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Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Small Business, Emergency
Preparedness, Technical Colleges, and Consumer
Protection (SC-SBEPTCCP)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection

Assembly Bill 707

Relating to: self-service storage facility notices and procedures.

By Representatives Barca, Clark, Steinbrink, Danou, Zigmunt, Kerkman, Zepnick, Ripp, A. Williams and Van Roy; cosponsored by Senators Plale, Taylor, Wirch and Ellis.

March 08, 2010 Referred to Committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection.

March 16, 2010 **PUBLIC HEARING HELD**

Present: (4) Senators Wirch, Plale, Hopper and Lazich.
Absent: (1) Senator Holperin.

Appearances For

- Peter Barca — Representative
- Katie Buhrandt — Senator Jeff Plale's Office
- Lisa Chiappetta, Kenosha — Wisconsin Self Storage Association
- Timothy Dietz — National Self Storage Association
- Kendall Breunig — Wisconsin Self Storage Association
- Kurt Jacobsen, Madison — Self

Appearances Against

- Peter Fox, Madison — Wisconsin Newspaper Association
- Pete Christianson, Madison — Wisconsin Newspaper Association

Appearances for Information Only

- None.

Registrations For

- Kathy Barth, Kenosha — Wisconsin Self Storage Association

Registrations Against

- None.

Registrations for Information Only

- None.

March 31, 2010

EXECUTIVE SESSION HELD

Present: (5) Senators Wirch, Plale, Holperin, Hopper and Lazich.
Absent: (0) None.

Moved by Senator Holperin, seconded by Senator Lazich that **Senate Substitute Amendment LRBS0346/3** be recommended for introduction.

Ayes: (5) Senators Wirch, Plale, Holperin, Hopper and Lazich.
Noes: (0) None.

INTRODUCTION OF SENATE SUBSTITUTE AMENDMENT LRBS0346/3 RECOMMENDED, Ayes 5, Noes 0

Moved by Senator Holperin, seconded by Senator Plale that **Senate Amendment LRBA1951/1** be recommended for introduction and adoption.

Ayes: (5) Senators Wirch, Plale, Holperin, Hopper and Lazich.
Noes: (0) None.

INTRODUCTION AND ADOPTION OF SENATE AMENDMENT LRBA1951/1 RECOMMENDED, Ayes 5, Noes 0

Moved by Senator Plale, seconded by Senator Lazich that **Senate Substitute Amendment LRBS0346/3** be recommended for adoption.

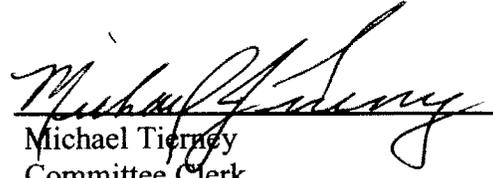
Ayes: (5) Senators Wirch, Plale, Holperin, Hopper and Lazich.
Noes: (0) None.

ADOPTION OF SENATE SUBSTITUTE AMENDMENT LRBS0346/3 RECOMMENDED, Ayes 5, Noes 0

Moved by Senator Holperin, seconded by Senator Wirch that **Assembly Bill 707** be recommended for concurrence as amended.

Ayes: (5) Senators Wirch, Plale, Holperin, Hopper and Lazich.
Noes: (0) None.

CONCURRENCE AS AMENDED RECOMMENDED, Ayes 5,
Noes 0


Michael Tierney
Committee Clerk



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE PETER BARCA

FROM: Dan Schmidt, Senior Analyst

RE: 2009 Assembly Bill 707

DATE: February 22, 2010

This memorandum, prepared at the request of your staff, discusses the technology available to demonstrate proof that a notice has been posted on the Internet. Specifically, you have asked this question in relation to the new posting requirements established under SECTION 9 of 2009 Assembly Bill 707, relating to self-service storage facility notices and procedures.

There are several ways one can seek to establish proof of date in posting a document on the Internet. The first alternative may simply be printing a copy of the web site where the post is made with a date stamp displaying the date of printing on the printout. This is easily done by selecting the date stamp function when printing on most web browsers. This is likely the simplest method available, but it may be less conclusive than other methods of date authentication.

Another option and perhaps the strongest way to demonstrate proof of posting date may be to request or subpoena the server records on which the notice was posted. This is likely a more costly alternative, but it is my understanding that this data, like telephone records, is generally well-accepted by the courts.

Other options may include the use of a database that provides a date stamp at the time the notice is added or the testimony or signed affidavit of an unbiased observer of the posting.

Regardless of method used to establish the date of posting, it will ultimately be up to the court to decide what constitutes proof of notice under the bill.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

DWS:ksm



KENOSHA NEWS

5800 - 7th Avenue • Kenosha, Wisconsin 53140 • (262) 657-1000 • Fax: (262) 657-6226 • www.kenoshacounty.com

Kenneth L. Dowdell
Publisher

March 10, 2010

By e-mail: Sen.Wirch@legis.wisconsin.gov

Senator Robert Wirch
Room 316 South Capitol
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Wirch:

I write to request that you take action to protect the integrity of public notices, a principle you have long defended.

You are aware that AB 707 passed the Assembly and has been assigned to your Committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection.

As written, this bill would reduce the number of times that official notice must be published prior to disposition of property considered abandoned in self-storage facilities. It also would make official a posting on a Web site managed by the self-storage association itself.

During your tenure in public office, you have placed great value on public notices in newspapers and the foundational premise that public notice is meant to be "out among the people," not promulgated at the convenience of government officials and special interests.

While this bill serves the self-storage operators, it fails the larger public. I urge you to use the committee process to see that it is halted in its fatally flawed form, by withholding a public hearing, by scheduling a hearing late in the session or by not reporting it out.

Peter Fox, long-time respected president of Wisconsin Newspaper Association, wrote an insightful commentary on the bill. I've attached it for your additional background.

I would value any thoughts you might have and look forward to following further developments on the bill.

Warm regards,



Ken Dowdell
Publisher

Shifting posting requirement to Web puts onus on citizens to 'surf' for public notices

By Peter D. Fox

Four bills now moving through the state Legislature, seemingly small in scope, threaten to undermine Wisconsin's public notice laws.

What's the big deal? The answer, unfortunately, is a lot. The proposed changes would reverse the historic duty of government to keep citizens informed of what it is doing. Instead, the proposed changes would shift the burden, forcing the people to track down day-to-day official information.

Ironically, this occurs as the March 14-20 national "Sunshine Week" nears. The observance is a non-partisan initiative to appreciate the importance of open government and freedom of information. Participants include civic groups, libraries, nonprofits, schools, private citizens, public officials, news-gathering organizations and anyone else interested in the public's right to know.

Because there are limitless government activities that affect our lives, state law contains dozens upon dozens of directions for how citizens should be notified of those actions. Some laws apply to different levels of government while others apply specifically to towns or to villages, cities, counties or school boards. Some laws deal with publication in official municipal newspapers; others deal simply with posting notices in public places – out among citizens.

The four bills would reduce the long-standing, requirements for three public postings of notices in situations as varied as abandoned goods in storage-units, giving notice of public meetings, and the court-ordered sale of personal goods or property to satisfy a judgment. They are Senate Bills 276 and 541, and Assembly Bills 546 and 707.

Each of these bills eliminates at least one physical posting of a public notice. The trade-off is to "allow" the public to go to a government-run Web site to ferret out their own information. And incredulously, one bill permits an "official" site that is owned by the Wisconsin Self Storage Association!

The value and reach of the Internet is obvious. Local government Web sites can serve a purpose as an *additional* information source. But they should not be a *substitute* for established public notice. Fundamental change should not be made because some self storage unit owners, real estate salesmen and civil-process servers complain about inconvenience to them in following established public notice requirements.

At recent legislative hearings, two legislators seemed to justify their bills when they observed the absence of citizens to protest changes, and that the Wisconsin Newspaper Association (WNA) – whose members would not be affected by the changes – was the only opposition.

The response is that a traditional role of newspapers is to be a “watchdog” on government, and WNA was there because it is doing its job. Never mind that the hearings were scheduled with only a couple days’ notice, making it difficult for “average citizens” to attend. Besides, citizens would hope that legislators would put the interests of the “average citizen” ahead of special interests.

The point is that government-operated Web sites don’t push notices out to anyone. While accessible to everyone with a computer, those sites notify no one. Advocates say these changes are “efficient” for public officials. But no where in this state – or in this nation – is a public notice requirement based on convenience to the governmental unit. It needs to be convenient to the people.

Possibly because they are so “wired in” at the State Capitol, many legislators advocate shifting all public notices to the Internet. Would they take that position if they were just regular members of the public who don’t have a lot of time in their personal lives to check up on what government is doing.

But, *you* are the judge: Do you believe that government is obligated to reach out and inform the public? Or would you rather be the responsible party to keep tabs on things?

Happy Sunshine Week.

(Fox, who spent more than 24 years in weekly and daily newspapers and also served a decade in state government, is executive director of the Wisconsin Newspaper Association and is a director of the Wisconsin Freedom of Information Council.)

**South Dakota Newspaper Association
Public Notices Survey - 2008**

Frequency Report

1. As I read you a list of institutions in society, please tell me how much confidence you have in each one.

A great deal, quite a lot, some, or very little confidence

<u>(N=500)</u>	<u>GDC</u>	<u>QLC</u>	<u>Some</u>	<u>VLC</u>	<u>DK/NR</u>
The church or organized religion	46.2	24.8	17.0	7.4	4.6
South Dakota public schools.....	30.2	36.0	23.2	5.6	5.0
Your county government.....	15.0	31.2	42.8	7.6	3.4
South Dakota state government	13.4	34.0	42.4	7.8	2.4
The Federal government.....	5.2	18.0	39.2	35.4	2.2

2. Do you read or look at a newspaper which is published in your community or neighboring community?

<u>(N=443)</u>	<u>% responding</u>
YES	88.6
NO	11.2
NR	.2

3. Do you subscribe to the newspaper, buy it at a rack or store, borrow a copy or read your newspaper through an Internet web site?

<u>(N=500)</u>	<u>% responding</u>
Subscribe	70.9
Rack/store	15.8
Borrow/at work	9.0
Newspaper web site	3.8
No response	.5

4. Is the newspaper you usually read published daily or once a week?

<u>(N=443)</u>	<u>% responding</u>
Daily	59.4
Weekly	23.9
Both daily & weekly	16.5
No response	.2

5. In reference to the newspaper you read, how often do you read the following types of content?

<u>(N=443)</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	<u>Never</u>	<u>DK/NR</u>
National news.....	63.0	18.1	10.2	8.4	.5
News about state government	60.9	24.4	8.8	5.9	0.0
News about local government	69.8	22.1	4.7	3.4	0.0
Business and industry news.....	45.8	29.8	14.2	9.9	.2
News about public schools.....	63.2	22.8	8.1	5.2	.7

6. How often do you or other members of your household read legal or public notices in a newspaper, such as school board minutes or property tax changes?

<u>(N=500)</u>	<u>% responding</u>
Usually	31.0
Sometimes	20.4
Seldom	33.4
Never	15.0
DK/NR	.2

7. Do you believe state and local government should be required to publish such legal and public notices in the newspaper on a regular basis?

<u>(N=500)</u>	<u>% responding</u>
YES	80.6
NO	9.4
Not sure	9.8
No response	.2

8. I am now going to read you a series of statements regarding the publication of legal notices. Please indicate if you either AGREE or DISAGREE with each.

<u>(N=500)</u>	<u>Agree</u>	<u>Disagree</u>	<u>DK</u>	<u>NR</u>
The requirement to publish legal notices helps keep local officials more honest.....	82.0	10.8	7.2	0.0
Publishing legal notices helps make local				

officials more careful about how they spend taxpayers money.....	79.6	12.6	7.6	.2
Publishing legal notices is money well spent	81.4	9.0	9.4	.2

9. How often do you or other members of your household read news or information posted on your local government web site like a city or school web site?

<u>(N=500)</u>	<u>% responding</u>
Weekly	14.0
2-3 times a month	6.6
Once a month	7.8
Several times a year	7.0
1-2 times a year	12.2
Never	51.6
No response	.8

10. When you are seeking information on public meetings or public notices, which source do you usually rely on for this news?

<u>(N=500)</u>	<u>% responding</u>
Local newspaper.....	56.8
City newsletters.....	.6
Public bulletin boards.....	1.2
Word of mouth/ friends/ relatives	8.4
Radio.....	4.0
Local television/ cable.....	13.6
Internet/ web sites.....	11.4
No source/ don't look for them....	2.8
No response.....	1.2

11. Do you or a member of your household currently use a computer in your home?

<u>(N=500)</u>	<u>% responding</u>
YES	79.0
NO	21.0

Asked to those with a home computer

12. Do you access the Internet through your home computer?

<u>(N=395)</u>	<u>% responding</u>
YES	94.7
NO	5.3

- 74.8% of all households have Internet access

13. How often do you access a newspaper web site?

<u>(N=374)</u>	<u>% responding</u>	<u>net hshlds</u>
Yesterday	26.7	20.0
The past week	13.4	10.0
The past two weeks	8.0	6.0
The past 30 days	13.1	9.8
Longer than one month	19.8	14.8
Never	19.0	14.2
No access		25.2

14. If public and legal notices, which government is required to publish, were posted only on the Internet how likely do you think you would be to seek out and read them?

<u>(N=500)</u>	<u>% responding</u>
Very likely	12.6
Somewhat likely	19.2
Somewhat unlikely	8.8
Not at all likely	53.6
No response	5.8

15. Which do you rank as the most useful source for campaign and election information?

(N=500) % responding



**Iowa Newspaper Association
Public Notices Survey - 2006-07**

Frequency report

1. As I read you a list of institutions in society, please tell me how much confidence you have in each one.

A great deal, quite a lot, some, or very little confidence

<u>(N=500)</u>	<u>GDC</u>	<u>QLC</u>	<u>Some</u>	<u>VLC</u>	<u>DK/NR</u>
The church or organized religion	43.0	23.0	20.2	8.6	5.2
Iowa public schools.....	24.8	38.8	29.6	4.2	2.6
Your county government.....	10.4	31.0	47.8	7.8	3.0
Iowa state government.....	7.4	32.2	50.4	8.8	1.2
The Federal government.....	6.6	13.0	47.2	32.2	1.0

2. Do you read or look at a newspaper which is published in your community or neighboring community?

<u>(N=500)</u>	<u>% responding</u>
YES	89.2
NO	10.8

Questions 3 through 5 asked to newspaper readers

3. Do you subscribe to the newspaper, buy it at

<u>(N=446)</u>	<u>% responding</u>
Subscribe	74.7
Rack/store	15.2
Borrow/pass-along or get at work	9.0
Web page	.9
DK/NR	.2

4. Is the newspaper you usually read published daily, once a week or twice a week?

<u>(N=446)</u>	<u>% responding</u>
Daily	66.1
1X weekly	19.1

2X weekly 5.8
 Read both daily
 and weekly 9.0

5. In reference to the newspaper you read, how often do you read the following types of content?

<u>(N=446)</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	<u>Never</u>	<u>DK/NR</u>
National news.....	70.0	14.6	9.9	4.5	1.1
Professional sports news.....	36.3	14.3	13.0	35.0	1.3
News about state government	60.1	25.3	7.6	6.5	.4
News about local government	70.4	20.4	6.7	2.5	0.0
Business and industry news.....	50.0	26.0	15.0	8.5	.4
Agriculture and farm news.....	43.0	19.7	18.6	18.4	.2
News about public schools.....	65.9	22.6	7.6	3.6	.2
News about public school bond issues.....	62.1	22.6	8.3	7.0	0.0
Society or lifestyle news.....	53.8	20.2	13.9	12.1	0.0

6. How often do you or other members of your household read legal or public notices in a newspaper, such as public notices on a tax increase or property zoning change?

<u>(N=500)</u>	<u>% responding</u>
Usually	25.8
Sometimes	26.2
Seldom	26.0
Never	21.8
DK/NR	.2

7. Do you believe state and local government should be required to publish such legal and public notices in the newspaper on a regular basis?

<u>(N=500)</u>	<u>% responding</u>
YES	77.6
NO	8.4
Not sure/depends	13.6
no response	.4

8. There are agencies and organizations in the state, such as SEE-TECH, that receive tax dollars to perform services such as rehabilitation, job training, and assistance to people in need. Do you believe these agencies that accept public funds should be required to publish an accounting of salaries and expenses?

<u>(N=500)</u>	<u>% responding</u>
YES	83.6
NO	6.6
Not sure/depends	9.6
No response	.2

9. How often do you or a member of your household visit your local public library?

<u>(N=500)</u>	<u>% responding</u>
Weekly	22.2
2-3 times a month	13.0
Once a month	11.8
Several times a year	15.8
1-2 times a year	16.8
Never	20.4

10. Do you or a member of your household ever go to your public library and use the library's computer system to access news or information on local or state government?

<u>(N=500)</u>	<u>% responding</u>
YES	16.4
NO	83.2
DK/NR	.4

11. How often do you or other members of your household read news or information posted on your city or town public bulletin boards or Internet web sites?

<u>(N=500)</u>	<u>% responding</u>
Weekly	17.4
2-3 times a month	6.4
Once a month	5.4
Several times a year	7.6
1-2 times a year	10.8
Never	51.2
DK/NR	1.2

12. When you are seeking information on public meetings or public notices, which source do you usually rely on for this news?

<u>(N=500)</u>	<u>% responding</u>
Local newspaper	58.0
City newsletters	2.8
Public bulletin boards	2.0
Word of mouth/friends and relatives	9.2
Radio	4.0
Local television/cable	10.8
Internet/web sites	9.2
No source/don't look for them	2.8
DK/NR	1.2

13. Do you or a member of your household currently use a computer in your home?

<u>(N=500)</u>	<u>% responding</u>
YES	74.0
NO	26.0

14. Do you access the Internet through your home computer?

<u>(N=370)</u>	<u>% responding</u>
YES	90.3
NO	9.7

Questions 15-16 asked to those with Internet access

15. On average, how often do you access the Internet from your home computer?

<u>(N=334)</u>	<u>% responding</u>
Daily	79.9
Several times a week	13.2
About once a week	4.5
Several times a month	.6
About once a month	.9
Less than once a month	.6
Other	.3

16. Which of the following are reasons you access the Internet?

<u>(N=334)</u>	<u>YES</u>	<u>NO</u>	<u>DK/NR</u>
To use chat rooms or bulletin boards.....	10.2	89.5	.3

To send and receive e-mail.....	95.5	4.5	0.0
To gather research or resource material.....	92.2	7.5	.3
To read news or get information about current events	76.9	23.1	0.0
For entertainment.....	62.9	37.1	0.0
For shopping or to find products or services.....	76.0	24.0	0.0

17. If public and legal notices, which government is required to publish, were posted on the Internet how likely do you think you would be to seek out and read them?

<u>(N=500)</u>	<u>% responding</u>
Very likely	8.8
Somewhat likely	17.0
Somewhat unlikely	5.0
Not at all likely	60.8
Don't know/depends	6.6
No response	1.8

Demographics

18. Children in household

<u>(N=500)</u>	<u>% responding</u>
YES	33.0
NO	66.8
NR	.2

19. Age

<u>(N=500)</u>	<u>% responding</u>
18-24	2.6
25-34	8.0
35-44	13.0
45-54	24.2
55-64	33.4
65-74	9.4
75+	7.2
NR	2.2

20. Marital status

<u>(N=500)</u>	<u>% responding</u>
Married	73.0



**North Dakota Newspaper Association
Public Notices Survey Questionnaire - 2005**

Frequency Report

1. As I read you a list of institutions in society, please tell me how much confidence you have in each one.

A great deal, quite a lot, some, or very little confidence

<u>(N=500)</u>	<u>GDC</u>	<u>QLC</u>	<u>Some</u>	<u>VLC</u>	<u>DK/NR</u>
North Dakota public schools	34.8	35.4	22.4	1.8	5.6
Your county government.....	13.4	43.0	34.0	7.2	2.4
North Dakota state government	16.0	43.0	33.2	6.6	1.2
The U.S. Federal government...	7.2	25.0	44.4	22.4	1.0

2. Do you read or look at a newspaper which is published in your community or neighboring community?

<u>(N=500)</u>	<u>% responding</u>
YES	92.2
NO	7.4
NR	.4

Questions 3-5 asked to local newspaper readers

3. Do you subscribe to the newspaper, buy it at a rack or store, borrow a copy or read your newspaper through an Internet web site?

<u>(N=461)</u>	<u>% responding</u>
Subscribe	72.7
Rack/store	16.1
Borrow	8.9
Web page	2.2
DK/NR	.2

4. Is the newspaper you usually read published daily or once a week?

<u>(N=461)</u>	<u>% responding</u>
Daily	65.7
Weekly	22.6
Read both	11.5
DK/NR	.2

5. In reference to the newspaper you read, how often do you read the following types of content?

<u>(N=461)</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	<u>Never</u>	<u>DK/NR</u>
News about state government	54.0	32.3	11.1	2.6	0.0
News about local government	62.0	29.1	6.9	2.0	0.0
News about public schools.....	59.9	27.3	11.3	1.5	0.0
News about public school bond issues.....	51.6	25.8	16.3	6.3	0.0
Political advertisements for state candidates for office.....	26.7	34.3	23.6	15.4	0.0
Political advertisements for local county or city candidates for office	34.5	33.6	21.0	10.8	0.0
State lottery or casino advertisements.....	13.7	16.5	21.7	48.2	0.0

6. I am now going to read you a series of statements regarding political advertising by North Dakota candidates for state office. Please indicate if you either AGREE or DISAGREE with each.

<u>(N=500)</u>	<u>Agree</u>	<u>Disagree</u>	<u>DK</u>	<u>NR</u>
Television advertising for political candidates is too image oriented.....	85.8	9.2	4.6	.4
Candidates for state offices seldom address issues in their advertisements.....	69.4	23.2	7.0	.4
Candidates too often attack their opponents on personal matters.....	89.2	8.6	2.0	.2
When candidates address issues in their advertising voters are better informed.....	77.8	17.8	4.2	.2

7. How often do you or other members of your household read legal or public notices in a newspaper, such as public notices on a bond issue or property zoning change?

<u>(N=500)</u>	<u>% responding</u>
Usually	16.6
Sometimes	29.4
Seldom	29.2
Never	24.6
DK/NR	.2

8. Do you believe state and local government should be required to publish such legal and public notices in the newspaper on a regular basis?

<u>(N=500)</u>	<u>% responding</u>
YES	78.2
NO	8.0
Not sure/depends	13.4
NR	.4

9. How often do you or other members of your household read news or information posted on your city or town public bulletin boards or Internet web sites?

<u>(N=500)</u>	<u>% responding</u>
Usually	12.8
Sometimes	24.2
Seldom	27.0
Never	35.8
DK/NR	.2

10. When you are seeking information on public meetings or public notices, which source do you usually rely on for this news?

<u>(N=500)</u>	<u>% responding</u>
Local newspaper.....	53.0
City newsletters.....	1.8
Public bulletin boards.....	6.2
Word of mouth/friends/relatives	7.6
Radio.....	1.4
Local television/cable.....	12.8
Internet/web sites.....	5.4
No source/don't look for them....	10.6
DK/NR.....	1.2

11. Do you or a member of your household currently use a computer in your home?

<u>(N=500)</u>	<u>% responding</u>
YES	70.0
NO	30.0

Asked to those with a computer

12. Do you access the Internet through your home computer?

<u>(N=350)</u>	<u>% responding</u>
YES	90.0
NO	10.0

Asked to those with Internet access

13. Which of the following are reasons you access the Internet?

<u>(N=315)</u>	<u>YES</u>	<u>NO</u>	<u>DK/NR</u>
To use chat rooms or bulletin boards.....	10.5	89.5	0.0
To send and receive e-mail.....	95.2	4.8	0.0
To gather research or resource material.....	90.2	9.8	0.0
To read news or get information about current events	75.2	24.8	0.0
For entertainment.....	71.1	28.9	0.0
For shopping or to find products or services.....	65.4	34.6	0.0

14. If public and legal notices, which government is required to publish, were posted on the Internet how likely do you think you would be to seek out and read them?

<u>(N=500)</u>	<u>% responding</u>
Very likely	6.8
Somewhat likely	17.8
Somewhat unlikely	13.4
Not at all likely	59.2
Don't know/depends	2.4
NR	.4



15. How often do you or a member of your household participate in the following activities?

<u>(N=500)</u>	<u>1-5X yr</u>	<u>6-10X yr</u>	<u>11-20X yr</u>	<u>21+X yr</u>	<u>Never</u>	<u>DK/NR</u>
Visit one of the Native American casinos for gambling.....	41.6	7.0	2.2	1.8	47.4	0.0
Attend entertainment events or floor shows at state casinos.....	23.2	3.4	.4	.6	72.4	0.0
Purchase state lottery tickets.....	25.4	8.0	8.4	11.6	46.6	0.0
Purchase lottery tickets for the multi-state Power Ball games.....	24.0	7.0	8.4	11.8	48.8	0.0

	<u>% playing</u>	<u>avg. # times</u>
Visit one of the Native American casinos for gambling	52.6	4.3
Attend entertainment events or floor shows at casinos	27.6	3.7
Purchase state lottery tickets.....	53.4	9.2
Purchase lottery tickets for the multi-state Power Ball	51.2	9.5

**Minnesota Newspaper Association
Statewide Survey 2005**

Frequency Report

1. If you wanted information on the following where would you most likely turn first, TV, Radio, Newspaper, Free Shopper, Internet, Friends and relatives or some other source?

<u>(N=1200)</u>	<u>TV</u>	<u>Radio</u>	<u>Nwsp</u>	<u>Shppr</u>	<u>Internet</u>	<u>Friendss</u>	<u>Other</u>	<u>DK</u>
News about events in the state...	47.3	8.8	29.2	.3	12.5	.9	.6	.4
News about local events.....	23.8	8.8	57.3	.8	6.8	1.9	.2	.6
News about local government and local political issues.....	24.8	5.9	57.3	.5	7.5	1.1	1.0	1.9
Information on where to shop.....	2.3	.9	59.8	6.5	10.8	7.5	8.8	3.4
Information on the cost of products	1.0	.4	53.5	8.3	19.6	4.2	10.2	2.8
Information about job openings	.3	.3	61.2	.4	20.8	2.3	5.6	9.2

2. In the past two weeks, have you or a member of your household purchased an item advertised in a....

<u>(N=1200)</u>	<u>YES</u>	<u>NO</u>	<u>DK/NR</u>
Television commercial or shopping program	15.3	84.1	.7
Radio commercial.....	5.5	94.0	.5
Newspaper advertisement.....	50.6	49.3	.1
In a free publication or shopper.....	37.8	61.8	.4
Through a direct mail piece.....	16.8	82.8	.3
On the Internet.....	22.1	77.8	.2

3. Did you read or look at a Minnesota newspaper yesterday?

<u>(N=1200)</u>	<u>% responding</u>
YES	65.9
NO	34.1

Asked to those not reading yesterday

4. Have you read or looked at a Minnesota newspaper in the past 7 days?

<u>(N=409)</u>	<u>% responding</u>
YES	61.6
NO	38.4

- 65.9% of Minnesotans read a newspaper yesterday
- An additional 21.0% have read at least one issue of a newspaper in the past week
- Net readership by adults = 86.9%

Asked to all newspaper readers

5. Do you or a member of your household read a DAILY newspaper that is published in your local community?

<u>(N=1043)</u>	<u>% responding</u>
YES	66.7
NO	33.1
DK/NR	.2

- Net daily newspaper readership = 58.0%

6. Do you subscribe to the newspaper, buy it at a rack or store or get it from another source?

<u>(N=696)</u>	<u>% responding</u>
Subscribe	70.7
Rack/store	16.1
Pass-along/borrow	12.5
DK/NR	.7

7. How many issues of this newspaper do you read during a typical week?

<u>(N=696)</u>	<u>% responding</u>
One	8.5
Two	4.9
Three	5.9
Four	5.0
Five	9.1
Six	9.5
Seven	56.3
DK/NR	.9

Average issues read per week = 5.6

8. How many other people read the copy of the newspaper?

<u>(N=696)</u>	<u>% responding</u>
One	47.4
Two	29.9
Three	6.2
Four	2.7
Five+	5.5
DK/NR	8.3

Readers per copy = 1.8

9. In reference to this newspaper, how often do you read the following types of content?

<u>(N=696)</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	<u>Never</u>	<u>DK/NR</u>
Main news	85.3	10.1	3.9	.7	0.0
Sports	45.4	17.2	12.4	25.0	0.0
Business and financial news	47.3	27.2	11.9	13.6	0.0
Editorials and opinions.....	57.2	24.4	10.2	8.2	0.0
Agriculture and farm news	24.0	19.1	19.1	37.8	0.0
Lifestyle news.....	49.1	31.2	9.6	10.1	0.0
Travel or entertainment news	45.0	34.2	11.2	9.5	.1
Classified or want ads.....	33.9	29.3	19.8	17.0	0.0
Display advertisements.....	37.8	38.4	13.6	10.1	.1

Asked to all newspaper readers

10. Do you or a member of your household read a Minnesota published WEEKLY or non-daily newspaper?

<u>(N=1043)</u>	<u>% responding</u>
YES	51.2
NO	48.8

Net weekly newspaper readers = 44.5%

11. How many issues of the weekly newspaper do you read during a typical month?

<u>(N=534)</u>	<u>% responding</u>
One	3.0
Two	3.7

Three	2.8
Four	78.8
Five	1.7
Six	.6
Seven	1.1
Eight	6.7
DK/NR	1.5

Average issues read per month

Four time monthly = 3.8

Eight time monthly = 7.3

12. How many other people read the copy of the newspaper?

<u>(N=534)</u>	<u>% responding</u>
One	49.6
Two	35.6
Three	6.2
Four	1.9
Five+	2.2
DK/NR	4.5

Average readers per copy = 1.7

13. In reference to the newspaper you read, how often do you read the following types of content?

<u>(N=534)</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Seldom</u>	<u>Never</u>	<u>DK/NR</u>
Main news	85.8	8.6	4.9	.7	0.0
Sports	50.0	14.6	9.6	25.7	.2
Business and financial news	49.4	21.0	12.5	16.3	.7
Editorials and opinions.....	59.7	21.3	10.3	8.4	.2
Agriculture and farm news	36.5	19.9	13.1	30.0	.6
Lifestyle news.....	54.1	21.5	9.4	14.6	.4
Travel or entertainment news	49.1	26.4	11.4	12.0	1.1

Classified or want ads.....	45.9	29.0	13.9	11.0	.2
Display advertisements.....	47.6	29.8	12.7	9.6	.4

Asked to all newspaper readers

14. How often do you or other members of your household read legal or public notices in a newspaper, such as public notices on a public meeting or minutes of a city council meeting?

<u>(N=1043)</u>	<u>% responding</u>
Usually	23.5
Sometimes	21.5
Seldom	32.9
Never	22.1

15. Do you believe state and local government should be required to publish such legal and public notices in the newspaper on a regular basis?

<u>(N=1043)</u>	<u>% responding</u>
YES	74.7
NO	5.8
Not sure/depends	18.4
NR	1.2



16. How often do you read or look at advertising inserts or circulars in the newspaper?

<u>(N=1043)</u>	<u>% responding</u>
Always	49.0
Sometimes	33.0
Seldom	13.4
Never	4.4
DK/NR	.2

17. How would you prefer to receive advertising inserts?

<u>(N=1043)</u>	<u>% responding</u>
In the newspaper	58.2
In the mail	5.3
In a shopper or free publication	6.9
Prefer not to receive	10.1
No preference	18.9
DK/NR	.7

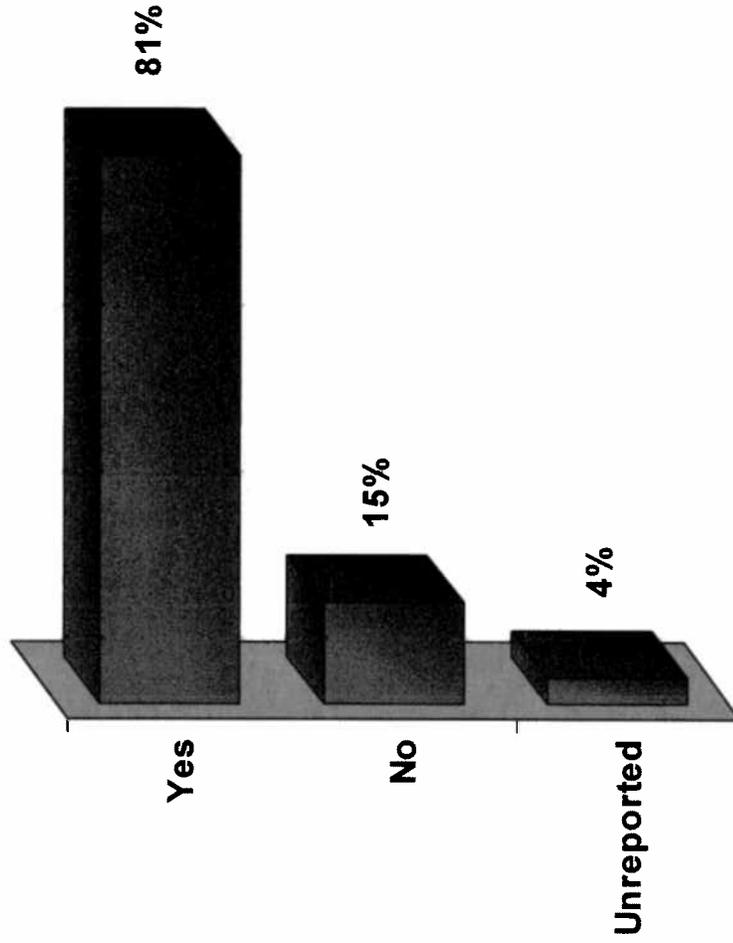
Asked to all respondents

Legal/Public Notice Measurements

8 of 10 Arizona Adults Believe Third Party Verification Is Important

Verification of Properly Printed Notices Is Important:

Printing public or legal notices in newspapers provides independent, third party verification that the notices are printed properly and on time. Do you think this verification is important?



Base: Adults in Arizona (4,600,000).



WISCONSIN STATE LEGISLATURE





PETER D. FOX
 WNA Executive Director
 Peter.Fox@WNAnews.com

WISCONSIN NEWSPAPER ASSOCIATION

...world's oldest press association, established 1853

The press issue
 March 16, 2010

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WNA Executive Director
 PETER D. FOX

Senator Robert Wirsch, Chair
 Senate Committee on Small Business, Emergency Preparedness, Technical
 Colleges and Consumer Protection
 316 South, State Capitol
 PO Box 7882
 Madison, WI 53707-7882

Dear Senator Wirsch and Members of the Committee:

On behalf of the members of the Wisconsin Newspaper Association (WNA), I thank you for the opportunity to provide testimony on 2009 Assembly Bill 707. We think it extremely appropriate that AB 707 should receive a public hearing before this committee which deals with both small-business and consumer-protection concerns. WNA objects to only Section 9 of the proposed legislation, those provisions that would alter how the self-service storage unit owner would make public notification of an impending sale of abandoned property.

First, there is a significant problem with how the bill initially altered a requirement for a Class 2 notice to a Class 1 notice and, as an "offset," how it would have provided certain public-notice posting rights to a private enterprise. Second, a "fatal flaw" amendment was added to AB 707 during Assembly consideration.

The requirement for the owner of a self-service storage business to make a public notification of intent to dispose of abandoned property is part of due process provisions governing landlord-tenant relations. As the renter of a storage unit must accept a written contract with the facility owner and comply with the owner's stipulations, the owner is obligated to make notification when seemingly abandoned property is to be discarded or sold for payment.

Notification via two sequential insertions into a newspaper of general circulation now is required as a means to "push out" notification of the impending action to as many members of the public as possible. This notification is made after attempts are made through the U.S. Postal Service. The rationale behind this requirement is to perhaps reach the renter himself, but also to inform family members, friends, neighbors, or other associates that an action is pending against someone they know. Importantly, notification not only informs the individual or entity most directly affected, but also the general public, which has an interest in knowing how public powers are being used.

Senator Robert Wirth, Chair
Senate Committee on Small Business, Emergency Preparedness, Technical Colleges
and Consumer Protection
March 16, 2010
Page 2

This notification via newspaper publication is one of many such legal requirements made of non-governmental entities that use public powers or institutions in some way. AB 707 would reduce this requirement specifically for owners of rental storage units, and allow the businesses to adopt a form of notification reserved for local units of government – that of providing public notice by physically posting written information in public places. State law provides that public postings shall be in three known locations accessible to the public. In municipalities that are subject to this requirement, those specific public places are consistent, long-standing and well-known to the population.

Why should storage unit operators be granted this authority? AB 707 permits a posting in two public places, one of which may be an Internet site. Where might the one physical posting be – on the front door or front gate of the storage business? Who would determine where that location would be?

The second part of the posting requirement initially provided by AB 707 permitted an Internet site but the bill was silent on who or what would own and operate that site. That site might have been a “Web site needle” in an “Internet haystack.” An amendment added to AB 707 in the Assembly stipulates that the specific Web site be either that of the Wisconsin Self Storage Association or one maintained by the owner of the facility in question. The amendment is an astonishing abdication of established public notification law to private interests! What’s next? Local government brought to you by a local grocery store or automobile dealership?

Newspaper notification of an impending sale of property assumed to be abandoned protect due process, and at least one court has already called into question the validity of Internet notices for purposes of fulfilling due process requirements. In 2007, the U.S. District Court for the Eastern District of California found no authority supporting the proposition that due process requirements are satisfied when a newspaper notice simply invites readers to check Websites for information regarding state seizure of their property instead of publishing the entire notice in the newspaper. The court went on to enjoin enforcement of California’s unclaimed property law until the state provided constitutionally adequate notice to property owners whose property was at risk of surrender. (*Taylor v Westly*, 488 F.3d 1197, 1201; CA 9th 2007) In Washington State, following a state supreme court ruling that Web notice was insufficient, legislation was enacted in 2007 that requires owners of condemned property to receive notice by publication in a legally recognized newspaper.

WNA recognizes that the Internet has revolutionized the way information is communicated and dispersed. However, while the Internet and its absolutely countless individual Web sites are a powerful tool for communicating many types of information that people seek out, its use in “pushing out” public notice information to citizens is limited by its unique character and the purpose of public notices.

Senator Robert Wirth, Chair
Senate Committee on Small Business, Emergency Preparedness, Technical Colleges
and Consumer Protection

March 16, 2010

Page 3

The provisions of AB 707 ignore due-process requirements for adequate public notice. Those provisions are illogical, poor public policy and likely susceptible to early legal challenges. AB 707 should not be approved by this committee in its present form.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter D. Fox". The signature is stylized and cursive, with the first name "Peter" being the most prominent part.

Peter D. Fox, Executive Director
Wisconsin Newspaper Association



PETER D. FOX
Executive Director
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Mobile: (608) 575-3866

WISCONSIN NEWSPAPER ASSOCIATION

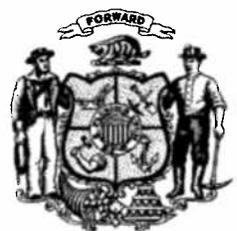
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WISCONSIN STATE LEGISLATURE





March 16, 2010

Senate Committee on Small Business, Emergency Preparedness,
Technical Colleges, and Consumer Protection

Assembly Bill 707

Representative Peter Barca

Chairman Wirch and members of the Senate Committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection; thank you for holding a public hearing on Assembly Bill 707, which will modernize the state's lien laws for self storage facilities.

Self storage or self-service storage facilities offer an opportunity for individuals to safely house and protect their belongings when they need a location to store them. In addition to those who simply have a need to store excess items, people frequently rent units when they are moving into a new home, getting married or around other life events. The self storage operators themselves are often local small business owners.

I had authored legislation to establish a lien law for self storage owners in my previous tenure in the legislature. That law established a method for facility owners to sell abandoned property from individuals who had stopped paying the rent on their self storage unit. Over time other issues have come to light and now it is time to modify this law to address these concerns so that our laws work better for the self storage owners and their customers. This proposal makes a series of changes intended to update the law and to allow for further options for the business to contact the renters.

Under this bill, if a rental agreement contains a limit on the value of the property that may be stored in the renter's storage unit, the limit can be assumed to be the maximum value of the property stored in that space. The owner must make this clear to the renter in the agreement at the time the rental agreement is signed.

If the fair market value of the property in the abandoned unit is under \$100, the owner may donate the property to charity or dispose of the property. Often times the property that is left behind are broken couches or other junk items that would be difficult to sell at a lien law sale. This is based on a similar law in the state of Washington which sets a \$300 limit on the value of the property.

Current law requires that owners must advertise a lien law sale of property once a week for two consecutive weeks by publication in a newspaper of general circulation. This bill allows for the owner to publish once in a newspaper of general circulation and in two public places. The internet may be used as one of these public places. Assembly Amendment 2 clarifies that the location where the notice will be posted on the internet must be stipulated in the

rental agreement, and is limited to the Wisconsin Self Storage Association website or the website of that individual facility.

When noticing such a sale, current law requires that the notice list the unit number where the property is being held. This bill removes this requirement. Because notices often list items that are located within the unit, such as televisions or other equipment, this provision is intended to prevent break-ins at storage facilities.

When sending notices to a renter that has failed to pay their rental fees, current law requires the second notice to be sent via certified mail. This bill allows for the option to send the second notice to be sent either via certified mail or first class mail with a certificate of mailing.

Under the bill, only individuals who are listed on the rental agreement may file a lawsuit alleging that the self storage regulations have not been properly followed, except under the common law principal of conversion, which disputes that one has legal possession over the property. This is to prevent lawsuits from other individuals who had no contact or agreement with the facility owner, but may be storing items in a unit belonging to someone else.

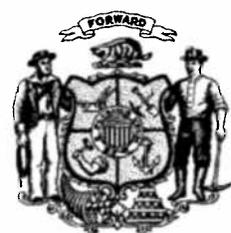
The bill also includes portable self storage facilities, such as PODS (Portable On Demand Storage), which are typically located on the property of the renter rather than the owner, under the self storage regulations. Facilities of this type were included at the request of individuals from the industry to give clarity to their own similar lien law process.

Finally, the bill bolsters the common law definition of a commercially reasonable sale by offering two methods that would expressly meet the commercially reasonable definition.

Thank you for your time today and I would appreciate your support when Assembly Bill 707 comes for a vote before this committee.



WISCONSIN STATE LEGISLATURE





SENATOR JEFF PLALE
SEVENTH SENATE DISTRICT

CHAIR
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**Testimony of Senator Jeff Plale
Assembly Bill 707
Senate Committee on Small Business, Emergency Preparedness, Technical Colleges,
and Consumer Protection
March 16, 2010**

Thank you, Chairman Wirch and fellow members of the committee, for your consideration of Assembly Bill 707.

I am very pleased to testify in favor of this important bill that updates laws regarding self storage facilities.

This legislation was drafted at the request and with the assistance of the Wisconsin Self Storage Association.

Self storage facilities have always offered an option for people who have important belongings but lack adequate space to store them. Operators of such facilities are providing a valuable service for those in the community who need additional space on a long-term basis or for short-term moments of life transition.

This bill updates and clarifies the law to the benefit of both the self storage facility operators and the renters. It includes requirements that the maximum value of property in a self storage unit be specified in a rental agreement, clarifies the definition of a commercially reasonable sale, grants greater flexibility in the mailing requirements for notices to renters who fail to pay rental fees, limits authority to file a lawsuit to those who are listed on the rental agreement, includes portable self storage in Wisconsin's self storage laws, and modernizes options for operators when required to publicly post notices regarding sale of abandoned property.

These changes will help bring statute up to date with the current realities of the self storage industry.

Thank you for your time and consideration of AB 707. I am happy to answer any questions you may have regarding this bill.





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LEGALAction
OF WISCONSIN

40 Years of Justice

TO: Committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection.

FROM: Bob Andersen



RE: Assembly Bill 707, Relating to Self-Service Storage Facility Notices and Procedures – **Our Request for One Amendment**

DATE: March 22, 2010

Legal Action of Wisconsin, Inc. (LAW) is a nonprofit organization funded by the federal Legal Services Corporation, Inc., to provide legal services for low income people in 39 counties in Wisconsin. LAW provides representation for low income people across a territory that extends from the very populous southeastern corner of the state up through Brown County in the east and La Crosse County in the west. Consumer law is one of the priorities of the organization.

I am sorry for contacting you so late on this bill. I was myself just contacted by one of our pro bono attorneys, who has handled many of these cases. We would like to respectfully request that the committee consider **one amendment – to restore s. 704.90 (12)**, which would be repealed by this bill. That section of current law reads as follows:

(12) RIGHT TO ACTION FOR VIOLATION. In addition to the remedies otherwise provided by law, any person injured by a violation of this section or any rule promulgated under sub. (9) may bring a civil action to recover damages together with the costs, disbursements and reasonable attorney fees, notwithstanding s. 814.04 (1), and any equitable relief as may be determined by the court.

This is a critically important provision in the law. It is referred to as the *private attorney general* law. This remedy appears in several places in the statutes. It is intended to make laws enforceable where there is no adequate remedy at law. Without such a provision, laws which are intended to protect consumers are unenforceable. These laws are often adopted to take the place of state administrative enforcement schemes which are often costly or unpopular. Tort actions for conversion are woefully inadequate. The tort of conversion requires proof of intent to convert someone's property to your own. The award of statutory attorney fees is nominal only.

In the context of this subject matter, the absence of this protection would allow storage facility operators to casually dispose of people's personal belongings.

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Below is what the attorney wrote me about this subject:

I have handled several of these cases, pro bono, and I can tell you that the customers are generally low-income, and are devastated when they learn that all of their belongings have been sold and are gone forever. And I can tell you that the self-storage operators are often careless in the manner in which notices are sent to the customers and the auctions are conducted. Many times I have seen the operators simply ignore the requirement that a copy of the default notice be sent to an alternate address listed by the customer – which is a critical requirement because often the customer is putting stuff in storage because they do not have a firmly-rooted home address. The private right of action in 704.90(12), with the fee-shifting provision, is the only effective protection for these consumers.

I will tell you from my personal experience that this provision, 704.90(12), giving customers a statutory claim with a fee shift when a company violates the statute, is the only real protection for a customer and the only thing that will keep operators honest in the way they comply with the requirement before selling a person's belongings. The statute gives self-storage operators a substantial right of self-help, a right not granted to any other business in Wisconsin. This means that they can sell a customer's property to recoup back rent, without first obtaining any kind of judgment. And they are allowed to do so when a customer is only one month behind in rent.

The bill otherwise makes a number of changes in the law to ease the requirements that are imposed on storage facility operators. These are requirements that pertain to the relationship between the operator and the lessee, notices that are required of the operators, and the manner of conducting the sale of the property.

The attorney who contacted me is not objecting to the other provisions, even though at least one provision reverses an important principle involved in one of his cases – the bill establishes that the monetary limit in the rental agreement is presumed to be the maximum value of the property stored in the space.

Under the circumstances, where the process for disposing of a person's property is made easier for the operator, it is reasonable for there to be some minimal protection for consumers that keeps operators from casually or carelessly disposing of the consumer's property. That minimal protection is offered by maintaining the private right of action for consumers.

Thank you for your consideration.