

**2001 DRAFTING REQUEST**

**Bill**

Received: 03/22/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Marc Duff (608) 266-1190

By/Representing: Tim Kalies

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Addl. Drafters:

Subject: Courts - miscellaneous

Extra Copies:

Submit via email: NO

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Eligibility to be designated official newspaper

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**Instructions:**

See Attached

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**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	nelsorp1 04/16/2001	jdyer 04/16/2001	jfrantze 04/17/2001	_____	lrb_docadmin 04/17/2001		
/P2	nelsorp1 07/20/2001	jdyer 07/20/2001	haugeca 07/23/2001	_____	lrb_docadmin 07/23/2001		
/P3	nelsorp1 07/26/2001	jdyer 07/27/2001	pgreensl 07/27/2001	_____	lrb_docadmin 07/27/2001	lrb_docadmin 07/27/2001	
				_____	lrb_docadmin 07/27/2001	lrb_docadmin 08/28/2001	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	nelsorp1 09/05/2001	jdyer 09/06/2001	jfrantze 09/06/2001	_____	lrb_docadmin 09/06/2001	lrb_docadminLocal 09/06/2001	
/2	nelsorp1 09/13/2001	jdyer 09/14/2001	jfrantze 09/14/2001	_____	lrb_docadmin 09/14/2001	lrb_docadminLocal 09/14/2001	

FE Sent For:

<END>

At  
Intro.

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		1/2 9/14 jld		_____	lrb_docadmin 07/27/2001	lrb_docadmin 08/28/2001	

*To Bell*  
*9/14 9/14*

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*Please jacket 2927/1*

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*1/9/6 jld*  
*6/16*  
*9/6*

**FE Sent For:**

**<END>**

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Requester's email:

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/P2	nelsorp1 07/20/2001	jdyer 07/20/2001	haugeca 07/23/2001	<u>Pg 1/B</u>	lrb_docadmin 07/23/2001		

/P3 7/27 JW  
 7/27  
 P8

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*1 PA 3/20 JLD*  
*CH 7-22*  
*CH 3/17/2001*

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<END>



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1?	nelsorp1	1/11 4/16 JLD	J 6/4/17	3/2/16 4/17			

FE Sent For:

<END>

**Nelson, Robert P.**

---

**From:** Kuesel, Jeffery  
**Sent:** Wednesday, March 21, 2001 4:16 PM  
**To:** Nelson, Robert P.  
**Subject:** FW: Drafting Request

Bob,

Per our discussion a few months ago, I understand that you are taking ch. 985 requests. If you can take of this, please let Tim Kalies know you have it. Thanks.

Jeff

-----Original Message-----

**From:** Kalies, Tim  
**Sent:** Wednesday, March 21, 2001 2:15 PM  
**To:** Kuesel, Jeffery  
**Subject:** Drafting Request

Attached please find a drafting request relating to changing the criteria to determine eligibility to be designated an official newspaper for the purposes of publishing legal notices. Thank you!

**TIMOTHY J. KALIES**  
**Legislative Assistant**  
**State Representative Marc Duff**  
**Republican, 98th Assembly District**  
**Phone: (608) 266-1190 Fax: (608) 282-3698**  
**E-mail: [tim.kalies@legis.state.wi.us](mailto:tim.kalies@legis.state.wi.us)**

03/22/2001

March 22, 2001

Dear Drafter,

*We would like to have drafted a bill, which would change the eligibility of certain newspapers to bid for the right to publish official legal notices.*

In addition to the eligibility requirements for paid subscription newspapers under current s.985.03 (1)(a), The bill creates a separate tier of eligibility for free community publications.

✓ The bill will make eligible any community publication which has been in existence for at least 2 years, and which has been delivered at continuously, at regular intervals and at least once per week to at least 75 percent of the households and businesses in its coverage area, during that period, without a required subscription fee.

✓ This publication must consist of the larger of at least 4 pages, or at least 20 percent printed reports of recent events that are of relevance to members of the community, in at least 33 percent of its publications (issues) in the 6 months immediately before publishing the notice. *This should allow these publications to meet the definition of a newspaper under the current s.985.03(1)(c). If you think that will not "cut it," please let me know.*

? For both paid and free publications:

The content of current s.985.03(1)(b) and (bm) would still apply.

✓ The bill should eliminate the requirement that the newspaper must be published in the city, village or town to be eligible to print its legal notices, and eliminate that the newspaper must be published where its mailing permit is issued.

✓ The bill should eliminate any and all penalties for persons of cities, towns, and villages which authorize the publication of a legal notice in another newspaper in addition to the "official" newspaper, so long as the legal procedures were followed in order to adopt the official newspaper, and that the eligible newspaper was provided the legal notice as provided by law. There would remain in effect the \$100 per offense penalty for a person who fails to publish in an eligible newspaper. Each day in which a legal notice should have been but was not published as required by law shall constitute a separate offense.

**Nelson, Robert P.**

---

**From:** Kalies, Tim  
**Sent:** Thursday, July 19, 2001 4:06  
**To:** Nelson, Robert P.  
**Cc:** Duff, Marc  
**Subject:** LRB 2927/P1dn

**July 19, 2001**

Dear Mr. Nelson,

Thank you for your help in drafting LRB 2927/P1dn, our bill which changes s.985 Stats, relating to certain newspapers to bid for the right to publish official legal notices.free community publications.

For the most part it looks great. There are still a few questions I have, and a few clarifications I should make.

1. Can the following two clauses, (1)(a)1, and (1)(a)2, be rolled together on the end of sub. 1, so that the sub. 1 will be a clear alternative to the new sub. 2 that you drafted?

✓ 985.03(1)(a)1. That has constituted 50% or more of its circulation; and,

985.03(1)(a)2. That has had actual subscribers at each publication of not less than 1,000 copies in 1st and 2nd class cities, or 300 copies if in 3rd and 4th class cities, villages or towns.

2. Regarding the definition of a newspaper at s.985.03(1)(c). I think there was a slight misunderstanding about the 4 pages figure and what it was for. We had intended the definition to say that it didn't matter how large a newspaper was, it had to have at least 4 pages of news content, or at least 20% news content, whichever was larger. Then it had to meet that standard in at least 33% of its issues in the last 6 months before the notice was to be published.

✓ I had an idea about how this could be rephrased, such that all paid newspapers would obviously meet such a weak standard, therefore, make it apply to both the paid and free newspapers. This is how I picture it reading:

"985.03(1)(c)

(c) A newspaper, under this chapter, is a publication appearing at regular intervals and at least once a week, that containing the greater of at least 4 pages, or at least 20 % reports of happenings of recent occurrence of a varied character, such as political, social, moral and religious subjects, designed to inform the general reader. The publication must meet that standard in its coverage area in at least 33% of its issues in the 6 months immediately preceding the notice. The definition includes a daily newspaper published in a county having a population of 500,000 or more, devoted principally to business news and publishing of records, which has been designated by the courts of record of the county for publication of legal notices for a period of 6 months or more."

07/20/2001

3. You noted that you had left off par. B. from page 2 of the request because you were not sure of the intent, that was my fault because I left out a word that may have clarified it quite a bit. Maybe not. Sorry. I explain it below, though.
- b. the designation in accordance with the qualifications that would otherwise apply denies to the local government the benefit of receiving bids from qualifications that would not otherwise qualify;

More to the point, if the other standards for establishing an official newspaper prevented the governing body from having one at all because those standards were too stringent, then they could just appoint one.

4. On the new s. 985.03(3), where the governing body can designate an official newspaper if specific conditions apply, do we need some sort of clause that in essence says if these conditions apply, because the governing body is making the determination, then any other requirements for an official newspaper may be waived?

Thank you again for your assistance. Please call me if you have any questions.

Tim Kalies

Legislative Assistant

State Rep. Marc Duff's Office

6-1190

## **TIMOTHY J. KALIES**

Legislative Assistant, Joint Committee on Finance  
Office of State Representative Marc Duff  
Republican, 98th Assembly District  
Phone: (608) 266-1190 Fax: (608) 282-3698  
E-mail: [tim.kalies@legis.state.wi.us](mailto:tim.kalies@legis.state.wi.us)

The bill would also permit any county, 2<sup>nd</sup>, 3<sup>rd</sup>, or 4<sup>th</sup> class city, village, town, or sewerage or drainage district to designate as an official newspaper, any publication that is published in the area where the local government is located at least once per week, regardless of the current requirements to qualify as a newspaper, if the governing body of the local government making the designation finds after a public hearing, that:

a) a publication other than a qualified newspaper under current law would give better notice to persons affected by the notice than a qualified newspaper would;

b) the designation in accordance with the qualifications that would otherwise apply denies to the local government the benefit of receiving bids from qualifications that would not qualify;

c) a publication in the area where the local government is located that would not otherwise qualify, will provide notice in the area, or will provide notice to persons affected by the notice, and the use of that publication will result in lower anticipated costs to the local government.

*Please contact me to inform our office of who will be drafting this bill, so that we may ask questions and make any changes, and note that person may call or email us at any time to ask questions or inform us of problems. Thank you very much.*

*Tim Kalies  
Legislative Assistant  
State Rep. Marc Duff's Office*



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-2927/P1

RPN:.....

D-Note

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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

1 AN ACT <sup>gen</sup> ...; relating to: the qualifications of newspapers permitted to publish  
2 legal notices. ✓

*Analysis by the Legislative Reference Bureau*

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

3 SECTION 1. 985.01 (5) ✓ of the statutes is amended to read:  
4 985.01 (5) A newspaper is "published" at the place ~~from which its mailing~~  
5 ~~permit is issued, except that if the place where the newspaper has its major~~  
6 ~~concentration of circulation has no primary post office, then at the place it shall~~  
7 designate that the newspaper designates ✓ as its place of publication in the affidavit  
8 certificate ✓ required by s. 985.03 (2), but no newspaper shall have more than one place  
9 of publication during the same period of time.

History: 1981 c. 372; 1983 a. 189 ss. 327, 328, 329 (31); 1993 a. 486; 1999 a. 9, 85 ✓

10 SECTION 2. 985.03 (1) (a) (intro.) of the statutes is amended to read:

1 985.03 (1) (a) (intro.) ~~No~~ Except as provided in sub. (3), no publisher of any  
2 newspaper in this state shall be awarded or be entitled to any compensation or fee  
3 for the publishing of any legal notice unless, ~~for~~ one of the following conditions are  
4 met:

5 1. For at least 2 of the 5 years immediately before the date of the notice  
6 publication, the newspaper has been published regularly and continuously ~~in the~~  
7 ~~city, village or town where published,~~ and has had a bona fide paid circulation:

8 History: 1975 c. 341; 1989 a. 31.

8 **SECTION 3.** 985.03 (1) (a) 2. ~~of the statutes is created to read:~~

9 985.03 (1) (a) 2. For at least 2 continuous years the newspaper has been in  
10 existence and has been published and delivered, at regular intervals of not less than  
11 once per week, to at least ~~75 percent~~ <sup>70</sup> percent of the households and businesses in the  
12 newspaper's coverage area without requiring a subscription fee.

13 **SECTION 4.** 985.03 (1) (c) ~~of the statutes is amended to read:~~

14 985.03 (1) (c) A newspaper, under this chapter, is a publication appearing at  
15 regular intervals and at least once a week, containing reports of happenings of recent  
16 occurrence of a varied character, such as political, social, moral and religious  
17 subjects, designed to inform the general reader. The definition includes a daily  
18 newspaper published in a county having a population of 500,000 or more, devoted  
19 principally to business news and publishing of records, which has been designated  
20 by the courts of record of the county for publication of legal notices for a period of 6  
21 months or more. This definition also includes a publication that is at least 4 pages  
22 in length and has at least ~~20 percent~~ <sup>20</sup> percent of the publication space composed of printed  
23 reports of recent events that are of relevance to members of the publication's



1 coverage area in at least 33<sup>7/8</sup> percent of the publication's issues in the 6 months  
2 immediately preceding the publication of the notice.

3 History: 1975 c. 341; 1989 a. 31.

3 SECTION 5. 985.03 (2) of the statutes is amended to read:

4 985.03 (2) Any person charged with the duty of causing legal notices to be  
5 published, and who causes any legal notice, to be published in any newspaper not  
6 eligible to so publish under the requirements of sub. (1) if the legal notice is not also  
7 published in a newspaper eligible under this section, or who fails to cause such legal  
8 notice to be published in any newspaper eligible under this section, may be fined not  
9 to exceed \$100 for each offense. Each day in which a legal notice should have been  
10 but was not published as required by law shall constitute a separate offense  
11 hereunder. A newspaper, in order to be eligible under this section, shall also file a  
12 certificate with the county clerk stating that it qualifies under this section and  
13 stating its place of publication.

14 History: 1975 c. 341; 1989 a. 31.

14 SECTION 6. 985.03 (3) of the statutes is created to read:

15 985.03 (3) A 2nd, 3rd, or 4th class city, or a village, town, sewerage district,  
16 drainage district, or county may designate as an official newspaper any newspaper  
17 that is published at least once a week in the area where the city, village, town,  
18 sewerage district, drainage district, or county is located if the governing body of that  
19 political subdivision finds, after a public hearing, that all of the following apply:

20 (a) The designated newspaper would give notice to more persons affected by the  
21 notice than a newspaper qualified to publish a legal notice under sub. (1).

22 (b) The designated newspaper would give notice to persons affected by the  
23 notice at a lower cost to the local government.

24

(END)

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

LRB-2927/P1dn

RPN:.....

JLW

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

I did not include par. (b) from the second page of the request because I am not sure of its intent and because it seems to be redundant.

The language for the second type of designated newspaper is very ambiguous, especially about giving "better notice" and being published in the "area" where the local government is located. OK?

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: robert.nelson@legis.state.wi.us

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

LRB-2927/P1dn  
RPN:jld:jf

April 17, 2001

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

I did not include par. (b) from the second page of the request because I am not sure of it's intent and because it seems to be redundant.

The language for the second type of designated newspaper is very ambiguous, especially about giving "better notice" and being published in the "area" where the local government is located. OK?

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Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: robert.nelson@legis.state.wi.us



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note:

I still have problems with s. 985.03 (3) (a), (b), and (c). Paragraph (c) seems to contradict, or perhaps override, the requirements of paragraphs (a) and (b).

Regen

RPN

1 AN ACT *to amend* 985.01 (5), 985.03 (1) (a) (intro.), 985.03 (1) (c) and 985.03 (2);  
2 and *to create* 985.03 (1) (a) 2. and 985.03 (3) of the statutes; **relating to:** the  
3 qualifications of newspapers permitted to publish legal notices.

---

***Analysis by the Legislative Reference Bureau***

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

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

4           SECTION 1. 985.01 (5) of the statutes is amended to read:  
5           985.01 (5) A newspaper is "published" at the place from which its mailing  
6 permit is issued, except that if the place where the newspaper has its major  
7 concentration of circulation has no primary post office, then at the place it shall  
8 designate that the newspaper designates as its place of publication in the affidavit  
9 certificate required by s. 985.03 (2), but no newspaper shall have more than one place  
10 of publication during the same period of time.

1 SECTION 2. 985.03 (1) (a) (intro.) of the statutes is amended to read:

2 985.03 (1) (a) (intro.) ~~No Except as provided in sub. (3), 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 one of the following conditions are~~  
5 ~~met:~~

6 1. For at least 2 of the 5 years immediately before the date of the notice  
7 publication, the newspaper has been published regularly and continuously in the  
8 city, village or town where published, and has had a bona fide paid circulation:

9 SECTION 3. 985.03 (1) (a) 2. of the statutes is created to read:

10 ~~985.03 (1) (a) 2.~~ For at least 2 continuous years the newspaper has been in  
11 existence and has been published and delivered, at regular intervals of not less than  
12 once per week, to at least 75% of the households and businesses in the newspaper's  
13 coverage area without requiring a subscription fee.

14 SECTION 4. 985.03 (1) (c) of the statutes is amended to read:

15 985.03 (1) (c) A newspaper, under this chapter, is a publication appearing at  
16 the greater of at least 4 pages or at least 20% of  
regular intervals and at least once a week, containing reports of happenings of recent

17 occurrence of a varied character, such as political, social, moral and religious  
18 The publication must meet this standard in INS 2-18 The definition includes a daily

19 newspaper published in a county having a population of 500,000 or more, devoted  
20 principally to business news and publishing of records, which has been designated  
21 by the courts of record of the county for publication of legal notices for a period of 6

22 months or more. This definition also includes a publication that is at least 4 pages  
23 in length and has at least 20% of the publication space composed of printed reports

24 of recent events that are of relevance to members of the publication's coverage area

↑ INSERT 2-18

insert  
2-8 →

*move to page 24* INSERT 2-18  
CONT ↓

1 in at least 33% of the publication's issues in the 6 months immediately preceding the  
2 publication of the notice.

3 SECTION 5. 985.03 (2) of the statutes is amended to read:

4 985.03 (2) Any person charged with the duty of causing legal notices to be  
5 published, and who causes any legal notice, to be published in any newspaper not  
6 eligible to so publish under the requirements of sub. (1) if the legal notice is not also  
7 published in a newspaper eligible under this section, or who fails to cause such legal  
8 notice to be published in any newspaper eligible under this section, may be fined not  
9 to exceed \$100 for each offense. Each day in which a legal notice should have been  
10 but was not published as required by law shall constitute a separate offense  
11 hereunder. A newspaper, in order to be eligible under this section, shall also file a  
12 certificate with the county clerk stating that it qualifies under this section and  
13 stating its place of publication.

14 SECTION 6. 985.03 (3) of the statutes is created to read:

15 985.03 (3) *Notwithstanding sub. (1), a* 2nd, 3rd, or 4th class city, or a village, town, sewerage district,  
16 drainage district, or county may designate as an official newspaper any newspaper  
17 that is published at least once a week in the area where the city, village, town,  
18 sewerage district, drainage district, or county is located if the governing body of that  
19 political subdivision finds, after a public hearing, that all of the following apply:

20 (a) The designated newspaper would give notice to more persons affected by the  
21 notice than a newspaper qualified to publish a legal notice under sub. (1).

22 (b) The designated newspaper would give notice to persons affected by the  
23 notice at a lower cost to the local government *than a newspaper qualified to*  
*publish a legal notice under*  
*sub. (1).*

(END)

*otherwise*

*move* →

24 (c) The governing body would be unable to establish an official newspaper because of the standards under sub. (1).

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2927/P1ins  
RPN:jld:jf

1 insert 2-8:

2 SECTION ~~1.~~ 985.03 (1) (a) of the statutes is repealed and recreated to read:

3 985.03 (1) (a) Except as provided in sub. (3), no publisher of any newspaper in  
4 this state shall be awarded or be entitled to any compensation or fee for the  
5 publishing of any legal notice unless one of the following conditions are met:

6 1. For at least 2 of the 5 years immediately before the date of the notice  
7 publication, the newspaper has been published regularly and continuously, has had  
8 a bona fide paid circulation that has constituted 50% or more of its circulation, and  
9 has had actual subscribers at each publication of not less than 1,000 copies in 1st and  
10 2nd class cities, or 300 copies if in 3rd and 4th class cities, villages, or towns.

11 (end ins 2-8)

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

LRB-2927/P2dn  
RPN;jld:ch

July 23, 2001

I still have problems with s. 985.03 (3) (a), (b), and (c). Paragraph (c) seems to contradict, or perhaps override, the requirements of paragraphs (a) and (b).

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: [robert.nelson@legis.state.wi.us](mailto:robert.nelson@legis.state.wi.us)



**Nelson, Robert P.**

---

**From:** Kalies, Tim  
**Sent:** Wednesday, July 25, 2001 3:22 PM  
**To:** Nelson, Robert P.  
**Cc:** Duff, Marc; 'Swandby, Janet'  
**Subject:** LRB 2927/P2, Legal Notices

Dear Mr. Nelson,

*Thank you for the speedy turnover of the redraft of our bill. All looks fine up to the last section, where I am still messing with these exceptions. I have highlighted further alterations I would like to make. This area is meant to be kind of a governing bodies' "escape hatch" to get out of having to accept poor service from an existing official newspaper*

*In 985.03(3)(a), I want to indicate that any newspaper eligible to be designated must have shown a previous interest in printing local legal notices.*

*I have eliminated the old (3)(b), and (3)(c) from the draft. I had to think it over for many hours, but finally realized they wouldn't work. (3)(c) was actually recursive! I should have spotted that earlier.*

*In the new (3)(b), I'm trying to say that if after all reasonable efforts have failed, a community still has the option of appointing an official newspaper. I'm envisioning situations such as where no newspaper bid cares to bid for the rights, or in a very rural area where the only publication in the immediate area is either too new, or too small to meet the criteria in sub. (1).*

*If we amend 985.14, we can take into account a potential future situation where no publication in a county meets the definition of a newspaper, then the existing clauses about using a newspaper in an adjoining county could kick in.*

*When you send the next version over, could you send it as a .pdf file? Thank you again for your help. Please call me if this still sounds goofy to you.*

Tim Kalies

Rep. Duff's Office (6-1190)

985.03 (3) Notwithstanding sub.(1), a 2nd, 3rd, or 4th class city or a village, town, sewerage district, drainage district, or county may designate as an official newspaper any newspaper that is published at least once a week in the area where the city or a village, town, sewerage district, drainage district, or county is located if the governing body of that political subdivision finds, after a public hearing, that all of the following apply:

- a. The designated newspaper had previously submitted an unsuccessful bid; *no - see e-mail at 7/25, 4:47pm*  
b. The designated newspaper would generally give better notice to more persons affected by legal notices than a newspaper qualified to publish a legal notice under sub. (1).

## **Possible?**

**985.14 Refusal or Inability to publish.** When there is only one newspaper in a county and the publisher thereof refuses to publish a legal notice, or if there are no publication in a county which meet the definition of a newspaper, such legal notice may be published in a newspaper printed in an

adjoining county; and proof by affidavit of the reason why such publication was made in an adjoining county shall accompany the proof of publication, or the order for publication, when any is necessary, may be made or amended by the court or judge so as to designate a newspaper in an adjoining county, upon affidavit showing the necessity therefor. Whenever a legal notice is required by law to be published in a newspaper in any county having a village or city situated partly in said county and partly in an adjoining county where there is no newspaper printed in such village or city within the county first mentioned, but there is a newspaper published in such village or city within such adjoining county, such notice may be published in such last mentioned newspaper.

## **TIMOTHY J. KALIES**

**Legislative Assistant, Joint Committee on Finance**

**Office of State Representative Marc Duff**

**Republican, 98th Assembly District**

**Phone: (608) 266-1190 Fax: (608) 282-3698**

**E-mail: [tim.kalies@legis.state.wi.us](mailto:tim.kalies@legis.state.wi.us) <mailto:tim.kalies@legis.state.wi.us>**

**Nelson, Robert P.**

---

**From:** Kalies, Tim  
**Sent:** Wednesday, July 25, 2001 4:47 PM  
**To:** Nelson, Robert P.  
**Subject:** LRB 2927/P2, Legal Notices

Marc doesn't think we need the language on the previous unsuccessful bid. It's better to leave it more open and allow for narrowing later as the bill makes it through the legislative process. Sorry about that.  
Tim



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-2927/P2

RPN:jld:ch

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 *Regen*  
AN ACT *to amend* 985.01 (5), 985.03 (1) (c) and 985.03 (2); *to repeal and*  
2 *recreate* 985.03 (1) (a); and *to create* 985.03 (3) of the statutes; **relating to:**  
3 the qualifications of newspapers permitted to publish legal notices. ✓

---

***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. 985.01 (5) <sup>✓</sup> of the statutes is amended to read:  
5 985.01 (5) A newspaper is "published" at the place ~~from which its mailing~~  
6 ~~permit is issued, except that if the place where the newspaper has its major~~  
7 ~~concentration of circulation has no primary post office, then at the place it shall~~  
8 ~~designate~~ that the newspaper designates as its place of publication in the affidavit  
9 certificate required by s. 985.03 (2), but no newspaper shall have more than one place  
10 of publication during the same period of time.

1 SECTION 2. 985.03 (1) (a) of the statutes is repealed and recreated to read:

2 985.03 (1) (a) Except as provided in sub. (3), no publisher of any newspaper in  
3 this state shall be awarded or be entitled to any compensation or fee for the  
4 publishing of any legal notice unless one of the following conditions are met:

5 1. For at least 2 of the 5 years immediately before the date of the notice  
6 publication, the newspaper has been published regularly and continuously, has had  
7 a bona fide paid circulation that has constituted 50% or more of its circulation, and  
8 has had actual subscribers at each publication of not less than 1,000 copies in 1st and  
9 2nd class cities, or 300 copies if in 3rd and 4th class cities, villages, or towns.

10 2. For at least 2 continuous years the newspaper has been in existence and has  
11 been published and delivered at regular intervals of not less than once per week, to  
12 at least 75% of the households and businesses in the newspaper's coverage area,

13 without requiring a subscription fee

which includes the city, village, or town that uses the newspaper to publish a legal notice

14 SECTION 3. 985.03 (1) (c) of the statutes is amended to read:

15 985.03 (1) (c) A newspaper, under this chapter, is a publication appearing at  
16 regular intervals and at least once a week, containing the greater of at least 4 pages  
17 or at least 20% of reports of happenings of recent occurrence of a varied character,  
18 such as political, social, moral and religious subjects, designed to inform the general  
19 reader. The publication must meet this standard in the publication's coverage area  
20 in at least 33% of the publication's issues in the 6 months immediately preceding the  
21 publication of the notice. The definition includes a daily newspaper published in a  
22 county having a population of 500,000 or more, devoted principally to business news  
23 and publishing of records, which has been designated by the courts of record of the  
24 county for publication of legal notices for a period of 6 months or more.

25 SECTION 4. 985.03 (2) of the statutes is amended to read:

1 985.03 (2) Any person charged with the duty of causing legal notices to be  
 2 published, and who causes any legal notice, to be published in any newspaper not  
 3 eligible to so publish under the requirements of sub. (1) ~~if the legal notice is not also~~  
 4 ~~published in a newspaper eligible under this section,~~ <sup>or (3)</sup> or who fails to cause such legal  
 5 notice to be published in any newspaper eligible under this section, may be fined not  
 6 to exceed \$100 for each offense. Each day in which a legal notice should have been  
 7 but was not published as required by law shall constitute a separate offense  
 8 hereunder. A newspaper, <sup>to publish a legal notice</sup> in order to be eligible under this section, shall also file a  
 9 certificate with the county clerk stating that it qualifies under this section and  
 10 stating its place of publication.

11 **SECTION 5.** 985.03 (3) of the statutes is created to read:

12 985.03 (3) Notwithstanding sub. (1), a 2nd, 3rd, or 4th class city, or a village,  
 13 town, sewerage district, drainage district, or county may designate as an official  
 14 newspaper any newspaper that is published at least once a week in the area where  
 15 the city, village, town, sewerage district, drainage district, or county is located if the  
 16 governing body of that political subdivision finds, after a public hearing, that all of

17 the following apply:

18 (a) <sup>generally better</sup> The designated newspaper would give notice to more persons affected by the  
 19 notice than a newspaper qualified to publish a legal notice under sub. (1).

20 (b) The designated newspaper would give notice to persons affected by the  
 21 notice at a lower cost to the local government than a newspaper qualified to publish  
 22 a legal notice under sub. (1).

23 (c) The governing body would otherwise be unable to establish an official  
 24 newspaper because of the standards under sub. (1).

25 (END)

Insert  
3-24

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2927/P3ins  
RPN:jld:ch

1 insert 3-24:

2 SECTION 1. 985.14 of the statutes is amended to read:

3 **985.14 Refusal to publish.** When there is only one newspaper in a county and  
4 the publisher thereof refuses to publish a legal notice, ~~such~~ or if there is no  
5 newspaper in the county that is qualified to publish a legal notice under 985.03, the  
6 legal notice may be published in a newspaper printed in an adjoining county; ~~and~~  
7 ~~proof.~~ Proof by affidavit of the reason why such publication was made in an adjoining  
8 county shall accompany the proof of publication, or the order for publication, when  
9 any is necessary, may be made or amended by the court or judge so as to designate  
10 a newspaper in an adjoining county, upon affidavit showing the necessity therefor.  
11 Whenever a legal notice is required by law to be published in a newspaper in any  
12 county having a village or city situated partly in ~~said~~ that county and partly in an  
13 adjoining county ~~where~~ and there is no newspaper printed in ~~such~~ that village or city  
14 within the county first mentioned, but there is a newspaper published in ~~such~~ that  
15 village or city within ~~such~~ the adjoining county, ~~such~~ the notice may be published in  
16 ~~such last mentioned~~ that newspaper.

**Nelson, Robert P.**

---

**From:** Kalies, Tim  
**Sent:** Tuesday, August 28, 2001 9:51 AM  
**To:** Nelson, Robert P.  
**Subject:** LRB 2927/3

Dear Mr. Nelson,  
Can you please jacket LRB 2927/3? You made some very elegant corrections in the areas where Marc had concerns. Thank you!

Tim Kalies

**TIMOTHY J. KALIES**  
Legislative Assistant, Joint Committee on Finance  
Office of State Representative Marc Duff  
Republican, 98th Assembly District  
Phone: (608) 266-1190 Fax: (608) 282-3698  
E-mail: [tim.kalies@legis.state.wi.us](mailto:tim.kalies@legis.state.wi.us)

08/28/2001





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-2927/RS

RPN:jld:pg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT to amend 985.01 (5), 985.03 (1) (c), 985.03 (2) and 985.14; to repeal and  
2 recreate 985.03 (1) (a); and to create 985.03 (3) of the statutes; relating to:  
3 the qualifications of newspapers permitted to publish legal notices.

---

*Analysis by the Legislative Reference Bureau*

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

---

Insert  
and 985.14 ✓

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

4 SECTION 1. 985.01 (5) of the statutes is amended to read:  
5 985.01 (5) A newspaper is "published" at the place from which its mailing  
6 permit is issued, except that if the place where the newspaper has its major  
7 concentration of circulation has no primary post office, then at the place it shall  
8 designate that the newspaper designates as its place of publication in the affidavit  
9 certificate required by s. 985.03 (2), but no newspaper shall have more than one place  
10 of publication during the same period of time.

1           **SECTION 2.** 985.03 (1) (a) <sup>x</sup> of the statutes is repealed and recreated to read:

2           985.03 (1) (a) Except as provided in sub. (3), no publisher of any newspaper in  
3 this state shall be awarded or be entitled to any compensation or fee for the  
4 publishing of any legal notice unless one of the following conditions are met:

5           1. For at least 2 of the 5 years immediately before the date of the notice  
6 publication, the newspaper has been published regularly and continuously, has had  
7 a bona fide paid circulation that has constituted 50% or more of its circulation, and  
8 has had actual subscribers at each publication of not less than 1,000 copies in 1st and  
9 2nd class cities, or 300 copies if in 3rd and 4th class cities, villages, or towns.

10           2. For at least 2 continuous years the newspaper has been in existence and has  
11 been published and delivered, without requiring a subscription fee, ~~at regular~~  
12 ~~intervals of not less than once per week,~~ to at least 75% of the households and  
13 businesses in the newspaper's coverage area, which includes the city, village, or town  
14 that uses the newspaper to publish a legal notice.

15           **SECTION 3.** 985.03 (1) (c) <sup>x</sup> of the statutes is amended to read:

16           985.03 (1) (c) A newspaper, under this chapter, is a publication appearing at  
17 regular intervals and at least once a week, containing ~~the greater of at least~~ 4 pages  
18 or ~~at least~~ 20% of ~~the publication space,~~ <sup>the publication space, whichever is greater,</sup> of  
19 reports of happenings of recent occurrence of a varied character,  
20 such as political, social, moral and religious subjects, designed to inform the general  
21 reader. The publication must meet this standard in the publication's coverage area  
22 in at least 33% of the publication's issues in the 6 months immediately preceding the  
23 publication of the notice. The definition includes a daily newspaper published in a  
24 county having a population of 500,000 or more, devoted principally to business news  
25 and publishing of records, which has been designated by the courts of record of the  
county for publication of legal notices for a period of 6 months or more.

*same legal notice in a newspaper eligible to publish a legal notice under sub. (1) or (3)*

*Fix component*

1 SECTION 4. 985.03 (2) of the statutes is amended to read.

2 985.03 (2) <sup>(a)</sup> Any person charged with the duty of causing legal notices to be

3 published, and who causes any legal notice, to be published in any newspaper not

4 eligible to so publish under the requirements of sub. (1) or (3), or who fails to cause

5 such legal notice to be published in any newspaper eligible under this section, may

6 be fined not to exceed \$100 for each offense. Each day in which a legal notice should

7 have been but was not published as required by law shall constitute a separate

8 ~~offense hereunder.~~ *This penalty does not apply if the person also publishes the*

9 offense hereunder. A newspaper, in order to be eligible to publish a legal notice under

10 this section, shall also file a certificate with the county clerk stating that it qualifies

11 under this section and stating its place of publication.

12 SECTION 5. 985.03 (3) of the statutes is created to read:

13 985.03 (3) Notwithstanding sub. (1), a 2nd, 3rd, or 4th class city, or a village,

14 town, sewerage district, drainage district, or county may designate as an official

15 newspaper <sup>for publishing legal notices</sup> any newspaper that is published at least once a week in the area where

16 the city, village, town, sewerage district, drainage district, or county is located if the

17 governing body of that political subdivision finds, after a public hearing, that the

18 designated newspaper would generally give better notice to more persons affected by

19 the notice than a newspaper qualified to publish a legal notice under sub. (1).

20 SECTION 6. 985.14 of the statutes is amended to read:

21 985.14 Refusal to publish. When there is only one newspaper in a county and

22 the publisher thereof refuses to publish a legal notice, such or if there is no

23 newspaper in the county that is qualified to publish a legal notice under 985.03, the

24 legal notice may be published in a newspaper printed in an adjoining county; and

25 proof. Proof by affidavit of the reason why such publication was made in an adjoining

county shall accompany the proof of publication, or the order for publication, when

*[Handwritten scribbles]*

*Print*

*(b) score*

*renumbered 985.03(a)(a) and*

1 any is necessary, may be made or amended by the court or judge so as to designate  
2 a newspaper in an adjoining county, upon affidavit showing the necessity therefor.  
3 Whenever a legal notice is required by law to be published in a newspaper in any  
4 county having a village or city situated partly in said that county and partly in an  
5 adjoining county where and there is no newspaper printed in such that village or city  
6 within the county first mentioned, but there is a newspaper published in such that  
7 village or city within such the adjoining county, such the notice may be published in  
8 such last mentioned that newspaper.

9

(END)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2927/lins  
RPN:jld:pg

insert analysis:

Under current law, a newspaper must meet certain qualifications to be eligible to receive compensation for publishing legal notices. Currently, to receive that compensation, a newspaper must have been published regularly and continuously in the city, village, or town where published for at least two of the last five years. In addition, the newspaper must have a paid circulation that is at least 50% of its circulation and have actual subscribers of not less than 1,000 copies if in a 1st or 2nd class city, or 300 copies if in a 3rd or 4th class city or in a village or town. \*

Under this bill, newspapers that have been in existence for at least two years and are published and delivered, without requiring a subscription fee, to 75% of the households and businesses in the newspaper's coverage area are also eligible to receive compensation for publishing legal notices for cities, villages, and towns.

legal  
The bill also allows a 2nd, 3rd, or 4th class city, village, town, sewerage district, drainage district, or county to designate a newspaper as the official newspaper for publishing public notices even if the newspaper does not meet the other statutory requirements if the newspaper is published at least weekly and is determined, after a public hearing, to give better notice to more people affected by the notice than a newspaper that does meet the other statutory requirements.

\*  
\*  
Current law defines a "newspaper," for purposes of receiving compensation for the publication of a public notice, as a publication that appears at regular intervals of at least once per week and that contains reports of recent happenings that are designed to inform the general reader. This bill changes that definition to require the publication to contain reports of recent happenings that are designed to inform the general reader in at least four pages or 20% of the publication space, whichever is greater. The bill requires the publication to meet this new standard in at least 33% of the publication's issues in the six months preceding the publication of the notice.

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

immediately



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-2927/A  
RPN:jld:jf

2001 BILL

Regen

1 AN ACT *to renumber and amend* 985.03 (2); *to amend* 985.01 (5), 985.03 (1)  
2 (c) and 985.14; *to repeal and recreate* 985.03 (1) (a); and *to create* 985.03 (3)  
3 of the statutes; **relating to:** the qualifications of newspapers permitted to  
4 publish legal notices.

---

*Analysis by the Legislative Reference Bureau*

Under current law, a newspaper must meet certain qualifications to be eligible to receive compensation for publishing legal notices. Currently, to receive that compensation, a newspaper must have been published regularly and continuously in the city, village, or town where published for at least two of the last five years. In addition, the newspaper must have a paid circulation that is at least 50% of its circulation and have actual subscribers of not less than 1,000 copies if in a 1st or 2nd class city, or 300 copies if in a 3rd or 4th class city or in a village or town.

Under this bill, newspapers that have been in existence for at least two years and are published and delivered, without requiring a subscription fee, to 75% of the households and businesses in the newspaper's coverage area are also eligible to receive compensation for publishing legal notices for cities, villages, and towns.

The bill also allows a 2nd, 3rd, or 4th class city, village, town, sewerage district, drainage district, or county to designate a newspaper as the official newspaper for publishing legal notices even if the newspaper does not meet the other statutory requirements if the newspaper is published at least weekly and is determined, after a public hearing, to give better notice to more people affected by the notice than a newspaper that does meet the other statutory requirements.

**BILL**

Current law defines a “newspaper,” for purposes of receiving compensation for the publication of a legal notice, as a publication that appears at regular intervals of at least once per week and that contains reports of recent happenings that are designed to inform the general reader. This bill changes that definition to require the publication to contain reports of recent happenings that are designed to inform the general reader in at least four pages or 20% of the publication space, whichever is greater. The bill requires the publication to meet this new standard in at least 33% of the publication’s issues in the six months immediately preceding the publication of the notice.

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

---

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

1           **SECTION 1.** 985.01 (5) of the statutes is amended to read:

2           985.01 (5) A newspaper is “published” at the place ~~from which its mailing~~  
3 ~~permit is issued, except that if the place where the newspaper has its major~~  
4 ~~concentration of circulation has no primary post office, then at the place it shall~~  
5 ~~designate~~ that the newspaper designates as its place of publication in the affidavit  
6 certificate required by s. 985.03 (2), but no newspaper shall have more than one place  
7 of publication during the same period of time.

8           **SECTION 2.** 985.03 (1) (a) of the statutes is repealed and recreated to read:

9           985.03 (1) (a) Except as provided in sub. (3), no publisher of any newspaper in  
10 this state shall be awarded or be entitled to any compensation or fee for the  
11 publishing of any legal notice unless one of the following conditions are met:

12           1. For at least 2 of the 5 years immediately before the date of the notice  
13 publication, the newspaper has been published regularly and continuously, has had  
14 a bona fide paid circulation that has constituted 50% or more of its circulation, and  
15 has had actual subscribers at each publication of not less than 1,000 copies in 1st and  
16 2nd class cities, or 300 copies if in 3rd and 4th class cities, villages, or towns.

**BILL**

1           2. For at least 2 continuous years the newspaper has been in existence and has  
2 been published and delivered, without requiring a subscription fee, to at least 75%  
3 of the households and businesses in the newspaper's coverage area, which includes  
4 the city, village, or town that uses the newspaper to publish a legal notice.

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

6           985.03 (1) (c) A newspaper, under this chapter, is a publication appearing at  
7 regular intervals and at least once a week, containing <sup>at least</sup> 4 pages or 20% of the  
8 publication space, whichever is greater, of reports of happenings of recent occurrence  
9 of a varied character, such as political, social, moral and religious subjects, designed  
10 to inform the general reader. The publication must meet this standard in the  
11 publication's coverage area in at least 33% of the publication's issues in the 6 months  
12 immediately preceding the publication of the notice. The definition includes a daily  
13 newspaper published in a county having a population of 500,000 or more, devoted  
14 principally to business news and publishing of records, which has been designated  
15 by the courts of record of the county for publication of legal notices for a period of 6  
16 months or more.

17           **SECTION 4.** 985.03 (2) of the statutes is renumbered 985.03 (2) (a) and amended  
18 to read:

19           985.03 (2) (a) Any person charged with the duty of causing legal notices to be  
20 published, and who causes any legal notice, to be published in any newspaper not  
21 eligible to so publish under the requirements of sub. (1) or (3), or who fails to cause  
22 such legal notice to be published in any newspaper eligible under this section, may  
23 be fined not to exceed \$100 for each offense. Each day in which a legal notice should  
24 have been but was not published as required by law shall constitute a separate



**BILL****SECTION 4**

1 offense hereunder. This penalty does not apply if the person also publishes the same  
2 legal notice in a newspaper eligible to publish a legal notice under sub. (1) or (3).

3 (b) A newspaper, in order to be eligible to publish a legal notice under this  
4 section, shall also file a certificate with the county clerk stating that it qualifies  
5 under this section and stating its place of publication.

6 **SECTION 5.** 985.03 (3) of the statutes is created to read:

7 985.03 (3) Notwithstanding sub. (1), a 2nd, 3rd, or 4th class city, or a village,  
8 town, sewerage district, drainage district, or county may designate as an official  
9 newspaper for publishing legal notices any newspaper that is published at least once  
10 a week in the area where the city, village, town, sewerage district, drainage district,  
11 or county is located if the governing body of that political subdivision finds, after a  
12 public hearing, that the designated newspaper would generally give better notice to  
13 more persons affected by the notice than a newspaper qualified to publish a legal  
14 notice under sub. (1).

15 **SECTION 6.** 985.14 of the statutes is amended to read:

16 **985.14 Refusal to publish.** When there is only one newspaper in a county and  
17 the publisher thereof refuses to publish a legal notice, such or if there is no  
18 newspaper in the county that is qualified to publish a legal notice under 985.03, the  
19 legal notice may be published in a newspaper printed in an adjoining county, and  
20 proof. Proof by affidavit of the reason why such publication was made in an adjoining  
21 county shall accompany the proof of publication, or the order for publication, when  
22 any is necessary, may be made or amended by the court or judge so as to designate  
23 a newspaper in an adjoining county, upon affidavit showing the necessity therefor.  
24 Whenever a legal notice is required by law to be published in a newspaper in any  
25 county having a village or city situated partly in ~~said~~ that county and partly in an

**BILL**

1 adjoining county ~~where~~ and there is no newspaper printed in ~~such~~ that village or city  
2 within the county first mentioned, but there is a newspaper published in ~~such~~ that  
3 village or city within ~~such~~ the adjoining county, ~~such~~ the notice may be published in  
4 ~~such last mentioned~~ that newspaper.

5

(END)