

## 2011 DRAFTING REQUEST

### Bill

Received: 10/10/2011

Received By: phurley

Wanted: As time permits

Companion to LRB: -3873

For: Joseph Leibham (608) 266-2056

By/Representing: Jeff

May Contact:

Drafter: phurley

Subject: Courts - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Leibham@legis.wisconsin.gov

Carbon copy (CC:) to:

---

### Pre Topic:

No specific pre topic given

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### Topic:

Legal notice by publication

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### Instructions:

Have permission to discuss this with the newspaper contact folk.

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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	phurley 10/12/2011	mduchek 11/03/2011	lparisi 11/04/2011	_____	lparisi 11/04/2011		S&L
/P2	phurley 12/15/2011	mduchek 12/19/2011	rschluet 12/20/2011	_____	mbarman 12/20/2011		S&L
/1	phurley 01/10/2012	mduchek 01/13/2012	phenry 01/13/2012	_____	ggodwin 01/13/2012	lparisi 01/27/2012	S&L

FE Sent For:

At intro  
1/31/2012

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11/13/12  
11/13/12  
YRB  
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**Topic:**

Legal notice by publication

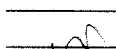
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**Instructions:**




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<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	phurley 10/12/2011	mduchek 11/03/2011	lparisi 11/04/2011		lparisi 11/04/2011		S&L

FE Sent For:

12/19/11  
  
  


<END>

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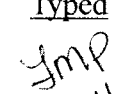
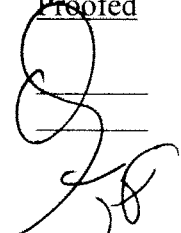
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<END>



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# WISCONSIN NEWSPAPER ASSOCIATION

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*...world's oldest press association, established 1853*

The WNA proposes the following amendments to Chapter 985: Publication of Legal Notices; Public Newspapers; Fees

The proposed amendments to Chapter 985 are intended to simplify the existing DOA newspaper legal notice publication certification process, as well as, the process of placing legal notices by units of local government.

The bill would also require that any newspaper eligible to publish legal notices also be required to place the notice on the statewide website established and maintained as a joint venture of the majority of Wisconsin newspapers as a repository for such notices.

Please click on the following link to view the statewide legal notice website:

<http://www.wisconsinpublicnotices.org/>

The recommended changes to Chapter 985 are as follows:

- (1) *Standardize the type face used by newspapers for the publication of all legal notices (all notices would be published in Arial 6 point, see supporting document);*
- (2) *Remove the current minimum/maximum line rate language which would no longer be applicable due to the establishment of the standardized type face;*
- (3) *Require that newspapers be certified and the rates paid to newspapers for publishing legal notices be re-adjusted annually instead of every two years.*

#### Explanation

*Point One:* Chapter 985.08 (2)(a) currently requires all legal notices to be published in 6-point Spartan lightface. The section also allows for the use of alternative type faces subject to approval by the DOA. This exception has resulted in newspapers applying, on an as needed basis, for DOA approval for the use of multiple type faces.

In most instances, the legal notices containing alternative type faces (*non Spartan lightface*) are submitted to the newspaper by the unit of government. The newspaper reproduces the legal notice in the type face submitted by the unit of government. The newspaper must request certification from DOA for use of the alternative type face submitted by the unit of government.

The establishment of a standardized type face will eliminate the need for the DOA certification of multiple type faces; and in many instances will result in a cost savings to units of government.

Please click on the following link to view type face certification:

[http://vendornet.state.wi.us/vendornet/wais/bulldocs/2480\\_0.DOC](http://vendornet.state.wi.us/vendornet/wais/bulldocs/2480_0.DOC)

*Point Two:* The establishment of a uniform type face and point size eliminates the need for the existing minimum and maximum line rate language.

**Point Three:** The DOA newspaper certification and adjusted rate calculation for publishing legal notices is currently done every two years.

The DOA request for paid circulation verification is currently done on an annual basis.

The proposed change to combine the certification/verification, to be done annually, by newspapers will eliminate existing confusion on the part of the newspaper and create efficiencies for DOA staff.



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# WISCONSIN NEWSPAPER ASSOCIATION

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*...world's oldest press association, established 1853*

## **985.02 Method of notification.**

(1) Except as otherwise provided by law, a legal notice shall be published in a newspaper likely to give notice in the area or to the person affected. Whenever the law requires publication in a newspaper published in a designated municipality or area and no newspaper is published therein publication shall be made in a newspaper likely to give notice.

**(a) Whenever any notice as defined in s 985.01 (2) is required by law or by order of a court to be published in a newspaper, the newspaper publishing the notice shall, at no additional cost to government, place the notice on the legal notice website maintained by Wisconsin newspapers as a comprehensive repository for such notices.**

(2) If the governing body of a municipality elects to post under s. 985.05 (1) it shall post in the following manner:

(a) The notice must be posted in at least 3 public places likely to give notice to persons affected.

(b) The notice posted before the act or event requiring notice shall be posted no later than the time specified for the first newspaper publication.

(c) The notice posted after the act or event requiring notice shall be posted within one week after the act or event. Actions of governing bodies posted after the act or event shall be effective upon posting.

(d) The affidavit of the officer or person posting the legal notice containing the time, place and manner of the posting is presumptive evidence of the facts stated therein.

### **History:** 2007 a. 20.

A county with a population of less than 250,000 is not required to designate an official newspaper.

A county is not required to seek bids for the publication of legal notices. Even if a county does not competitively bid the publication of its own proceedings as provided in sub. (3), it may print its own proceedings or post them on its web site. A county may not, in lieu of publication in a printed newspaper or posting on a physical bulletin board, post its legal notices on its official web site. OAG 2-08.

## **985.03 Qualifications of newspapers.**

(1)

(a) 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:

1. That has constituted 50% or more of its circulation; and,

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.



(b) Suspension of publication resulting from the mobilization of troops being called to active duty with the armed forces, strike, lockout or damage, or destruction due to war, fire or act of God, shall not count as an interval in publication.

(bm) A period of disqualification not to exceed 2 years due only to the place of publication shall not count as an interval in publication.

*done*  
(c) A newspaper, under this chapter, is a publication **appearing that is published** at regular intervals and at least once a week, containing 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 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.

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

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

This section does not violate equal protection. The term "paid circulation," as a requirement under sub. (1) (a), is discussed. *Community Newspapers v. West Allis*, 156 Wis. 2d 350, 456 N.W.2d 646 (Ct. App. 1990).

A municipality may not expend funds to publish legal notice in a "shopper" that does not meet the qualifications in s. 985.03 (1) (a). 71 Atty. Gen. 177.

#### **985.08 Fees for publishing.**

*32*  
(1) The fee for publishing a legal notice shall be not more than ~~14 cents per the~~ **standard line rate** for the first insertion and not more than ~~11 cents per the~~ **standard line rate** for each subsequent insertion. The charge for the publication of a facsimile ballot shall be computed as if the area occupied by the ballot were set in standard lines. If a legal notice contains tabulated matter, then the fees allowable for the area containing such matter shall be increased 50% of the standard line base rate without adjustment for circulation premium. Composed matter shall be interpreted as being tabular when it contains 2 or more justifications per line. ~~The minimum fee for any legal notices shall be \$2.~~ The maximum rate specified in this subsection shall be adjusted each ~~2~~ **years**. ~~The annual adjustment to be shall become~~ effective on January 1 of each ~~even-numbered~~ year to reflect the relevant change in costs of the newspaper publishing industry as compared with such costs ~~on October 1~~ of the ~~3rd~~ **previous** year preceding that January 1, as determined by the department of administration in consultation with representatives of the daily and weekly newspaper industry of the state. In making the determination the department shall base the ~~determination~~ **standard line rate** upon the **collective** factors of wage and **independent indices** of newsprint costs in the proportions determined by the department to be proper. **There shall be no additional fee for placing a legal notice on the legal notice website as required in s 985.02**  
**(1) (a).**

(2)

*2*  
(a) A standard line shall be 6-point ~~Spartan lightface set~~ **Arial** on a 6-point **slug leading** without spacing between the lines, and 11 picas in length. **One inch equals 6 postscript pica and 72 postscript points**. Nonstandard ~~type faces and~~ line lengths shall be allowed with adjustments in fees according to variations in ~~type set and~~ line length. **All notices as defined in 985.01 (2)**

**must be published in Arial type face.** When ~~the entity placing the notice a publisher does not have, or~~ elects not to use a 6-point Arial body type, a larger Arial body type may be used up to 12 point; in which case adjustment shall be made in line rate, proportionately decreasing for sizes of type over 6-point to produce the same net average compensation per column area. Such adjustments shall be evaluated by the department of administration which shall certify the same to any newspaper, public official or other interested party upon request, and such certification shall be presumptive evidence of the correct adjustments. ~~A 5 1/2-point type face set on a 6-point slug shall be acceptable in lieu of a standard line, but the rate for the 5 1/2-point type line shall not exceed the rate for a standard line as set forth in sub. (1).~~

(b) When ~~camera-ready copy~~ electronic copy or the entire notice or substantial areas thereof is provided, eliminating typesetting, enlargements or reductions, or other changes by the newspaper, the maximum rate is the same as the maximum rate established under sub. (1) for subsequent insertions. To qualify for the subsequent insertion rate for ~~camera-ready~~ electronic copy, the copy may be no larger than 8-point type and shall comply with the column width certified for each newspaper by the department of administration under par. (a).

(3) The publisher may increase rates allowed by this section up to 15 per cent for each 4,000 of circulation or fraction thereof above 8,000 of circulation, based on previous year-end circulation figures, but not to exceed an additional increase of 75 percent.

(4) In all counties having a population of 500,000 or more, the fees for the publication of a legal notice may be equal to, but not in excess of, the regular publishing rate actually required of private advertisers for similar advertising matter.

(5) Except as otherwise provided in this section, no fee shall be paid and no public funds shall be used for subsidizing any privately owned newspaper for payment for any legal notice, which newspaper has not previously qualified as a public newspaper as defined in s. 985.03.

(6) In addition to required legal notice, the requisitioning agency may also publish such notice in other media such as trade journals and newspapers published in this state devoted substantially to the publication of official notices to bidders, but such additional notice shall not be construed as a legal notice.

(7) Fees established herein are applicable to legal notices and are not intended to restrict the use of classified and display advertising which is not required by statute to be published or legal notices which the requisitioning agency orders to be published in a classified or display manner. The discretion of utilizing the display method of publishing official materials shall be vested solely in the public authority ordering such publication and the rate charged for publication in this instance shall not exceed the regular commercial display advertising rate of the publisher.

(8) Upon request, a tear sheet proof of a multiple insertion notice shall be mailed to the advertiser or the advertiser's attorney within 72 hours after the first insertion, and an additional charge of \$1 for such tear sheet proof may be made.

**History:** 1977 c. 418; 1979 c. 34; 1987 a. 142; 1993 a. 486; 2009 a. 177.

diff  
Q: Standard line  
rate for initial &  
subsequent insertions? NO

# **Committee Report / Issue Brief**

## ***Change in Methodology for Setting Legal Notice Rates***

**State Bureau of Procurement**

**June 9, 2010**

### **Introduction**

The Department of Administration is required per s. 985 Wis. Stats., in the fall of an odd numbered year to review rates paid to newspapers for publishing legal notices. This function is carried out by the State Bureau of Procurement (SBOP). The review is to be made and rates adjusted by January 1st of every even numbered year. The current rate structure was developed by SBOP and the legal notice rate committee in the 2002-2003 period of review. The complex economic conditions that occurred during 2008-2009, resulted in two actions in regard to the legal notice rates.

The Wisconsin Newspaper Association (WNA) requested and SBOP granted a freeze of the current rates for the 2010-2011 period of review. This request was based on the belief that the rate certification formula developed during the 2002-2003 review period was not an accurate reflection of the complex economic conditions experienced during 2008-2009, and it would severely impact small newspapers.

SBOP and DOA legal (Mark Saunders) reviewed s. 985.08 (1). It was determined that this statute allows DOA to retain the current legal notice rates for calendar years 2010 and 2011.

Secondly, the legal notice rate committee was convened to develop a new rate structure that would more accurately reflect economic conditions.

### **Statutory Reference for Legal Notice Rate Structure Methodology**

Wis. Stats 985.08 (1), in part, states: "The maximum rate specified in this subsection shall be adjusted each 2 years, the adjustment to be effective on January 1 of each even-numbered year to reflect the relevant change in costs of the newspaper publishing industry as compared with such costs on October 1 of the 3rd year preceding that January 1, as determined by the department of administration in consultation with representatives of the daily and weekly newspaper industry of the state. In making the determination the department shall base the determination upon the factors of wage and newsprint costs in the proportions determined by the department to be proper."

### **Explanation of 2002-2003 Rate Structure**

In 2002, a committee consisting of representatives from WNA, the State Bureau of Procurement, DWD, and the DOA Secretary's Office reviewed the methodology for changing rates. The 2002 committee determined that wages (provided by Dept. of Workforce Development's Bureau of Workforce Training) would carry of weight factor of 66% and newsprint paper costs (determined by an independent organization that tracks paper prices; i.e., the Finnish Options Exchange indices) should be 34%. These figures were applied to the rate setting methodology to calculate a Line Cost biannually. The Line Cost is the maximum amount the state pays for publishing legal notices in state newspapers.

By following this methodology, SBOP determined that the rates for publishing legal notices would be reduced by approximately 14% (or approximately 10 cents per line). This prompted WNA to request a meeting with SBOP and then send a letter to SBOP requesting a freeze on the current rates.

### **Specific Committee Recommendations for Rate Structure Change**

The legal notice committee consisted of these representatives; Gail Endres-DOA, Beth Bennett-WNA, Peter Fox-WNA, Deborah Holt-DWD, Curtis Witynski-League of WI Municipalities, David Callender-WI Counties Association, John Reinemann-WI Counties Association, and Richard Stadelman-WI Towns Association. The committee meetings were held on May 4th, 11th, and 19th, 2010

SBOP convened a 2010 legal notice committee charged with creating a rate structure that complies with state statute and better predicts wage and newsprint market rates. The new rate structure maintains the 2002-2003 weights of 66% for labor and 34% for newsprint costs.

The primary changes relate to how the wage and newsprint rates will be calculated in the future. The new rate structure averages wages and newsprint costs over the four, second quarters prior to the January 1 date compared with the previous rate structure that used only a single, quarterly rate for wage and newsprint prior to the statutorily required January 1st date.

**The 2010 committee recommends these changes:**

In October 2011, Wage rate information from DWD Quarterly Census of Employment and Wages (QCEW) program would be an annual average consisting of second quarter 2010 to second quarter 2011, divided by 52 weeks to get a weekly wage for Newspaper Publishers.

Newsprint per ton costs will be pulled once a month from the Finnish Options Exchange (FOEX) website, 12 months totaled, then divided by 12 to equal an average monthly cost. This function will be completed by November of 2011.

These two factors create the base rate needed for the 2012-2013 certification period.

In October 2013, a change will be made to the base wage rate by adding the Social Security Cost-of-Living Adjustments from the national website; <http://www.ssa.gov/OACT/COLA/colaseries.html> COLA information would be collected annually, and then applied to the base wage rate at renewal period. Newsprint per ton costs will be processed the same as 2011. This then becomes the standard procedure for recertifying newspapers to publish legal notices.

**Chapter 985 Legal Notice Line Rate Adjustments**

Biennium	1st Insert	2nd Insert	% Change		Current Methodology (one point in time)
2006-2007	\$0.6220	\$0.4887	+6.88		Wage 2nd Qtr 2005 + October Newsprint
2008-2009	\$0.6726	\$0.5284	+7.33		Wage 2nd Qtr 2007 + October Newsprint
2010-2011	\$0.5731	\$0.4503	-17.18		Wage 2nd Qtr 2009 + October Newsprint Imbalanced, froze to 2008 rates
2010-2011	\$0.6546	\$0.5142	-3.09	Proposed	Methodology (annual averages)
2012-2013	\$0.6772	\$0.5231	1.74	New Method	all 2011 for newsprint and wages Add COAL% to wage, use 2013 average newsprint costs
2014-2015	\$0.6973	\$0.5386	2.98	New Method	

The committee's recommendations will introduce the use of averages to calculate both the wage rate and newsprint rates to soften extreme, cyclical economic changes. Further, adding the Social Security Cost-of-living Adjustments to the averaged base wage rates will better predict market labor wages. One of the reasons that the 2002-2003 formula predicted higher wage rates was due to an extreme jump in the unemployment rates that artificially increased the average pay rate over a much smaller population of workers. The result of which was to over estimate the actual wages that were paid to newspaper employees, and therefore inflate the per line cost in 2002-2003 rate calculation.

We the committee acknowledges and agrees with all of the above recommendations by signing below:

Beth Bennett, Wisconsin Newspaper Association	Peter Fox, Wisconsin Newspaper Association
Curtis Witynski, League of WI Municipalities	Richard Stadelman, WI Towns Association
David Callender, WI Counties Association	John Reinemann, WI Counties Association
Gail Endres, Department of Administration	Deborah Holt, Department of Workforce Development

**Hurley, Peggy**

**From:** Weigand, Jeffrey  
**Sent:** Tuesday, October 11, 2011 10:08 AM  
**To:** Hurley, Peggy  
**Cc:** 'beth.bennett@wnanews.com'  
**Subject:** FW: WNA legislative proposal for your review  
**Attachments:** Chapter 985 Changes Fact Sheet.doc; Final Draft of 985--Type Face, Fee & Online Changes.doc; Committee Report Issue Brief Dec 2010.doc

Peggy,

As we discussed yesterday, we give you full authority to work with Beth Bennett of the Newspaper Association to come up with a draft of the legislation they are requesting. Feel free to contact Beth directly if you have any questions on what they are requesting.

Thanks,

Jeff Weigand  
 Senator Joe Leibham's Office  
 608-266-2056

*Gail Endres @ DOA is the person who sets the rate.  
 264-7658*

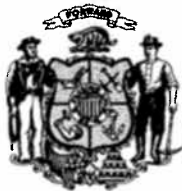
Beth Bennett  
 Executive Director  
 Wisconsin Newspaper Association  
 1901 Fish Hatchery Road  
 Madison, WI 53713

**Wisconsin Newspaper Association**

Direct Line: (608) 283-7621  
 Fax: (608)-283-7631  
 Cellular: (608) 609-2299  
[beth.bennett@wnanews.com](mailto:beth.bennett@wnanews.com)  
[www.wnanews.com](http://www.wnanews.com)

*Qs: 1) Who runs website?  
 coalition/agency that represents WI newspapers.  
 (WNA, e.g) look at det*

*2) D.F started line rate for initial & subsequent pub?*



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3165/P1

PJH:/:....

med

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

10-12-11  
of note

AN ACT Gen...; relating to: 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. 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.

of legal notices

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 a minimum and maximum rate and requires the standard line rate to be adjusted annually. In addition, under the bill, any newspaper that publishes a legal notice must also place an electronic copy of the legal notice, at no additional charge, on a website that is maintained by Wisconsin newspapers for the purpose of maintaining an electronic version of printed and published legal notices.

Ms. B

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:*

Ins A

SECTION 1. 985.01 (7) of the statutes is created to read:

985.01 (7) "Wisconsin newspapers legal notices website" means an Internet site maintained by Wisconsin newspapers for the purpose of providing and maintaining an electronic version of printed and published legal notices.

\*\*\*\*NOTE: Please review this definition and let me know if it is not accurate or if it needs changes.

SECTION 2. 985.02 (3) of the statutes is created to read:

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

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

985.03 (1) (c) A newspaper, under this chapter, is a publication appearing that is published at regular intervals and at least once a week, containing 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 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.

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

SECTION 4. 985.08 (1) of the statutes is amended to read:

985.08 (1) The fee for publishing a legal notice shall be ~~not more than 14 cents per standard line for the first insertion and not more than 11 cents per standard line~~

~~for each subsequent insertion the standard line rate for each insertion.~~ The charge for the publication of a facsimile ballot shall be computed as if the area occupied by the ballot were set in standard lines. If a legal notice contains tabulated matter, then the fees allowable for the area containing such matter shall be increased 50% of the standard line base rate without adjustment for circulation premium. Composed matter shall be interpreted as being tabular when it contains 2 or more justifications per line. The ~~minimum fee for any legal notices shall be \$2. The maximum rate specified in this subsection shall be adjusted each 2 years~~ standard line rate shall be adjusted annually, the adjustment to be effective on January 1 of each even-numbered year to reflect the relevant change in costs of the newspaper publishing industry as compared with such costs on October 1 of the 3rd year preceding that January 1 during the previous year, as determined by the department of administration in consultation with representatives of the daily and weekly newspaper industry of the state. In making the determination the department shall base the ~~determination~~ standard line rate upon the factors of wage and independent indices of newsprint costs in the proportions determined by the department to be proper.

No additional fee may be ~~charge~~ <sup>charged</sup> for placing a legal notice on the Wisconsin newspapers legal notice website pursuant to <sup>§.</sup> 985.02 (3).

History: 1977 c. 418; 1979 c. 34; 1987 a. 142; ~~1993 a. 486~~; 2009 a. 177.

~~SECTION 5. 985.08 (2) (a) of the statutes is renumbered 985.08 (2) and amended~~ <sup>Web site</sup> ~~985.08 (2) (a) of the statutes is renumbered 985.08 (2) and amended~~

to read:

985.08 (2) All legal notices shall be in Arial type face. A standard line shall be 6-point ~~Spartan lightface~~ set Arial on a 6-point slug leading without spacing between the lines, and 11 picas in length. One inch equals 6 postscript pica and 72 postscript points. Nonstandard type faces and line lengths shall be allowed with



adjustments in fees according to variations in ~~type set and~~ line length. When ~~a~~ publisher does not have, or the person or agency that places the notice elects not to use a 6-point ~~body type~~ Arial, a larger ~~body type~~ Arial up to 12 point may be used; in which case adjustment shall be made in line rate, proportionately decreasing for sizes of type over 6-point to produce the same net average compensation per column area. Such adjustments shall be evaluated by the department of administration which shall certify the same to any newspaper, public official or other interested party upon request, and such certification shall be presumptive evidence of the correct adjustments. ~~A 5 1/2-point type face set on a 6-point slug shall be acceptable in lieu of a standard line, but the rate for the 5 1/2-point type line shall not exceed the rate for a standard line as set forth in sub. (1).~~

Strike sides

strike extra space

History: 1977 c. 418; 1979 c. 34; 1987 a. 142; 1993 a. 486; 2009 a. 177.

\*\*\*\*NOTE: Please review the changes to this section carefully. I have no independent expertise on things like font sizes, line length, or the use of "slug" v. "leading" so I am relying on the language provided to me by WNA for the changes to this section. Please let me know if it is not correct.

**SECTION 6.** 985.08 (2) (b) of the statutes is repealed.

\*\*\*\*NOTE: I repealed this section because the standard line rate replaces the separate "first insertion" or "second or subsequent insertion" rates. Therefore, the language that called for a lower rate for "copy ready" notices is no longer needed. Please let me know if this does not reflect your intent.

(END)

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

LRB-3165/P1dn

PJH:.....

*Date*

*ned*

✓  
Jeff,

Please review this draft to ensure that it is consistent with your intent. I have modified, in some cases, the language provided to me by the Wisconsin Newspaper Association in order to comply with drafting standards. I have inserted a few notes into the draft; please review these notes and let me know if you would like any changes to the draft. When the draft meets your approval, please let me know and I can have it changed to introducible form.

Peggy Hurley  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: [peggy.hurley@legis.wisconsin.gov](mailto:peggy.hurley@legis.wisconsin.gov)

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3165/P1ins  
PJH:.....

**INSERT A:**

**SECTION 1.** 35.36<sup>✓</sup> (1) of the statutes is amended to read:

35.36 (1) The compensation to the official state newspaper and other papers for all legal notices required to be published at the expense of the state may not exceed the rates specified in s. 985.08 (1), (2) and (3). All expenditures incidental to such printing shall be absorbed by the newspaper doing the publishing. ~~Whenever the state elects to provide camera-ready copy for the publication of its facsimile ballots or other legal notices the maximum chargeable rates shall be adjusted as provided in s. 985.08 (2) (b).~~

**INSERT B:** (use multiple times)

Web site

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

LRB-3165/P1dn  
PJH:med:imp

November 4, 2011

Jeff,

Please review this draft to ensure that it is consistent with your intent. I have modified, in some cases, the language provided to me by the Wisconsin Newspaper Association in order to comply with drafting standards. I have inserted a few notes into the draft; please review these notes and let me know if you would like any changes to the draft. When the draft meets your approval, please let me know and I can have it changed to introducible form.

Peggy Hurley  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: [peggy.hurley@legis.wisconsin.gov](mailto:peggy.hurley@legis.wisconsin.gov)

## Wisconsin Newspaper Association

**Direct Line:** (608) 283-7621  
**Fax:** (608)-283-7631  
**Cellular:** (608) 609-2299  
[beth.bennett@wnanews.com](mailto:beth.bennett@wnanews.com)  
[www.wnanews.com](http://www.wnanews.com)

---

**From:** Hurley, Peggy [<mailto:Peggy.Hurley@legis.wisconsin.gov>]  
**Sent:** Thursday, November 10, 2011 12:29 PM  
**To:** Beth Bennett  
**Cc:** Endres, Gail M - DOA  
**Subject:** RE: Request for conference call

Hi Beth,

That would be fine. I will be in all afternoon, gone tomorrow, but back all next week. You can contact me at 608 266 8906. Thanks!

Peggy

---

**From:** Beth Bennett [<mailto:Beth.Bennett@wnanews.com>]  
**Sent:** Thursday, November 10, 2011 11:36 AM  
**To:** Hurley, Peggy  
**Cc:** Endres, Gail M - DOA  
**Subject:** Request for conference call

Hello Peggy:

I hope this note finds you well.

I was wondering if it would be possible to arrange a call between you and me and Gail Endres of DOA?

We would like to discuss the proposed repeal of Section 7. 985.08 (2) (b) contained in LRB draft 3165/P1.

Thank you,  
Beth

**Beth Bennett**  
*Executive Director*  
**Wisconsin Newspaper Association**  
1901 Fish Hatchery Road  
Madison, WI 53713

## Wisconsin Newspaper Association

**Direct Line:** (608) 283-7621  
**Fax:** (608)-283-7631  
**Cellular:** (608) 609-2299  
[beth.bennett@wnanews.com](mailto:beth.bennett@wnanews.com)  
[www.wnanews.com](http://www.wnanews.com)

11/14/2011



**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**

**SCOTT WALKER**  
GOVERNOR

**MIKE HUEBSCH**  
SECRETARY

Division of Enterprise Operations  
State Bureau of Procurement  
101 East Wilson Street, 6<sup>th</sup> Floor  
Post Office Box 7867  
Madison, WI 53707-7867  
Voice (608) 266-2605  
Fax (608) 267-0600  
<http://vendornet.state.wi.us>

October 13, 2011

**Chetek Alert**

Melodee Eckerman  
312 Knapp Street  
P O Box 5  
Chetek, WI 54728-0005

**2010 – 2011 Certification of Legal Notice Rates for Newspapers**

This letter certifies that the newspaper listed above may collect a fee for publishing legal notices required by Wisconsin law. Certification requirements are reviewed and legal notice rates are updated every two years pursuant to Chapters 10 and 985 of the Wisconsin Statutes.

Part One lists information currently on file about this newspaper, Part Two addresses general legal/public notices, Part Three covers facsimile ballots and Part Four contains general information about the certification process.

**Effective Dates**

Unless otherwise updated and amended, this certification letter covers notices published on **October 13, 2011** through **December 31, 2011**.

**Part 1 – Newspaper Information**

When placing notices, the information below is used to determine your rates and is published on the Internet. Contact the Department of Administration IMMEDIATELY with changes to any of the information listed in this document:

**Paid Circulation:** 2,749  
**Circulation Adjust:** 0%  
**Day(s) Published:** W  
**County:** Barron

**Telephone:** (715) 924-4118  
**Fax:** (715) 924-4122  
**E-Mail:** [mel@thechetekalert.com](mailto:mel@thechetekalert.com)  
**Parent Co.:**

**Part 2 -- General Legal Notices**

Section 985.08 of the Wisconsin Statutes provides for publishing legal notices calculated on a per line basis:

Fees for publishing. (1) "The fee for publishing a legal notice shall be not more than 14 cents per standard line for the first insertion and not more than 11 cents per standard line for each subsequent insertion. If a legal notice contains tabulated matter, then the fees allowable for the area containing such matter shall be increased 50% of the standard line base rate without adjustment for circulation premium. Composed matter shall be interpreted as being tabular when it contains 2 or more justifications per line. The minimum fee for any legal notices shall be \$2." Composed or tabulated matter examples: tables, columns and tabs.

Your newspaper is currently certified for the font(s) and column widths listed on the next page. Use the corresponding adjusted line rates to calculate fees.

Font(s)	Point Size	Alphabet Length	Column Width	Font Base	ADJUSTED RATES	
					First Insert	Subsequent Insert
Myriad Pro	9	114	10.29	0.4912	0.4912	0.3859
Myriad Pro	9	114	21.58	1.0302	1.0302	0.8093
Myriad Pro	9	114	32.87	1.5691	1.5691	1.2327
Myriad Pro	9	114	44.17	2.1085	2.1085	1.6565
<del>Myriad Pro</del>	<del>10</del>	<del>126</del>	<del>10.29</del>	<del>0.4444</del>	<del>0.4444</del>	<del>0.3491</del>
Myriad Pro	10	126	21.58	0.9320	0.9320	0.7322
Myriad Pro	10	126	32.87	1.4197	1.4197	1.1153
Myriad Pro	10	126	41.17	1.7781	1.7781	1.3969
<del>Times</del>	<del>10</del>	<del>118</del>	<del>10.29</del>	<del>0.4746</del>	<del>0.4746</del>	<del>0.3728</del>
Times	10	118	21.58	0.9952	0.9952	0.7819
Times	10	118	32.87	1.5159	1.5159	1.1909
Times	10	118	44.17	2.0370	2.0370	1.6003
<del>Times Roman</del>	<del>9</del>	<del>108</del>	<del>10.29</del>	<del>0.5185</del>	<del>0.5185</del>	<del>0.4073</del>
Times Roman	9	108	21.58	1.0874	1.0874	0.8543
Times Roman	9	108	32.87	1.6563	1.6563	1.3012
Times Roman	9	108	44.17	2.2257	2.2257	1.7485

State law allows state agencies, municipalities, and any other units of government may place an order for public notices in a display or classified manner. Section 985.08(7), Wis. Stats., provides as follows: "The discretion of utilizing the display method of publishing official materials shall be vested solely in the public authority ordering such publication and the rate charged for publication in this instance shall not exceed the regular commercial display advertising rate of the publisher."

**Part 3 -- Facsimile Ballots**

Fees for publishing facsimile ballots are calculated by area. The fee is charged as if the area occupied by the ballot were set in the standard line described in s. 985.08 (2)(a), Wis. Stats. A standard line shall be 6-point Spartan lightface set on a 6-point slug without spacing between the lines, and 11 picas in length. Nonstandard type faces and line lengths shall be allowed with adjustments in fees according to variations in type set and line length.

The adjusted facsimile ballot rates are calculated by multiplying the current standard line rate of **\$ .6726** first insert and **\$ .5284** subsequent insertion by 12 (lines per inch) then dividing by 11 picas per column and applying the newspaper's circulation adjustment. Use the following worksheet to calculate fees for facsimile ballots:

- a) Measure the width of the ballot in picas (1 inch = 6 picas = 72 points): \_\_\_\_\_
- b) Measure the height (single column) of the ballot in inches: \_\_\_\_\_
- c) Multiply line (a) times line (b) equals: \_\_\_\_\_
- d) Enter the appropriate adjusted facsimile ballot rate, from chart below: \$ \_\_\_\_\_

First Insert		Single Col.
Paid Circulation	Circ. Adjust.	Ballot Rate
8,000 or less	0%	\$0.7337
8,001-12,000	15%	\$0.8438
12,001-16,000	30%	\$0.9539
16,001-20,000	45%	\$1.0639
20,001-24,000	60%	\$1.1740
24,001 and up	75%	\$1.2841
Subsequent Insert		
8,000 or less	0%	\$0.5764
8,001-12,000	15%	\$0.6629
12,001-16,000	30%	\$0.7494
16,001-20,000	45%	\$0.8358
20,001-24,000	60%	\$0.9223
24,001 and up	75%	\$1.0088

e) Multiply line (c) times line (d) = TOTAL \$ \_\_\_\_\_

Ballots shall be published per the copy furnished by the county and municipal clerks. Introductory and descriptive text includes material which accompanies the ballot but which in itself is not part of the actual ballot. Fees for such are not calculated as facsimile ballots. Unless directed otherwise by the election official, this material should be published using the appropriate legal notice font and line rate from this certification. (Please refer to s. 5.94, Wis. Stats.)

**SIZE:** Facsimile ballots may **not** be enlarged. If appropriate to provide a proper fit for a newspaper's standard column width, ballots may be reduced in size photographically. If reduced, the fee calculations are based on the area covered by the ballot as published, i.e., after it is reduced.

Chapter 10 of the Wisconsin Statutes provides the information necessary to publish election ballots in newspapers.

**OPTICAL SCAN BALLOTS:** These were developed after the requirements of Chapter 985 Wisconsin Statutes were established. Responsibility for readability lies with the county or municipality placing the notice.

#### **Part 4 -- General Information**

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**QUALIFICATIONS:** Section 985.03, Wis. Stats., establishes the minimum requirements for a newspaper to be eligible to publish legal notices. See 985.03(1) for clarification of the following:

- a) Has been published regularly and continuously for 2 of the 5 preceding years in the city, village or town where published.
- b) Has had a bona fide paid circulation during the period in (a) above which constitutes 50% or more of its circulation.
- c) 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.
- d) Appears at regular intervals and at least once a week and contains reports of happenings of recent occurrence of a varied character, such as political, social, moral and religious subjects, designed to inform the general reader.

**MEASUREMENTS:** For purposes of this certification, 1 inch = 6 picas = 72 points.

**RATES:** Wisconsin Statutes establish the standard line rate for publication of legal notices and the biennial adjustment procedure. The adjusted rates for each newspaper are calculated by adjusting for the font alphabet length, the newspaper's column width(s), and paid circulation. (Please refer to s. 985.08(2)(a), Wis. Stats.)

**INSERTION:** Use first insertion rates to calculate fees for the first date a notice or ballot is published. First insertion rates include an allowance for preparatory work by the publisher. Use subsequent insertion rates for repeat publications of the same notice or ballot, i.e., when no additional preparation is needed.

**CAMERA-READY COPY:** When camera-ready copy for the entire notice or substantial areas thereof is provided, eliminating typesetting, enlargements or reductions, or other changes by the newspaper, the maximum rate is the same as the maximum rate established under sub.(1) for subsequent insertions. (Please refer to s. 985.08 (2)(b), Wis. Stats.)

**TEAR SHEETS:** Upon request, a tear sheet proof of a multiple insertion notice shall be mailed to the advertiser or the advertiser's attorney within 72 hours after the first insertion, and an additional charge of \$1 for such tear sheet proof may be made. (Please refer to s. 985.08 (8), Wis. Stats.)

**AFFIDAVITS:** The fee for an affidavit of publication shall be \$1.00. (Please refer to s. 985.12(4), Wis. Stats.)

**RENEWALS:** Every two years, updated legal notice rate certifications will be issued to newspapers who meet the requirements. Newspapers need to contact the State Bureau of Procurement for any changes in address, font, column width or any of the items listed in this certification. (Please refer to s. 985.08(1), Wis. Stats.)

Newspapers must contact the Department of Administration for any changes in public notice contact person, address, font, column width, and/or any of the items listed in this certification.



If you have any questions about this certification, please write to me at my email address: [gail.endres@wisconsin.gov](mailto:gail.endres@wisconsin.gov) or telephone me at (608) 264-7658.

Sincerely,

A handwritten signature in cursive script that reads "Gail Endres".

Gail Endres  
Newspaper Certification Program

Comments: New Rates for the change in font. You will need to recalculate Legals published from February to current date to ensure customers were invoiced correctly.

**13.92 Legislative reference bureau.** There is created a bureau to be known as the "Legislative Reference Bureau," headed by the chief of legislative reference bureau. The legislative reference bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of the reference or drafting requests received by it.

**(1) DUTIES OF THE BUREAU.** (a) *Reference section.* The legislative reference bureau shall perform reference services for all members of the legislature equally and impartially and to the limits of its facilities and staff. Such reference services shall be available also to public officials, students of government and citizens generally. In the performance of its reference services, the bureau shall:

1. Collect, index and make available in the most suitable form to legislators, other public officials, students of government and citizens generally, information relative to governmental subjects which will aid the legislature, other public officials and the citizens generally, to perform their duties in the most efficient and economical manner.
2. Maintain an adequate collection of public documents of Wisconsin and other states and carry out loan arrangements with libraries.
3. Maintain the drafting records of legislation introduced in prior sessions of the legislature and utilize such records to provide information on questions of legislative intent. Such records shall be retained in the offices of the bureau at all times.
4. Utilize the materials assembled in its collection and other suitable materials to prepare studies and reports providing pertinent information regarding subjects which are or may become items of concern to the legislature, other public officials or the public generally, and where warranted publish such reports and studies in the most expeditious manner.
5. Prepare copy for the biennial Wisconsin Blue Book.
6. Beginning with the date of the decennial federal census of population and ending on December 1 of the 2nd year commencing after such census, prepare and publish such street and ward maps of the municipalities in this state as are required to show the boundary lines of congressional and legislative districts based on that census. Following the final approval of the redistricting plans, the bureau shall transfer the maps used to show the district boundaries contained in such plans to the department of administration under s. 16.96 (3) (b).

(b) *Drafting section.* The legislative reference bureau shall provide drafting services equally and impartially and to the limits of its facilities and staff. In the performance of its drafting services, the bureau shall:

1. Prepare in the proper form all legislation to be introduced in the legislature. Only the following persons may use the drafting services of the bureau for this purpose:
  - a. Any member or member-elect of the legislature and, on behalf of each committee thereof, the chairperson.

b. Any agency, as defined in s. 16.70 (1e), created under ch. 13, 14, 15, or 758.

c. The chief clerk of either house of the legislature for requests pertaining to the operation of the legislature.

d. A party caucus of either house of the legislature.

2. Prepare in plain language an analysis of each original measure, to be printed with the measure when it is introduced. On the printed measure, the analysis shall be displayed single-spaced between the title and the enacting clause.

3. As a service to the senate and assembly, and as directed by the chief clerks thereof, enroll all measures passed by the legislature.

a. Promptly after the passage of any bill, any joint resolution amending the constitution, or any other resolution determined by the chief clerks to require enrollment and, in the case of a bill, before it is presented to the governor for approval, the chief clerk of the house in which the measure originated shall deliver the jacket to the bureau which shall enroll the proposal and return the jacket and the required number of copies, ~~including an camera-ready~~ **electronic copy of any proposed constitutional amendment and each resolution requiring newspaper publication**, to the chief clerk.

~~The camera-ready original copy of the enrolled proposal shall be retained in the bureau.~~

b. Of the copies delivered to the chief clerk, one copy shall be used as the official enrolled measure to be authenticated as provided by the rules and, in the case of an enrolled bill, be submitted to the governor for the governor's approval. The remaining copies shall be distributed as provided by the rules and as determined by the chief clerks.

c. Each enrolled proposal, or printed copy thereof, shall carry a heading "State of Wisconsin" as do bills and joint resolutions.

d. After passage of any bill that, if enacted, would create congressional districts under ch. 3, in enrolling the bill for presentation to the governor for approval, the legislative reference bureau shall attach to the bill an appendix containing the population statistics for the congressional districts created under the bill; a statewide map of the congressional districts created under the bill; a map of the congressional districts created under the bill that are in Milwaukee County; and, for any city, village, or town that, under the bill, is divided among 2 or more congressional districts, except a city or village located in more than one county if the district line follows the county line, a detail map illustrating the division of the city, village, or town among the congressional districts.

e. After passage of any bill that, if enacted, would create legislative districts under ch. 4, in enrolling the bill for presentation to the governor for approval, the legislative reference bureau shall attach to the bill an appendix containing the population statistics for the legislative districts created under the bill; a statewide map of each type of legislative district created under the bill; a map of the legislative districts created under the bill that are in Milwaukee County; and, for any city, village, or town that, under the bill, is divided among 2 or more legislative districts, except a city or village

located in more than one county if the district line follows the county line, a detail map illustrating the division of the city, village, or town among the legislative districts.

4. Publish each act on its date of publication. Upon receipt of notice from the secretary of state under s. 14.38 (10) (a), the bureau shall enter the act number, date of enactment and date of publication of each act on the camera-ready copy and deliver it to STET the contract printer for reproduction. The copy shall identify material deleted from existing law by stricken type, and material inserted into existing law by underscored type. In any act published "vetoed in part", the material subject to the veto shall be displayed in full but shall be identified by distinguishing marks. The bureau shall make copies available on or before the date of publication of the act. The number of copies printed, and the quality of paper used, shall be as provided in the joint rules and as further determined by the joint committee on legislative organization.

5. Prepare a biennial list of numerical cross-references in the statutes to other parts of the statutes.

6. Publish the "Laws of Wisconsin" under s. 35.15.

(bm) *Revision of statutes.* The legislative reference bureau shall prepare copy for the biennial Wisconsin statutes, and for this purpose it:

---

**35.15 Laws of Wisconsin. (1)** (a) No later than the end of each session of the legislature, the legislative reference bureau shall prepare camera-ready copy for one or more volumes denominated STET "Laws of Wisconsin", and identified by the year in which that session began.

**35.24 Blue Book. (1)** The legislative reference bureau shall compile, index, prepare and deliver to the department biennially copy for a book to be denominated "Wisconsin Blue Book" and identified by the biennium of its intended use.

(a) The Blue Book shall contain the biographies and pictures of state officers, senators and representatives to the assembly and officers of each house, information pertaining to the organization of Wisconsin state government, and statistical and other information of the same general character as that heretofore published, but so selected and condensed as will limit the number of pages to 1,000 or less. In making such selection the legislative reference bureau is directed to consult freely with the state superintendent of public instruction and the director of the historical society, and insofar as possible, make the book useful for civics classes in schools.

(b) The department shall deliver camera-ready copy to the STET contract printer, to be printed and delivered as soon as practicable after the spring election of the odd-numbered year.

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

(b) The department may contract to sell, at a price equal to the cost of composition, ~~camera-ready copy of the laws to any commercial STET publisher.~~

---

**809.25 Rule (Costs and fees). (1) COSTS.** (a) Costs in a civil appeal are allowed as follows unless otherwise ordered by the court:

1. Against the appellant before the court of appeals when the appeal is dismissed or the judgment or order affirmed.
2. Against the respondent before the court of appeals when the judgment or order is reversed.
3. Against the petitioner before the supreme court when the judgment of the court of appeals is affirmed by the supreme court.
4. Against the respondent before the supreme court when the judgment of the court of appeals is reversed by the supreme court and the costs in the court of appeals are canceled and may be taxed by the supreme court as costs against another party.
5. In all other cases as allowed by the court.

(b) Allowable costs include:

1. Cost of printing and assembling the number of copies and briefs and appendices required by the rules, not to exceed the rates generally charged in Dane County, Wisconsin, **for offset printing of camera-ready copy and assembling; STET**
2. Fees charged by the clerk of the court;
3. Cost of the preparation of the transcript of testimony or for appeal bonds;
4. Fees of the clerk of the trial court for preparation of the record on appeal;
5. Other costs as directed by the court.

**Hurley, Peggy**

---

**From:** Endres, Gail M - DOA [Gail.Endres@wisconsin.gov]  
**Sent:** Friday, November 11, 2011 8:17 AM  
**To:** WI Newspaper Association, Beth Bennett; Hurley, Peggy  
**Subject:** RE: Conference Call Number  
**Attachments:** Chetek Alert Oct 2011.pdf

I figured it out. 985.08(1) is describing how to price out a legal notice. With that in mind, I pulled the original language, proposed language and drafted language to see what the differences were. I discovered that the word "rate" was inserted in the proposed language which threw me off on the original intent of the paragraph. Here is what I came up with:

**Modified Language:**

985.08 Fees for publishing. (1)The fee for publishing a legal notice shall be not more than the rate issued by the department for the first and subsequent insertions per standard line.

I have enclosed a Certification Letter as an example of what DOA issues to newspapers.

We also need to discuss Section 1 in the DRAFT. 35.36(1) this section needs to be deleted. There should be no changes to this portion of s. 35

If you have any questions, please give me a call.

Gail Endres  
State Bureau of Procurement  
T.608.264.7658  
Wrk Hrs 7 AM - 3:30 PM

---

**From:** Beth Bennett [mailto: Beth.Bennett@wnanews.com]  
**Sent:** Thursday, November 10, 2011 3:13 PM  
**To:** Hurley, Peggy - LEGIS; Endres, Gail M - DOA  
**Subject:** Conference Call Number

Peggy and Gail:

Please dial the following number:

1-866-477-6292

Participant PIN: 241806#

**Beth Bennett**  
*Executive Director*  
**Wisconsin Newspaper Association**  
1901 Fish Hatchery Road  
Madison, WI 53713

11/14/2011

985.08(2)

**(2)**

985.08(2)(a)

(a) A standard line shall be 6-point Spartan lightface set on a 6-point slug without spacing between the lines, and 11 picas in length. Nonstandard type faces and line lengths shall be allowed with adjustments in fees according to variations in type set and line length. When a publisher does not have, or elects not to use a 6-point body type, a larger body type may be used; in which case adjustment shall be made in line rate, proportionately decreasing for sizes of type over 6-point to produce the same net average compensation per column area. Such adjustments shall be evaluated by the department of administration which shall certify the same to any newspaper, public official or other interested party upon request, and such certification shall be presumptive evidence of the correct adjustments. A 5 1/2-point type face set on a 6-point slug shall be acceptable in lieu of a standard line, but the rate for the 5 1/2-point type line shall not exceed the rate for a standard line as set forth in sub. (1).

985.08(2)(b)

(b) When camera-ready copy for the entire notice or substantial areas thereof is provided, eliminating typesetting, enlargements or reductions, or other changes by the newspaper, the maximum rate is the same as the maximum rate established under sub. (1) for subsequent insertions. To qualify for the subsequent insertion rate for camera-ready copy, the copy may be no larger than 8-point type and shall comply with the column width certified for each newspaper by the department of administration under par. (a).

**billno** (2009 Senate Joint Resolution 61): **To amend** section 10 (1) (c) of article V of the constitution; **relating to:** prohibiting partial vetoes of parts of bill sections (first consideration).

**Resolved by the senate, the assembly concurring, That:**

**SECTION 1.** Section 10 (1) (c) of article V of the constitution is amended to read:

[Article V] Section 10 (1) (c) In approving an appropriation bill in part, the governor may not create a new word by rejecting individual letters in the words of the enrolled bill, and ~~may not create a new sentence by combining parts of 2 or more sentences~~ reject a part of a bill section of the enrolled bill without rejecting the entire bill section.

**Be it further resolved, That** this proposed amendment be referred to the legislature to be chosen at the next general election and that it be published for 3 months previous to the time of holding such election.

*This is what we send  
SOS*



billno (2009 Senate Joint Resolution 61): **To amend** section 10 (1) (c) of article V of the constitution; **relating to:** prohibiting partial vetoes of parts of bill sections (first consideration).

**Resolved by the senate, the assembly concurring, That:**

**SECTION 1.** Section 10 (1) (c) of article V of the constitution is amended to read:

[Article V] Section 10 (1) (c) In approving an appropriation bill in part, the governor may not create a new word by rejecting individual letters in the words of the enrolled bill, and may not create a new sentence by combining parts of 2 or more sentences reject a part of a bill section of the enrolled bill without rejecting the entire bill section.

**Be it further resolved, That** this proposed amendment be referred to the legislature to be chosen at the next general election and that it be published for 3 months previous to the time of holding such election.

This is what  
6.0 Arial  
looks like



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3165/P1  
PJH:med;lmp

stays

P2  
MR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

12-15-11

Begin

the typeface used  
and rates charged,  
for

1 ~~AN ACT~~ *to repeal* 985.08 (2) (b); *to renumber and amend* 985.08 (2) (a); *to*  
2 *amend* 35.36 (1), 985.03 (1) (c) and 985.08 (1); and *to create* 985.01 (7) and  
3 985.02 (3) of the statutes; *relating to*: 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 a minimum and maximum rate and requires the standard line rate to be adjusted annually. In addition, under the bill, any newspaper that publishes a legal notice must also place an electronic copy 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:*

**SECTION 1.** 35.36 (1) of the statutes is amended to read:

35.36 (1) The compensation to the official state newspaper and other papers for all legal notices required to be published at the expense of the state may not exceed the rates specified in s. 985.08 (1), (2) and (3). All expenditures incidental to such printing shall be absorbed by the newspaper doing the publishing. ~~Whenever the state elects to provide camera-ready copy for the publication of its facsimile ballots or other legal notices the maximum chargeable rates shall be adjusted as provided in s. 985.08 (2) (b).~~

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

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

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

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

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

985.03 (1) (c) A newspaper, under this chapter, is a publication appearing that is published at regular intervals and at least once a week, containing reports of happenings of recent occurrence of a varied character, such as political, social, moral

Insert  
28

1 and religious subjects, designed to inform the general reader. The definition includes  
2 a daily newspaper published in a county having a population of 500,000 or more,  
3 devoted principally to business news and publishing of records, which has been  
4 designated by the courts of record of the county for publication of legal notices for a  
5 period of 6 months or more.

6 SECTION 5. 985.08<sup>v</sup>(1) of the statutes is amended to read:

7 985.08 (1) The fee for publishing a legal notice shall be not more than 14 cents  
8 per standard line for the first insertion and not more than 11 cents per standard line  
9 for each subsequent insertion the standard line rate for each insertion. The charge  
10 for the publication of a facsimile ballot shall be computed as if the area occupied by  
11 the ballot were set in standard lines. If a legal notice contains tabulated matter, then  
12 the fees allowable for the area containing such matter shall be increased 50% of the  
13 standard line base rate without adjustment for circulation premium. Composed  
14 matter shall be interpreted as being tabular when it contains 2 or more justifications  
15 per line. The ~~minimum fee for any legal notices shall be \$2. The maximum rate~~  
16 ~~specified in this subsection shall be adjusted each 2 years~~ standard line rate shall be  
17 adjusted annually, the adjustment to be effective on January 1 of each  
18 ~~even-numbered year to reflect the relevant change in costs of the newspaper~~  
19 ~~publishing industry as compared with such costs on October 1 of the 3rd year~~  
20 ~~preceding that January 1~~ during the previous year, as determined by the department  
21 of administration in consultation with representatives of the daily and weekly  
22 newspaper industry of the state. In making the determination the department shall  
23 base the ~~determination~~ standard line rate upon the factors of wage and independent  
24 indices of newsprint costs in the proportions determined by the department to be

plaintext  
insert  
39

1 proper. No additional fee may be charged for placing a legal notice on the Wisconsin  
2 newspapers legal notice Web site pursuant to s. 985.02 (3).

3 *Fix component* SECTION 6. 985.08 (2) (a) of the statutes is renumbered 985.08 (2) and amended  
4 to read:

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

*J* \*\*\*\*\*NOTE: Please review the changes to this section ~~carefully.~~ I have no independent expertise on things like font sizes, line length, or the use of "slug" v. "leading" so I am relying on the language provided to me by WNA for the changes to this section. Please let me know if it is not correct.

20 SECTION 7. 985.08 (2) (b) of the statutes is repealed.

*J* \*\*\*\*\*NOTE: I repealed this section because the standard line rate replaces the separate "first insertion" or "second or subsequent insertion" rates. Therefore, the

language that called for a lower rate for "copy ready" notices is no longer needed. Please let me know if this does not reflect your intent.

1

(END)

Insert  
5.1

**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3165/P1ins  
PJH:med:imp

1           INSERT 2.8:

2           **SECTION 1.** 35.35 (1) (a) of the statutes is amended to read:

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

11 History: 1977 c. 29; 1981 c. 372.

11           INSERT 3.9:

12           the rate issued by the department of administration for the first and  
13 subsequent insertions per standard line

14  
15           INSERT 5.1:

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

17           985.08 (2) (b) When ~~camera-ready~~ electronic copy for the entire notice or  
18 substantial areas thereof is provided, eliminating typesetting, enlargements or  
19 reductions, or other changes by the newspaper, the maximum rate is the same as the  
20 maximum rate established under sub. (1) for subsequent insertions. To qualify for  
21 the subsequent insertion rate for ~~camera-ready~~ electronic copy, the copy may be no  
22 larger than 8-point type and shall comply with the column width certified for each  
23 newspaper by the department of administration under par. (a).

History: 1977 c. 418; 1979 c. 34; 1987 a. 142; 1993 a. 486; 2009 a. 177.

## Hurley, Peggy

---

**From:** Endres, Gail M - DOA [Gail.Endres@wisconsin.gov]  
**Sent:** Monday, January 09, 2012 3:22 PM  
**To:** Hurley, Peggy  
**Subject:** FW: Final Edits to LRB Draft of Chapter 985 Legislation  
**Attachments:** LRB Draft of 985 Bill with final edits.pdf

I confirm that these are my recommendations. Please let me know if you have any questions.

Gail Endres  
State Bureau of Procurement  
T.608.264.7658  
Wrk Hrs 7 AM - 3:30 PM

---

**From:** Beth Bennett [mailto: Beth.Bennett@wnanews.com]  
**Sent:** Monday, January 09, 2012 3:07 PM  
**To:** Endres, Gail M - DOA  
**Cc:** Hurley, Peggy - LEGIS; Weigand, Jeffrey - LEGIS  
**Subject:** FW: Final Edits to LRB Draft of Chapter 985 Legislation

Hello Gail:

Thanks for reviewing the LRB draft of the changes to Chapter 985.

I sent the following message and attachment to bill drafter Peggy Hurley.

Would you please send Peggy a brief note confirming that these are your recommended changes.

Thank you,  
Beth

**Beth Bennett**  
*Executive Director*  
**Wisconsin Newspaper Association**  
1901 Fish Hatchery Road  
Madison, WI 53713

## Wisconsin Newspaper Association

**Direct Line:** (608) 283-7621  
**Fax:** (608)-283-7631  
**Cellular:** (608) 609-2299  
[beth.bennett@wnanews.com](mailto:beth.bennett@wnanews.com)  
[www.wnanews.com](http://www.wnanews.com)

---

**From:** Beth Bennett  
**Sent:** Monday, January 09, 2012 2:50 PM  
**To:** 'Peggy.Hurley@legis.wisconsin.gov'  
**Cc:** 'Weigand, Jeffrey'  
**Subject:** Final Edits to LRB Draft of Chapter 985 Legislation



Hello Peggy:

It was nice to talk with you earlier today.

I forwarded the bill draft to Gail Endres at the Department of Administration for her final review.

The attached document contains minor, but in her opinion, important edits to the bill.

They are as follows:

Changes to paragraph two of the analysis:

(1) By deleting the reference to the "maximum rate" ...we are only eliminating the minimum.

(2) By deleting the words "to be adjusted annually", and inserting "be reviewed" annually

Change to page two line 15, by adding the word "newspaper" after the word "to" at the end of the line

Change to page four, by deleting the line that begins with "To qualify"...which carries over to page five.

According to Gail this language is no longer necessary.

That should take care of everything. I truly appreciate all that you have done in the drafting of this legislation.

Beth

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*Executive Director*

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**[beth.bennett@wnanews.com](mailto:beth.bennett@wnanews.com)**

**[www.wnanews.com](http://www.wnanews.com)**

## Hurley, Peggy

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**[www.wnanews.com](http://www.wnanews.com)**

**Hurley, Peggy**

---

**From:** Endres, Gail M - DOA [Gail.Endres@wisconsin.gov]  
**Sent:** Tuesday, January 10, 2012 8:08 AM  
**To:** Hurley, Peggy  
**Cc:** WI Newspaper Association, Beth Bennett; Weigand, Jeffrey  
**Subject:** RE: Final Edits to LRB Draft of Chapter 985 Legislation

Good catch! Section 5 on page 3 line 18-19 should read:

“standard line rate shall be reviewed annually, the adjustment, if any, to be effective on January 1 of each year”

Let me explain, some years there are no changes in wages or newsprint costs so the rates stay the same, there is no adjustment made. So we can't say that an adjustment will be made every year when in fact that doesn't happen.

Does this clarify?

Gail Endres

State Bureau of Procurement

T.608.264.7658

Wrk Hrs 7 AM - 3:30 PM

---

**From:** Hurley, Peggy [mailto:Peggy.Hurley@legis.wisconsin.gov]  
**Sent:** Monday, January 09, 2012 3:34 PM  
**To:** Endres, Gail M - DOA  
**Cc:** WI Newspaper Association, Beth Bennett; Weigand, Jeffrey - LEGIS  
**Subject:** RE: Final Edits to LRB Draft of Chapter 985 Legislation

Hi Gail,

I do have one question: the change in the analysis from "requires the standard line rate to be adjusted annually" to "requires the standard line rate to be reviewed annually" does not reflect what is in the bill. Section 5 of the bill, at page 3, lines 18-19, calls for the standard line rate to be adjusted annually, with the adjusted rate to be effective on January 1 each year.

Do you want to keep the analysis the same, or do you want to change the text of the bill to require mere review, and not adjustment, each year?

Peggy

---

**From:** Endres, Gail M - DOA [mailto:Gail.Endres@wisconsin.gov]  
**Sent:** Monday, January 09, 2012 3:22 PM  
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I confirm that these are my recommendations. Please let me know if you have any questions.

Gail Endres

State Bureau of Procurement

T.608.264.7658

Wrk Hrs 7 AM - 3:30 PM

1/10/2012

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They are as follows:

Changes to paragraph two of the analysis:

- (1) By deleting the reference to the "maximum rate"...we are only eliminating the minimum.

(2) By deleting the words "to be adjusted annually", and inserting "be reviewed" annually  
Change to page two line 15, by adding the word "newspaper" after the word "to" at the end of the line  
Change to page four, by deleting the line that begins with "To qualify"...which carries over to page five.  
According to Gail this language is no longer necessary.

That should take care of everything. I truly appreciate all that you have done in the drafting of this legislation.

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State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3165/P2  
PJH:med:rs

Stacy MR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1-10-12

Reyer

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 a minimum and maximum rate and requires the standard line rate to be adjusted annually. In addition, under the bill, any newspaper that publishes a legal notice must also place an electronic copy of the legal notice, at no additional charge, on a Web site that is

the  
e  
reviewed

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 publication, place an electronic copy of the legal notice at no additional charge on the  
17 Wisconsin newspapers legal notice Web site.

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

19          985.03 (1) (c) A newspaper, under this chapter, is a publication appearing that  
20 is published at regular intervals and at least once a week, containing reports of



1 happenings of recent occurrence of a varied character, such as political, social, moral  
2 and religious subjects, designed to inform the general reader. The definition includes  
3 a daily newspaper published in a county having a population of 500,000 or more,  
4 devoted principally to business news and publishing of records, which has been  
5 designated by the courts of record of the county for publication of legal notices for a  
6 period of 6 months or more.

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

8 985.08 (1) The fee for publishing a legal notice shall be not more than 14 cents  
9 per standard line for the first insertion and not more than 11 cents per standard line  
10 for each subsequent insertion the rate issued by the department of administration  
11 for the first and subsequent insertions per standard line. The charge for the  
12 publication of a facsimile ballot shall be computed as if the area occupied by the ballot  
13 were set in standard lines. If a legal notice contains tabulated matter, then the fees  
14 allowable for the area containing such matter shall be increased 50% of the standard  
15 line base rate without adjustment for circulation premium. Composed matter shall  
16 be interpreted as being tabular when it contains 2 or more justifications per line. The  
17 ~~minimum fee for any legal notices shall be \$2. The maximum rate specified in this~~  
18 ~~subsection shall be adjusted each 2 years~~ standard line rate shall be  
19 annually, the adjustment <sup>reviewed</sup> to be effective on January 1 of each even-numbered year  
20 to reflect the relevant change in costs of the newspaper publishing industry as  
21 ~~compared with such costs on October 1 of the 3rd year preceding that January 1~~  
22 during the previous year, as determined by the department of administration in  
23 consultation with representatives of the daily and weekly newspaper industry of the  
24 state. In making the determination the department shall base the determination  
25 standard line rate upon the factors of wage and independent indices of newsprint

if any

1 costs in the proportions determined by the department to be proper. No additional  
2 fee may be charged for placing a legal notice on the Wisconsin newspapers legal  
3 notice Web site pursuant to s. 985.02 (3).

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

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

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

21 985.08 (2) (b) When ~~camera-ready~~ electronic copy for the entire notice or  
22 substantial areas thereof is provided, eliminating typesetting, enlargements or  
23 reductions, or other changes by the newspaper, the maximum rate is the same as the  
24 maximum rate established under sub. (1) for subsequent insertions. ~~To qualify for~~

25 ~~the subsequent insertion rate for camera-ready ~~electronic~~ copy, the copy may be no~~

↑ strike

↑ strike ↑

1 ~~larger than 8 point type and shall comply with the column width certified for each~~ ↑  
2 ~~newspaper by the department of administration under par. (a).~~ ↑  
3 ↑ strike ↑

(END)

**Parisi, Lori**

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**From:** Sen.Leibham  
**Sent:** Friday, January 27, 2012 9:16 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-3165/1 Topic: Legal notice by publication

Please Jacket LRB 11-3165/1 for the SENATE.