

1999 ASSEMBLY BILL 788

February 22, 2000 - Introduced by Representatives WIECKERT, HUTCHISON, AINSWORTH, GRONEMUS, OWENS, DUFF, LADWIG and STONE, cosponsored by Senators WIRCH and DARLING. Referred to Committee on Government Operations.

1 **AN ACT to amend** 985.03 (1) (a) (intro.); and **to create** 985.03 (1) (am) of the
2 statutes; **relating to:** publication of legal notices in a village, town or 4th class
3 city.

Analysis by the Legislative Reference Bureau

Under current law, a newspaper may not be paid for publishing a legal notice for a 4th class city, village or town unless the newspaper meets all of the following criteria:

1. The newspaper has published regularly and continuously in the city, village or town for at least two of the five years immediately before the date of the legal notice publication.
2. The newspaper had a bona fide paid circulation that constituted 50% or more of its circulation.
3. The newspaper had actual subscribers of not less than 300 copies.

This bill allows a newly publishing newspaper to receive compensation for publishing a legal notice for a fourth class city, village or town if all of the following criteria are met:

1. The only newspaper that was published in the fourth class city, village or town ceased publication, but had met the requirements listed above to receive compensation for publishing a legal notice within three years before it ceased publication.
2. Within six months after the newspaper ceased publication, the new newspaper began publication in the fourth class city, village or town and that newspaper meets all of the following criteria:

ASSEMBLY BILL 788

a. The newspaper had not published regularly and continuously in the fourth class city, village or town for two or more years.

b. The newspaper had published regularly and continuously in the fourth class city, village or town for at least 16 weeks before the date of the legal notice publication.

c. The newspaper currently has bona fide paid circulation that constitutes 50% or more of its circulation and has actual subscribers of not less than 300 copies.

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

1 **SECTION 1.** 985.03 (1) (a) (intro.) of the statutes is amended to read:

2 985.03 (1) (a) (intro.) ~~No~~ Except as provided in par. (am), no publisher of any
3 newspaper in this state shall be awarded or be entitled to any compensation or fee
4 for the publishing of any legal notice unless, for at least 2 of the 5 years immediately
5 before the date of the notice publication, the newspaper has been published regularly
6 and continuously in the city, village or town where published, and has had a bona fide
7 paid circulation:

8 **SECTION 2.** 985.03 (1) (am) of the statutes is created to read:

9 985.03 (1) (am) The local governing body of a 4th class city, a village or a town
10 may enact an ordinance allowing a newspaper to receive compensation or a fee for
11 publishing a legal notice for the 4th class city, village or town although the newspaper
12 was not published regularly and continuously in the 4th class city, village or town for
13 at least 2 of the 5 years immediately before the date of the legal notice publication
14 if all of the following conditions apply:

15 1. The only newspaper published in the 4th class city, village or town ceased
16 publication.

17 2. The newspaper under subd. 1. had published regularly and continuously in
18 the 4th class city, village or town for at least 2 of the 5 years immediately before the

ASSEMBLY BILL 788

1 date of the newspaper's cessation of publication and, at some point within the 3-year
2 period before the cessation, met the bona fide paid circulation requirements of par.

3 (a) 1. and 2.

4 3. Within 6 months after the newspaper under subd. 1. ceased publication, the
5 newspaper that is the subject of the ordinance began publishing in the 4th class city,
6 village or town.

7 4. The newspaper that is the subject of the ordinance had, at no point in the
8 past, published regularly and continuously in the 4th class city, village or town for
9 2 or more years.

10 5. The newspaper that is the subject of the ordinance has published regularly
11 and continuously in the 4th class city, village or town for at least 16 weeks
12 immediately before the date of the legal notice publication.

13 6. The newspaper that is the subject of the ordinance currently meets the bona
14 fide paid circulation requirements of par. (a) 1. and 2.

15 (END)