



2011 SENATE BILL 414

January 31, 2012 – Introduced by Senators LEIBHAM, SHILLING, HOLPERIN, SCHULTZ and HARSDORF, cosponsored by Representatives MARKLEIN, DOYLE, SPANBAUER, LEMAHIEU, THIESFELDT, PETRYK, ENDSLEY, A. OTT and MOLEPSKE JR. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

1 **AN ACT** *to amend* 35.35 (1) (a), 985.03 (1) (c), 985.08 (1), 985.08 (2) (a) and 985.08
2 (2) (b); and *to create* 985.01 (7) and 985.02 (3) of the statutes; **relating to:** the
3 typeface used, and rates charged, for publication of legal notices.

Analysis by the Legislative Reference Bureau

Under current law, certain legal notices are required by statute or by an order of a court to be published in a newspaper. Legal notices are generally published in a newspaper likely to give notice in the area or to the person affected. Current law sets standards for the publication of legal notices, including the type of newspaper that may publish legal notices, a standard line length and type face for a legal notice, and a minimum and maximum fee that a newspaper may charge for publication of legal notices. Current law allows for different type faces to be used if the publisher opts not to use the standard type face. Publication fees vary depending on the type face used and whether the legal notice is being published for the first time or for a second or subsequent time. Additionally, under current law, if the person requesting publication submits a legal notice to a newspaper in a format that does not require the newspaper to typeset or otherwise modify the legal notice, the fee for a second or subsequent publication applies. The minimum and maximum fee is adjusted every two years.

Under this bill, all legal notices must be published in Arial type face and a standard line rate applies for all publications. The bill eliminates the minimum rate and requires the standard line rate to be reviewed annually. In addition, under the bill, any newspaper that publishes a legal notice must also place an electronic copy

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of the legal notice, at no additional charge, on a Web site that is maintained by Wisconsin newspapers for the purpose of maintaining an electronic version of printed and published legal notices.

For further information see the *state and 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.** 35.35 (1) (a) of the statutes is amended to read:

2 35.35 (1) (a) The legislative reference bureau shall provide to the secretary of
3 state camera-ready electronic copy in type not smaller than 5.5 6 point Arial for the
4 printing of any enrolled proposed constitutional amendment and of each enrolled
5 resolution ordered to be printed in the official state newspaper by the president of
6 the senate for resolutions originating in the senate or by the speaker of the assembly
7 for resolutions originating in the assembly. The copy shall identify material deleted
8 from existing law by stricken type, and material inserted into existing law by
9 underscored type.

10 **SECTION 2.** 985.01 (7) of the statutes is created to read:

11 985.01 (7) “Wisconsin newspapers legal notices Web site” means an Internet
12 Web site maintained by Wisconsin newspapers for the purpose of providing and
13 maintaining an electronic version of printed and published legal notices.

14 **SECTION 3.** 985.02 (3) of the statutes is created to read:

15 985.02 (3) The newspaper that publishes a legal notice shall, in addition to
16 newspaper publication, place an electronic copy of the legal notice at no additional
17 charge on the Wisconsin newspapers legal notice Web site.

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

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1 985.03 (1) (c) A newspaper, under this chapter, is a publication ~~appearing that~~
2 is published at regular intervals and at least once a week, containing reports of
3 happenings of recent occurrence of a varied character, such as political, social, moral
4 and religious subjects, designed to inform the general reader. The definition includes
5 a daily newspaper published in a county having a population of 500,000 or more,
6 devoted principally to business news and publishing of records, which has been
7 designated by the courts of record of the county for publication of legal notices for a
8 period of 6 months or more.

9 **SECTION 5.** 985.08 (1) of the statutes is amended to read:

10 985.08 (1) The fee for publishing a legal notice shall be not more than ~~14 cents~~
11 ~~per standard line for the first insertion and not more than 11 cents per standard line~~
12 ~~for each subsequent insertion~~ the rate issued by the department of administration
13 for the first and subsequent insertions per standard line. The charge for the
14 publication of a facsimile ballot shall be computed as if the area occupied by the ballot
15 were set in standard lines. If a legal notice contains tabulated matter, then the fees
16 allowable for the area containing such matter shall be increased 50% of the standard
17 line base rate without adjustment for circulation premium. Composed matter shall
18 be interpreted as being tabular when it contains 2 or more justifications per line. The
19 ~~minimum fee for any legal notices shall be \$2. The maximum rate specified in this~~
20 ~~subsection shall be adjusted each 2 years~~ standard line rate shall be reviewed
21 annually, the adjustment, if any, to be effective on January 1 of each even-numbered
22 year to reflect the relevant change in costs of the newspaper publishing industry as
23 ~~compared with such costs on October 1 of the 3rd year preceding that January 1~~
24 during the previous year, as determined by the department of administration in
25 consultation with representatives of the daily and weekly newspaper industry of the

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1 state. In making the determination the department shall base the determination
2 standard line rate upon the factors of wage and independent indices of newsprint
3 costs in the proportions determined by the department to be proper. No additional
4 fee may be charged for placing a legal notice on the Wisconsin newspapers legal
5 notice Web site pursuant to s. 985.02 (3).

6 **SECTION 6.** 985.08 (2) (a) of the statutes is amended to read:

7 985.08 (2) (a) All legal notices shall be in Arial type face. A standard line shall
8 be 6–point ~~Spartan lightface set~~ Arial on a 6–point slug leading without spacing
9 between the lines, and 11 picas in length. One inch equals 6 postscript pica and 72
10 postscript points. Nonstandard ~~type faces~~ and line lengths shall be allowed with
11 adjustments in fees according to variations in ~~type set~~ and line length. When ~~a~~
12 ~~publisher does not have, or~~ the person or agency that places the notice elects not to
13 use ~~a 6–point body type~~ Arial, a larger body type Arial up to 12 point may be used;
14 in which case adjustment shall be made in line rate, proportionately decreasing for
15 sizes of type over 6–point to produce the same net average compensation per column
16 area. Such adjustments shall be evaluated by the department of administration
17 which shall certify the same to any newspaper, public official or other interested
18 party upon request, and such certification shall be presumptive evidence of the
19 correct adjustments. ~~A 5 1/2–point type face set on a 6–point slug shall be acceptable~~
20 ~~in lieu of a standard line, but the rate for the 5 1/2–point type line shall not exceed~~
21 ~~the rate for a standard line as set forth in sub. (1).~~

22 **SECTION 7.** 985.08 (2) (b) of the statutes is amended to read:

23 985.08 (2) (b) When camera–ready electronic copy for the entire notice or
24 substantial areas thereof is provided, eliminating typesetting, enlargements or
25 reductions, or other changes by the newspaper, the maximum rate is the same as the

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1 maximum rate established under sub. (1) for subsequent insertions. ~~To qualify for~~
2 ~~the subsequent insertion rate for camera-ready copy, the copy may be no larger than~~
3 ~~8-point type and shall comply with the column width certified for each newspaper~~
4 ~~by the department of administration under par. (a).~~

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(END)