



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-1699/P4  
MDK:wlj&jld

DOA:.....LeRoy, BB0277 - Print, mail, and publishing electronic distribution option

**FOR 2017-2019 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT** ...; **relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

This bill makes changes regarding compliance of governmental entities with certain statutory requirements for mailing, printing, or publishing certain documents. A statute is subject to the bill if the statute applies to a “governmental entity,” which the bill defines as any of the following: a state agency or other body created or authorized to be created by the constitution or any law; the governor’s office; the legislature or a legislative council, committee, or service agency; a court or judicial branch agency; an authority; a city, village, town, or county; a special purpose district; or an agency, corporation, combination, or subunit of a city, village, town, county, or special purpose district. Also, the bill applies to statutes regarding the mailing, printing, or publishing of documents, with the following exemptions: 1) a notice and certificate of election, facsimile ballot, or referenda; 2) certain election-related documents, including sample ballots and nomination forms; 3) a notice of public hearing before a governmental body; or 4) a notice of meetings of private and public bodies required by law. The bill also exempts the following documents: a summons, order, citation, notice of sale or other notice that is intended to inform a person of rights or duties that must be exercised or performed within a designated period or by a designated date.

For mailing, the bill provides that a statute requiring a governmental entity to mail a nonexempt document must be construed to allow the governmental entity to mail the document electronically. However, that provision does not apply to a statute requiring a governmental entity to use certified or registered mail or obtain a certificate of mailing from the post office. For printing, the bill provides that a statute requiring a governmental entity to print a nonexempt document must be construed to allow the governmental entity to make the document available to the public on its Internet site.

For publishing, the bill provides that a statute requiring a governmental entity to publish a nonexempt document must be construed to allow the governmental entity to publish the document electronically on its Internet site. The foregoing applies even if the statute requires publication in a newspaper in a specified location. Also, if a statute requires publication both on the Internet and in another form, the bill provides that the statute must be construed to allow the governmental entity to publish the document only on its Internet site. If a governmental entity publishes a nonexempt document on its Internet site as allowed under the bill, the bill provides that the date on which the governmental entity first publishes the document on its Internet site is considered the date of the publication of the document.

The bill also allows the secretary of administration to waive in whole or in part any statutory requirement for an executive branch agency to mail, print, or publish any document, except for a document that is exempt from the provisions described above. However, the bill allows the secretary to waive such a requirement only if the secretary determines that the waiver will reduce spending while 1) keeping information accessible to the public; and 2) protecting public health and welfare.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 16.004 (23) of the statutes is created to read:

16.004 (23) STATE AGENCY MAILING, PUBLISHING, AND PRINTING. (a) In this subsection, “state agency” means any office, department, or independent agency in the executive branch of state government.

(b) The secretary may waive in whole or in part any statutory requirement for a state agency to mail, publish, or print any document, as defined in s. 990.09 (1) (a), if the secretary determines that the waiver will reduce spending while keeping information accessible to the public and protecting public health and welfare.

**SECTION 2.** 990.09 of the statutes is created to read:

**990.09 Governmental mailing, publishing, and printing. (1)**

DEFINITIONS. In this section:

(a) "Document" does not include any of the following:

1. A legal notice specified in s. 985.01 (2) (b) or (c).
2. Any of the material that is required to be printed under s. 5.51 (5), 5.66 (2), 6.33 (1), 6.87 (2), 7.10 (1) (c), or 7.15 (2) (b).

(b) "Governmental entity" means any of the following:

1. An association, board, department, commission, independent agency, institution, office, society, or other body in state government created or authorized to be created by the constitution or any law.
2. The office of the governor, the legislature, a council or committee of the legislature, a legislative service agency, a court, or a judicial branch agency.
3. An authority created in subch. II of ch. 114 or in ch. 231, 233, 234, 238, or 279.
4. A city, village, town, or county; a special purpose district in this state; an agency or corporation of a city, village, town, county, or special purpose district; or a combination or subunit of any of the foregoing.

**(2) MAILING.** Any statute that requires a governmental entity to mail a document shall be construed to allow the governmental entity to satisfy the requirement by electronically mailing the document. This subsection does not apply to a statute that requires a governmental entity to obtain a certificate of mailing from the post office or to use certified or registered mail.

**(3) PUBLISHING.** Any statute that requires a governmental entity to publish a document including a statute requiring publication in a newspaper or specified

location or requiring publication both on the Internet and in another form, shall be construed to allow the governmental entity to satisfy the requirement by only publishing the document electronically on its Internet site. If a governmental entity publishes a document electronically on its Internet site as allowed under this subsection, the date on which the governmental entity first publishes the document on its Internet site shall be considered the date of the publication of the document.

**(4) PRINTING.** Any statute that requires a governmental entity to print a document shall be construed to allow the governmental entity to satisfy the requirement by making the document available to the public on its Internet site.

**(END)**