If you pass AB119, will you insult some town officials? Yes. We would ask that you please consider not moving the bill out of committee.

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Town of Wyoming
Waupaca County, WI
Small Town America - Local Government

Home

The Town of Wyoming is an unincorporated rural town in the most remote area of northwest Waupaca County. It surrounds the Village of Big Falls. Unique from other Waupaca County communities in many ways, the Town of Wyoming landscape has the lowest proportion of agricultural land and the highest proportion of forest land. Waterways are also a dominant landscape feature, including high quality natural resources like the Little Wolf River, the South Branch of the Pigeon River, many trout streams, and Mud Lake.



On November 11, 2015, Clerk Carol Myers, Supervisor Margie Schmidt, and Chairman Burdette traveled to Madison on the state capitol grounds to witness the result of Town of Wyoming Resolution number 06-2014. The resolution and final bill form now allows municipalities with a town website to use the website, in addition to posting in one external posting site, as legal posting.

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