

The Wisconsin Administrative Rules Publication System

PRESENTATION GIVEN AT NASS ACR VIRTUAL CONFERENCE ON JULY 16,
2020, BY MIKE DUCHEK, WISCONSIN LEGISLATIVE REFERENCE BUREAU

Project partnership



Project was a years-long collaborative effort between two WI legislative service agencies:

- The Wisconsin Legislative Reference Bureau (LRB), which provides bill drafting and reference services to the legislature and public and publishes the Wisconsin statutes and administrative code and register (<http://legis.wisconsin.gov/lrb>).
- The Wisconsin Legislative Technology Services Bureau (LTSB), which provides numerous IT services to the legislative branch of state government in Wisconsin (<http://legis.wisconsin.gov/ltsb>).

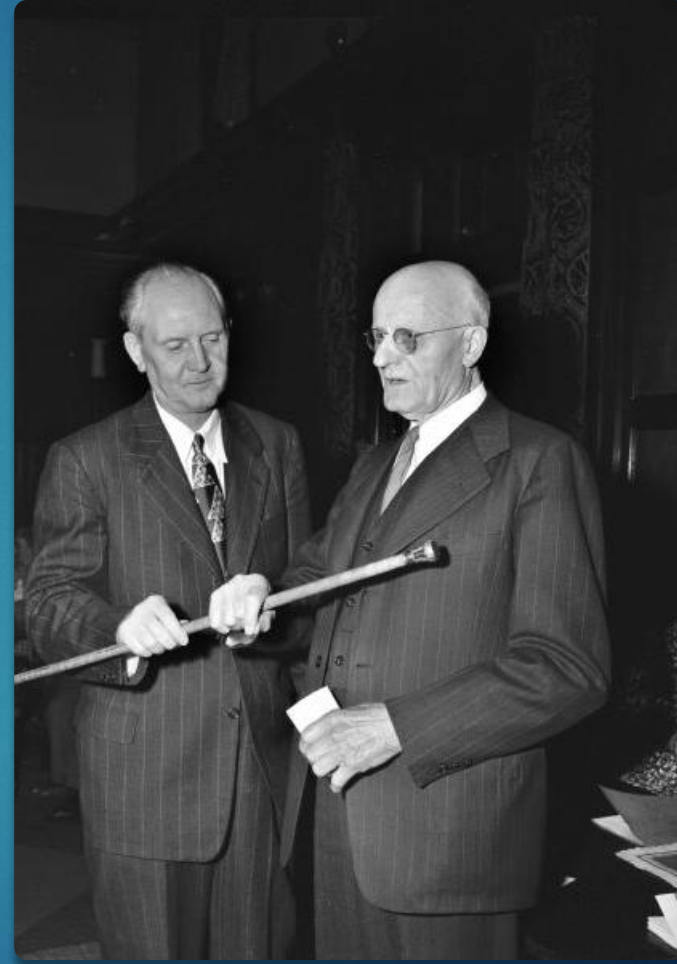
Early background and history

- ▶ Circa 1908-1912 – first “administrative rules” promulgated in Wisconsin, coinciding with the “Progressive Era” in Wisconsin, during which a number of landmark laws are enacted
- ▶ 1939 – Wisconsin establishes its first rules publication system, a supplement to the biennially printed Wisconsin statutes that was published every two years from 1940-1950. Known as the “Red Book” it was published by the Revisor of Statutes, an office housed within the State Library. Famed Revisor of Statutes E.E. Brossard called the effort “a new and much needed service [and] likewise an experiment.” The Red Book, however, includes only a fraction of Wisconsin’s administrative rules, many of which were published separately in book or pamphlet form.

E.E. Brossard

Brossard was well-known as the Wisconsin Revisor of Statutes and implemented Wisconsin's system of continuous statutory revision and oversaw the development of the Red Book rules publication system. Brossard served as Revisor of Statutes from 1922 until 1950, at which time he was noted as age 87 as being the oldest state employee. He died in 1958 at the age of 95.

John Berge, left, secretary of the Wisconsin alumni association, presents the gold headed cane to E.E. Brossard, right, then age 85, Class 1888, state reviser of Statutes. He was the senior member present at the University of Wisconsin Half Century Club for alumni who graduated 50 or more years ago. The presentation was held at their annual meeting. Photo dated 1948. Wisconsin Historical Society Archives.



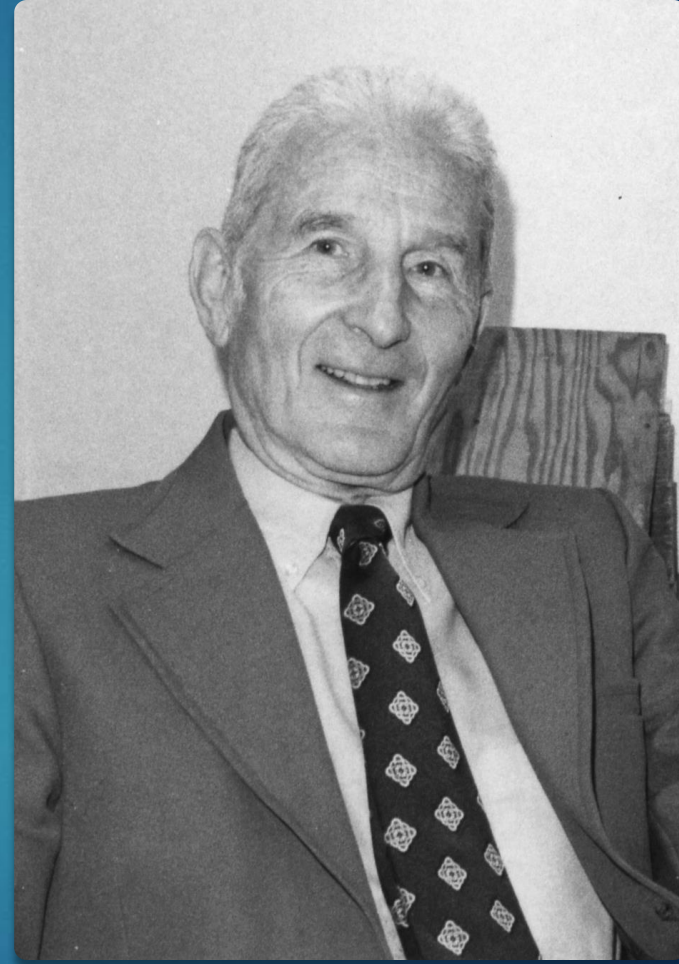
Early background and history

- ▶ 1951 – Publication of the Red Book ceases as efforts are made to find an alternative rules publication system
- ▶ 1953-55 – Following an extensive, landmark study, “Part II” of Wisconsin APA is enacted, largely dealing with administrative rules. The new system, which became effective in 1956, includes:
 - ▶ The Wisconsin Administrative Code, to contain *all* agency rules, with each agency having its own code
 - ▶ The Wisconsin Administrative Register, a monthly publication that would contain final rules and hearing notices for proposed rules.
 - ▶ A subscription service whereby subscribers could receive the monthly register and code updates.
- ▶ Prior to this, California was cited as having had the only other continual revision system for administrative rules in existence.
- ▶ As before, responsibility for code and register system put in hands of Revisor of Statutes

John Conway

John Conway briefly served as the Revisor of Statutes following Brossard's retirement, then joining the faculty at the University of Wisconsin Law School in 1953, where he taught until 1979. Conway was credited with coming up with Wisconsin's administrative code and register system during his tenure.

Photo from University of Wisconsin Law School archives.



Early background and history

- ▶ 1963-1965 – Revisor of Statutes transferred to legislative branch as “Revisor of Statutes Bureau”
- ▶ 1979 – Register becomes a twice-monthly publication, with code updates being included in each end-of-month register
- ▶ Mid-late 1990s – Wisconsin begins publishing statutes, admin. code, register online
- ▶ 2007 – Revisor of Statutes Bureau eliminated, rules duties transferred to Legislative Reference Bureau, which provides bill drafting, reference, and other services to legislature and public

State of play prior to project (circa 2013)

- ▶ Register and code are printed publications (though also published online). Register is published twice per month, and print subscribers receive printed pages to update their code with instructions on pages to insert and remove.
- ▶ Register generally consists of notices only – printing voluminous rules is space prohibitive – full text of final rules requires contacting agency or going to separate links.
- ▶ Two-week lead time required for filing notices in register and six-week lead time for the final publication of rules in code.
- ▶ One staff person spends up to two weeks of each month editing and formatting agency documents and preparing the single two-column register document.
- ▶ Wisconsin Department of Administration charges legislature approximately \$30,000 per month for managing and distributing the printed code and register subscriptions to fewer than 1,000 subscribers.
- ▶ A separate web site exists, maintained by the state Department of Health Services but used by other agencies, that contains different information about pending rulemaking and allows electronic commenting.

Early project history

- ▶ Early 2010s – Survey conducted, with conclusion that moving to electronic rule publication is viable and would not result in no significant loss of services to paid subscribers.
- ▶ Automation of code and register publication process (2010–11).
- ▶ Creation of a home page for each new and post-1996 archived rule order with links to relevant documents and history for the rule drawing from four separate legislative entities (2012).
- ▶ *Deployment of Slate database, overarching solution that allowed LRB and other agencies to easily and reliably store, access and manipulate data. Replaced a licensed software product (2012).*

Project history

- ▶ LRB, at urging of Bruce Hoesly, goes to legislature with request to implement new code and register system. Adopted as part of 2013-14 budget act (2013). Preparations ensue...
- ▶ Discontinuation of printing code and register and replacement by Internet publication as “official” documents, including all of the following (2015):
 - ▶ Re-creation of register as an interactive, web-only publication.
 - ▶ Creation of register “tool” to automate and simplify document filing, naming, storage, and organization and to provide a mechanism for saving metadata to filed documents.
 - ▶ Replacement of twice-monthly register publication with *weekly* publication each Monday, resulting in significant reduction of lag times between filing and publication of documents.
 - ▶ Development of an e-mail notification system to replace paid subscriptions to print register and code, integrated into bill notification system.

State of play post-project

- ▶ Register is a virtual document “consisting” of a table of contents connecting to HTML-ified versions Word and PDF documents received from agencies. The register is organized to contain several main categories of documents that correspond to the stages in the rule-making process. New categories of documents can easily be added to online register
- ▶ Preparation of register typically takes one staff person less than full day's work:
 - ▶ Documents sent by agencies via email are dragged and dropped into the register tool.
 - ▶ Appropriate metadata is entered, and the documents are saved into subfolders within a main folder for the given week's register.
 - ▶ A preview function allows the register to be viewed and proofed as it will look the following Monday when it is published.
 - ▶ The register is automatically published to the internet in the early hours of (usually) Monday morning. Any register can be republished to add additional information or correct errors

State of play post-project

- ▶ As rules are processed, they are incorporated into the code for a monthly code update:
 - ▶ Each new, modified, or repealed chapter is entered into a “Wrangler” tool
 - ▶ Chapters in the Wrangler are automatically added to a list of inserted and removed chapters which can be used for those maintaining a printed version. (This function is also integrated to allow users to look back at previous versions of code going back to 1956)
 - ▶ On the first of the month, the online code is automatically updated to reflect inserted and removed chapters
 - ▶ Code is published in a format identical to statutes
- ▶ Public can use free, electronic subscription system to stay up to date on rules/code that interest them.

Advantages of new system

- ▶ Register notices received as late as a Sunday evening can quickly be added for inclusion in the following day's weekly register – little lead time is required to publish notices.
- ▶ Code chapters that are updated to incorporate final rule orders filed by agencies are regularly published in the register within two weeks of the filing of the rule order with the LRB, and minor and last-minute changes can also be made to the code with relative ease.
- ▶ Full text of rules can be published alongside hearing notices, and final rules can be published in full. Size, length, and number of documents largely a non-factor.
- ▶ Rules and other documents have info pages to give public current and up to date information on state of rulemaking. Notes can be instantly added to provide additional information.
- ▶ Public and media can easily link to specific documents and infopages.

Other features/subsequent developments

- ▶ Creation of topic-specific, limited-scope website menus to categorize and list rule documents (2015).
- ▶ Generation of an “emergency rules in effect” alert in code chapters based on metadata saved with filed rules-related documents (2015). Similar alerts were implemented for emergency orders issued during the COVID-19 public health emergency that affected administrative code chapters (2020).
- ▶ Development of a unified presentation of archived materials that dates from the original code and register in 1956 and incorporated new rules-related documents as they enter the rule-making process (2016).

Other features/subsequent developments

- ▶ Development of a centralized, online public commenting mechanism for proposed rules (2016) and rule scope statements (2017).
- ▶ Development of an online rules activity calendar generated from metadata attached to filed rules-related documents (2017)
- ▶ Development of special administrative rules-related search templates for the legislature's website (2017).
- ▶ Implementation of scope statement/rule expiration system (2017, 2020).

Dan Fitch

LTSB developer who developed much of the code for our rules publication system. Dan worked at LTSB from 1998 until 2018.

Photo courtesy of Dan



Bruce Hoesly

Bruce Hoesly served in the Wisconsin Revisor of Statutes Bureau before it was folded into the Legislative Reference Bureau. Bruce envisioned and worked to implement the new code/statutes/register legislation and oversaw implementation of the electronic register, which went live in 2015. He retired from the LRB at the end of 2018.

Photo stolen from Bruce's Facebook page showing him in his former office overlooking Martin Luther King Dr. in Madison.



For more information...

- ▶ Wisconsin Administrative Rules “portal”:
<https://docs.legis.wisconsin.gov/code>
 - ▶ Admin. code: https://docs.legis.wisconsin.gov/code/admin_code
 - ▶ Admin. register: <https://docs.legis.wisconsin.gov/code/register>
 - ▶ Notification service: <https://notify.legis.wisconsin.gov/>
- ▶ Contact info:
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