

1999 DRAFTING REQUEST

Bill

Received: **12/28/1999**

Received By: **nelsorpl**

Wanted: As **time permits**

Identical to LRB:

For: **Steve Wieckert (608) 266-3070**

By/Representing: **Peter Christianson**

This file may be shown to any legislator: NO

Drafter: **nelsorpl**

May Contact:

Alt. Drafters:

Subject: **Courts - civil procedure**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Publication of legal notices

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|-------------------------|-----------------------|------------------------|----------------|----------------------------|----------------------------|-----------------|
| /P1 | nelsorp 1 01/10/2000 | gilfokm 01/10/2000 | hhagen 01/10/2000 | _____ | lrb-docadmin 01/10/2000 | | |
| /1 | nelsorp 1 02/10/2000 | gilfokm 02/10/2000 | jfrantze 02/15/2000 | _____ | lrb-docadmin 02/19/2000 | lrb-docadmin 02/16/2000 | |

FE Sent For:

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Jacketed (circled)

for Assm

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| /P1 | nelsorp 1 01/10/2000 | gilfokm 01/10/2000 | hhagen 01/10/2000 | _____ | lrb_docadmin 01/10/2000 | | |

FE Sent For:

1-2-10-2000
king

to 1/5

to 1/5
2/15
 <END>

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|--------------|----------------|--------------------------|--------------|----------------|------------------|-----------------|------------------|
| I? | nelsorp 1 | <i>pl-1-10-2000 King</i> | <i>hh/10</i> | <i>hh/10</i> | | | |

FE Sent For:

<END>

RPN

Wieckert, Steve
From: PETER C. CHRISTIANSON [PCC@quarles.com]
Sent: Thursday, December 09, 1999 10:40 AM
To: sgeorge517@aol.com; bbarth@beloitdailynews.com; publisher@chippewa.com; Denjen@cybrzn.com; mstodder@execpc.com; pkritzer@jc.com; Rep.Wieckert@legis.state.wi.us; mjameson@madison.com; jpepelnj@onwis.com; karl@wnanews.com
Subject: Bill Drafting Request!

Steve -

Included in the Conference Committee report on the Budget was a provision designed to address the situation which occurs when a newspaper which has been designated for legal notice publication goes out of business. The language included in the Conference Committee report was designed to address a situation which arose in Elroy, Wisconsin, the Governor's home town.

Because it was in the Conference Committee report, the language was unamendable. The members of the Wisconsin Newspaper Association had a number of concerns with the language. As a result, some intense negotiations took place with the Governor's Office and better language was prepared.

At the request of the WNA, the Governor vetoed the Conference Committee language when he signed the Budget into law. At the same time, his press secretary asked the WNA to get the compromise language prepared for introduction.

Attached is the suggested compromise language. Because the bill would likely be referred to the Assembly Committee on Government Operations, it occurred to me that you would be the best legislator to ask to have the language drafted.

The suggested language would do the following:

*Address the situation which occurs when a newspaper, which has the contract for publishing legal notices for a 4th class city, town, or village goes out of business.

*Under current law, only a publication which has been published continuously for 2 out of the 5 preceding years may qualify for the publication of legal notices for 4th class cities, towns, and villages.

*This proposal would permit the 2 of 5 year publication requirement to be waived under the limited circumstances outlined below.

*This proposed solution has the strong support of the Wisconsin Newspaper Association!

SUGGESTED LANGUAGE FOR AN AMENDMENT TO S. 985.03(1)

1. Amend 985.03 (l)(a) (intro) to begin as follows:

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

2. Create 985.03(1)(am) to read as follows:

(am) The length-of-publication requirement in sub.(a) that states that the newspaper has been published regularly and continuously in the city, village or town where published for at least 2 of the 5 years immediately before the date of the notice publication may be waived by the local governmental body for newspapers published in a 4th class city, village or town if:

1. **that 4th class city, village or town had a newspaper that ceased to be published; and**

2. at the time of cessation, such newspaper was the only newspaper in such 4th class city, village or town; and

3. the newspaper met the length-of-publication and the circulation requirements in sub.(a) not longer ago than 3 years before the cessation; and

4. **within 6 months after the cessation, the newspaper in question is established; and**

5. the newspaper in question has at no point in the past met the length-of-publication and the circulation requirements of sub.(a); and

6. the newspaper in question has been published regularly and continuously in the 4th class city, village or town where published for at least 16 weeks immediately before the date of the notice publication; and

7. the newspaper in question meets the circulation requirements of sub.(a).

Please let me know if you have any questions about this request.

Peter C. Christianson

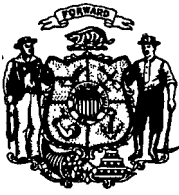
pcc@quarles.com

MKE OFFICE: 414-277-5745

MKE FAX: 414-271-3552

MSN OFFICE: 608-283-2492

MSN FAX: 608-251-5139



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4119/P1

RPN...: King

D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ^{Gen. Conf.} relating to: publication of legal notices in a village, town or 4th class
2 city.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

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

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

History: 1915 c. 341; 1989 a. 31.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4119/P1dn

RPN King

to distinguish this newspaper
from others must have,

I did not include the requirement that the newspaper ~~had~~ at no point in the past met the length-of-publication and circulation requirements because I thought that ~~that~~ ^{that} requirement added nothing. If I am wrong, let me know and I will add that requirement.

Please review this draft carefully to ensure that it complies with your intent.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4119/P1dn
RPN:kmg:hmh

January 10, 2000

I did not include the requirement that the newspaper must have, at no point in the past, met the length-of-publication and circulation requirements because I thought that that requirement added nothing to distinguish this newspaper from others. If I am wrong, let me know and I will add that requirement.

Please review this draft carefully to ensure that it complies with your intent.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-75 11



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4119/P1
RPN:king:hmh

From Quarles & Brady
2/9/00 Jen

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION



WISCONSIN NEWSPAPER ASSOCIATION
3822 Mineral Point Road - PO Box 5580
Madison, WI 53705

608-238-7171 or 800-261-4242 (In Wisconsin)
FAX 608-238-4771

To: Pete C Date: 2-8-2000
From: Sandra G.

BTO
THX!
Pete C
283-2492
(see p. 2)

Longway?
OK?

pages 2

- 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

This is a preliminary draft. An analysis will be provided in a later version.

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

- 4 **SECTION 1. 985.03 (1) (a) (intro.) of the statutes is amended to read:**
- 5 986.03 (1) (a) (intro.) ~~No Except as provided by (am).~~ no publisher of any
- 6 newspaper in this state shall be awarded or be entitled to any compensation or fee
- 7 for the publishing of any legal notice unless, for at least 2 of the 5 years immediately
- 8 before the date of the notice publication, the newspaper has been published regularly
- 9 and continuously in the city, village or town where published, and has had a bona fide
- 10 paid circulation:

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

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

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

10 2. The newspaper under subd. 1. had published regularly and continuously in
11 the 4th class city, village or town for at least 2 of the 5 years immediately before the
12 date of the newspaper's cessation of publication.

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

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

19 5. The newspaper that is the subject of the ordinance currently meets the
20 bona fide paid circulation requirements of par. (a) 2. par. (a)(1) and

21 (END)

or: "had met the bona fide paid circulation requirements of par. (a)(1) and par. (a)(2)"
and, at some point within a 3-year period immediately before the cessation, it had a bona fide paid circulation that had constituted 50% or more of its circulation and that had actual subscribers at each publication of not less than 300 copies
4. The newspaper that is the subject of the ordinance at no point in the past had published regularly and continuously in the 4th class city, village or town for 2 or more years.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4119/23
RPN:kmg:hmh

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1 *Ym/Col.*
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

~~This is a preliminary draft. An analysis will be provided in a later version.~~

✓
Insert
and →

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

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

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

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

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

10 2. The newspaper under subd. 1. had published regularly and continuously in
11 the 4th class city, village or town for at least 2 of the 5 years immediately before the
12 date of the newspaper's cessation of publication

and, at some point within the 3-year period before the cessation, met the bonafide

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

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

19 *A 6. ~~5~~* The newspaper that is the subject of the ordinance currently meets the
20 *bonafide paid* circulation requirements of par. (a) *1. and* 2.

21 (END)

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

paid circulation requirements of par. (a) 1. and 2.

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4119/lins
RPN:kmg:hmh

insert anl:

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 ~~2~~ ^{two} of the ~~5~~ ^{five} years immediately before the date of the legal notice publication. ^Δ
2. The newspaper had a bonafide 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 ~~4th~~ ^{fourth} class city, village or town if all of the following criteria are met:

1. The only newspaper that was published in the ~~4th~~ ^{fourth} class city, village or town ceased publication, but had met the requirements listed above to receive compensation for publishing a legal notice within ~~3~~ ^{three} years before it ceased publication. ^{six}

2. Within ~~6~~ ^{six} months after the newspaper ceased publication, the new newspaper began publication in the ~~4th~~ ^{fourth} class city, village or town and that newspaper meets all of the following criteria:

- a. The newspaper had not published regularly and continuously in the ~~4th~~ ^{fourth} class city, village or town for ~~2~~ ^{two} or more years.
- b. The newspaper had published regularly and continuously in the ~~4th~~ ^{fourth} class city, village or town for at least 16 weeks before the date of the legal notice publication.
- c. The newspaper currently has bonafide paid circulation that constituted ~~50%~~ ^{50%} or more of its circulation and has actual subscribers of not less than 300 copies. ^S

Barman, Mike

From: Barman, Mike
Sent: Wednesday, February 16, 2000 9:21 AM
To: Becher, Scott
Subject: 99-4119/1 (per your request)



99-4119/1

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

↳ **Barman, Mike**

From: Becher, Scott
Sent: Wednesday, February 16, 2000 9:20 AM
To: Barman, Mike

Representative Wieckert would like LRB 4119 bill jacketed.

Scott Becher
Rep. Steve Wieckert