

Fiscal Estimate - 2007 Session

Original
 Updated
 Corrected
 Supplemental

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| LRB Number 07-0959/1 | Introduction Number AB-0055 |
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Description
 The qualifications of newspapers permitted to publish legal notices and allowing mailing of legal notices instead of publishing

Fiscal Effect

State:

- | | | |
|---|--|---|
| <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations | <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues | <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs |
|---|--|---|

Local:

- | | | |
|---|--|---|
| <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of Local Government Units Affected <input checked="" type="checkbox"/> Towns <input checked="" type="checkbox"/> Village <input checked="" type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input checked="" type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |
|---|--|---|

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|--|---------------------------------------|
| Fund Sources Affected | Affected Ch. 20 Appropriations |
| <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS | |

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|---|--|--------------------------|
| Agency/Prepared By DOR/ Pamela Walgren (608) 266-7817 | Authorized Signature Paul Ziegler (608) 266-5773 | Date 2/20/2007 |
|---|--|--------------------------|

Fiscal Estimate Narratives

DOR 2/20/2007

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|---|-----------|---------------------|---------|---------------|----------|
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Assumptions Used in Arriving at Fiscal Estimate

Under current law, a "legal notice" is every notice required by law or by order of a court to be published in a newspaper or other publication and includes the publication of ordinances, resolutions, financial statements, budgets, and the proceedings of governmental bodies. The bill makes several changes to current law regarding the publishing of legal notices.

Generally, under current law, a legal notice must be published in a newspaper likely to give notice in the area or to the person affected. The bill would also allow the governing body of a municipality to elect to mail a legal notice to each affected person instead of publishing the notice in a newspaper.

A newspaper under current law must meet certain requirements to be eligible to receive compensation for publishing legal notices. The newspaper must have been published regularly and continuously in the municipality for two of the last five years immediately before the date of the notice publication. The newspaper must also have a bona fide paid circulation that constitutes at least 50% of its circulation and have actual subscribers of at least 1,000 copies in a first or second class city, or of 300 copies in a third or fourth class city, or in a town or village.

Under the bill, to receive compensation for publishing legal notices, a newspaper may meet either the requirements under current law or meet the following requirements: for at least two continuous years, have been in existence, and have been published and delivered without a fee to at least 80% of the households and businesses in the coverage area. The coverage area would have to include the municipality that uses the newspaper to publish a legal notice.

In addition, the bill would allow a second, third or fourth class city, or a village, town, school district, sewerage district, drainage district, or county to designate any newspaper that is published at least once a week as its official newspaper for legal notices. The governing body of the municipality would have to find, after a public hearing, that the designated paper would give better notice to more affected persons than another qualified newspaper. The governing body would be required to consider the cost of the newspaper, the frequency of its publication, the number of residents receiving the paper and the extent to which the newspaper covers news specifically related to the area.

Under current law, if there is only one newspaper in a county and the publisher of that newspaper refuses to publish a legal notice, it may be published in a newspaper printed in an adjoining county. The bill also allows publishing in an adjoining county if there is no qualified newspaper in the county that is publishing the notice.

A newspaper is generally considered under current law to be published from the place from which its permit is issued. If there is no post office in the place where a newspaper has its major concentration of circulation, then it is required to designate a place of publication, but may have only one place of publication at a time. Under the bill, a newspaper would be considered to be published at a place that it designates, but could still have only one place of publication at a time.

Under current law, a person who is charged with the duty of publishing a legal notice who causes the legal notice to be published in an ineligible newspaper or fails to publish the notice in an eligible newspaper may be fined up to \$100 for each offense. Under the bill, the penalty for publishing a legal notice in an ineligible newspaper would not apply if the person charged with the duty also publishes the same notice in one of the eligible newspapers under the bill.

Information on the number of public notices or their costs is not available. To the extent that the additional means of disseminating notices provided under the bill are less costly than publishing notices under current law, local government costs would decrease.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2007 Session

Detailed Estimate of Annual Fiscal Effect

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| LRB Number 07-0959/1 | | Introduction Number AB-0055 | |
| Description The qualifications of newspapers permitted to publish legal notices and allowing mailing of legal notices instead of publishing | | | |
| I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): | | | |
| II. Annualized Costs: | | Annualized Fiscal Impact on funds from: | |
| | | Increased Costs | Decreased Costs |
| A. State Costs by Category | | | |
| State Operations - Salaries and Fringes | | \$ | \$ |
| (FTE Position Changes) | | | |
| State Operations - Other Costs | | | |
| Local Assistance | | | |
| Aids to Individuals or Organizations | | | |
| TOTAL State Costs by Category | | \$ | \$ |
| B. State Costs by Source of Funds | | | |
| GPR | | | |
| FED | | | |
| PRO/PRS | | | |
| SEG/SEG-S | | | |
| III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.) | | | |
| | | Increased Rev | Decreased Rev |
| GPR Taxes | | \$ | \$ |
| GPR Earned | | | |
| FED | | | |
| PRO/PRS | | | |
| SEG/SEG-S | | | |
| TOTAL State Revenues | | \$ | \$ |
| NET ANNUALIZED FISCAL IMPACT | | | |
| | | State | Local |
| NET CHANGE IN COSTS | | \$ | \$see text |
| NET CHANGE IN REVENUE | | \$ | \$ |
| Agency/Prepared By | | Authorized Signature | Date |
| DOR/ Pamela Walgren (608) 266-7817 | | Paul Ziegler (608) 266-5773 | 2/20/2007 |