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# RON TUSLER

STATE REPRESENTATIVE • 3<sup>rd</sup> ASSEMBLY DISTRICT

**Testimony on  
Assembly Bill 667  
Assembly Committee on State Affairs  
January 17, 2018**

Mr. Chairman and members of the committee, thank you for the opportunity to comment on Assembly Bill 667. This bill makes needed changes to the membership requirements of Wisconsin's Uniform Law Commission to ensure each chamber of the legislature is well-represented.

The Uniform Law Commission (ULC) was established in 1892 as the National Conference of Commissioners on Uniform State Laws. The ULC exists to study and review laws from state-to-state to determine which areas of law would benefit from uniformity and draft model acts to address those areas that states may choose to adopt. It is a non-partisan group of licensed attorneys from every state, Washington, D.C., Puerto Rico and the U.S. Virgin Islands. Commissioners work in all different areas of the law and serve as state legislators, state Supreme Court justices, judges, prosecutors, defense attorneys, private practitioners and more. One of the most recognizable products of the ULC is the Uniform Commercial Code (UCC).

Under current law, Wisconsin has an eight-member commission comprised of one representative from Legislative Council, one from the Legislative Reference Bureau, two public members and two members each from the Senate and Assembly. Each chamber appoints one member from the majority and minority party. Our Commissioners represent Wisconsin at the annual meeting when model acts are meticulously reviewed, section by section, and debated, often for at least two or three years before being voted on for approval by the states.

As the number of attorneys serving in Congress and state legislatures decline, filling legislator-designated positions has become difficult, especially in Wisconsin. In 2005 the legislature amended our commission membership requirement to allow former members of the legislature to serve as a commissioner if a current member is *unwilling or unable* to serve on the commission.<sup>1</sup> Currently, former Senator Joanne Huelsman represents the Senate majority party on the Wisconsin ULC. Prior to my appointment to the ULC last year, former Assembly Speaker David Prosser represented the Assembly majority party on the Wisconsin ULC. As of today, there are no licensed attorneys from the majority party in the Senate that are able to fulfill this requirement. Even if there are Wisconsin-licensed attorneys serving, he or she must be willing to assume on the responsibilities and obligations that come with being a commissioner.

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<sup>1</sup> 2005 Wisconsin Act 23.

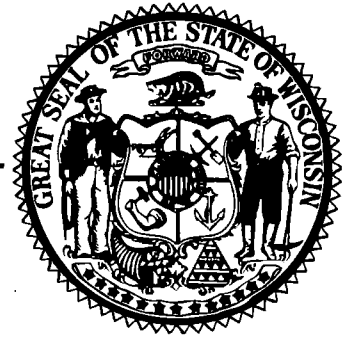
While it is ideal to have a legislator fill the legislator-designated seats on the Wisconsin ULC in order to advocate for and shepherd uniform laws through their respective chambers, the reality is that there may not always be eligible *and willing* attorney-legislators. This bill would allow another member of the bar association to fill the legislator-designated positions on the Wisconsin ULC if there is no current or former legislator eligible or willing to serve. This change ensures that both parties in both chambers have a voice at the table and that Wisconsin is well-represented at national ULC meetings.

The bill also allows "Life Members" to be appointed to the Wisconsin ULC. A "Life Member" is a Commissioner who has served for at least 20 years. Wisconsin has seven "Life Members" who would be eligible for appointments. Allowing these former commissioners to serve as commissioners again will only increase the influence Wisconsin has on drafting model acts and enrich the national ULC with their experience and knowledge.

Thank you for your time and consideration. Senator Risser and I ask for your support.

FRED A. RISSER  
Wisconsin State Senator

January 17, 2018



Representative Rob Swearingen, Chair  
Assembly Committee on State Affairs  
123 West, State Capitol  
Madison, WI 53708

Dear Chairman Swearingen,

Thank you for holding a hearing on Assembly Bill 667. I am pleased to have co-authored this bill with Representative Tusler.

The purpose of this bipartisan bill is to make the following changes related to the membership of the Wisconsin Uniform Law Commission. I am a Commissioner with both the Wisconsin and National Uniform Law Commissions, as is Rep. Tusler. These changes were suggested by the Commission at our last annual meeting to clean up some language but also to create a framework to address legislative and other commission membership in certain circumstances.

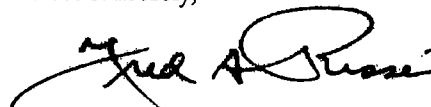
The WI Uniform Law Commission consists of eight members, including two senators and two representatives to the assembly from the two major political parties, appointed as are members of standing committees for two-year terms. However, if a legislative appointment cannot be made because there is no senator or representative who is a member of the state bar association willing or able to serve on the commission, a former senator or representative who served on the commission while a senator or representative and who is a member of the state bar association may be appointed. This provision was added a number of years ago when a Senate Republican member could not be appointed and former Republican Senator Joanne Huelsman agreed to serve as the Senate Republican appointee.

This bill allows the legislature to appoint as a member of the commission any member of the state bar association if there is no senator or former senator, or representative or former representative, respectively, who meets the eligibility criteria and is able and willing to serve. The appointment(s) would continue to be made by the appropriate Majority and Minority party leaders in each house.

The bill also allows the eight existing commission members to appoint as additional commission members persons who are life members of the ULC. These additional members have voting rights but are not counted in determining whether there is a quorum of the commission.

I appreciate your willingness to schedule this measure for a public hearing and I urge the committee to look favorably upon this important legislation.

Most Sincerely,

  
FRED A. RISSER  
Wisconsin State Senate

FAR:tet  
Cc: Assembly Committee on State Affairs

Testimony in favor of SB 570 and AB 667

Submitted by Joanne Huelsman

For the past 27 years I have been the Republican Senate leaders' appointee to the Uniform Law Commission.

This bill allows the appointment of any member of the State Bar when there is no attorney in the legislature and no former Commissioner who wishes the appointment. The provision to allow the appointment of a former Commissioner was put in when I left the legislature and there were no attorneys in the Senate Republican caucus. You do have to be an attorney to be seated at the Uniform Law Commission meetings.

I am a life member of the Commission and have paid my own way to attend meetings during the past 15 years when I was not in the legislature. At this time I wish to allow someone else to have the appointment. I have served on drafting committees, have been a division chair, and am currently on the committee of Parliamentarians. As a life member I will continue to attend National meetings, but it is time for someone else to be the Wisconsin appointee.