2015 DRAFTING REQUEST

Senate Amendment (SA-SB137)

| Received: | 6/8/2015 | | | Received By: | phurley | |
|--|-------------------------------------|----------------------|---------|-------------------|-------------------|---------------|
| For: | Mark Miller (608) 266-9170 | | | Same as LRB: | | |
| May Conta | ct: | | | By/Representing: | | |
| Subject: | bject: Courts - miscellaneous/other | | er | Drafter: | phurley | |
| | | | | Addl. Drafters: | | |
| | | | | Extra Copies: | | |
| Submit via email: YES Requester's email: Sen.Miller@legis.wisconsin.gov Carbon copy (CC) to: | | | | | | |
| Pre Topic | T. Carrier Co. Carrier Co. | | | | | |
| No specific | e pre topic given | | | | | |
| Topic: | | | | | | |
| Municipali | ities opting to pul | blish electronica | lly | | | |
| Instructio | ns: | | | | | |
| See attache | ed | | | | | |
| Drafting I | History: | | | | | |
| Vers. I | <u>Drafted</u> | Reviewed | Proofed | Submitted | Jacketed Rec | <u>quired</u> |
| | ohurley 5/8/2015 | kfollett 6/8/2015 | | srose 6/8/2015 | srose 6/8/2015 | |
| FE Sent Fo | or: | | • | | | |

<**END>**

Hurley, Peggy

From:

Miller, Mark

Sent:

Monday, June 08, 2015 3:03 PM

To:

Hurley, Peggy

Cc:

Esser, Bridget; Tuschen, Terry; Kelly, Scott

Subject:

SB 137 AMENDMENT REQUEST

Ms Hurley,

Please draft an amendment to SB 137 that requires a municipality to adopt within the first three meetings of the appropriate legislative body a resolution indicating which option it will adopt for posting notice. This policy will remain in effect unless a succeeding new legislative body within three meetings adopts a new public notice policy. A change in policy becomes effective not less than 15 days after the policy is adopted.

Contact person is office is Bridget Esser.

Thank yopu

Sen. Mark Miller

16th Senate District PO Box 7883 Madison, WI 53707 608-266-9170



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State of Misconsin 2015 - 2016 LEGISLATURE

LRB-2070/1 PJH:cjs:cs

2015 SENATE BILL 137

April 23, 2015 – Introduced by Senators Marklein, Olsen, Bewley, Nass and Harsdorf, cosponsored by Representatives Spiros, Bernier, Jarchow, Jacque, Kulp, Bowen, Stuck, Kitchens, Horlacher, Tittl, Doyle, Knodl, T. Larson, Weatherston, Kerkman, Ripp, Kremer, Murtha, Kapenga, Murphy and Quinn. Referred to Committee on Elections and Local Government.

AN ACT to amend 985.01 (7), 985.02 (2) (a), 985.02 (2) (b), 985.02 (2) (c), 985.02

(3) and 985.08 (1) of the statutes; **relating to:** publication of certain legal notices on an Internet site maintained by a municipality.

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. Legal notices are generally published in a newspaper likely to give notice in the area or to the persons affected. Current law also allows certain municipalities to opt to post certain legal notices in lieu of publishing the notices in a newspaper, if the municipality meets statutory requirements regarding timing and placement of the notices.

Under current law, the municipality must post the notice in at least three public places likely to give notice to persons affected, and must post a notice that would be published before the act or event requiring notice no later than the time specified for the first newspaper publication or, if the notice would be published after the act or event requiring notice, must post the notice within one week after the act or event.

Under this bill, a municipality that opts to post a legal notice in lieu of publication may, instead of posting the notice in three public places, post the notice in one public place and publish the notice on the municipality's Internet site.

SENATE BILL 137

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

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

1 **Section 1.** 985.01 (7) of the statutes is amended to read: 2 985.01 (7) "Wisconsin newspapers legal notices Web Internet site" means an Internet Web site maintained by Wisconsin newspapers for the purpose of providing 3 4 and maintaining an electronic version of printed and published legal notices. 5 **Section 2.** 985.02 (2) (a) of the statutes is amended to read: 6 985.02 (2) (a) The notice must be posted in at least 3 public places likely to give 7 notice to persons affected or must be posted in at least one public place likely to give 8 notice to persons affected and placed electronically on an Internet site maintained 9 by the municipality. 10 **Section 3.** 985.02 (2) (b) of the statutes is amended to read: 11 985.02 (2) (b) The notice posted before the act or event requiring notice shall 12 be posted and, if applicable, placed electronically, no later than the time specified for 13 the first newspaper publication. 14 **Section 4.** 985.02 (2) (c) of the statutes is amended to read: 15 985.02 (2) (c) The notice posted after the act or event requiring notice shall be 16 posted and, if applicable, placed electronically, within one week after the act or event. 17 Actions of governing bodies posted after the act or event shall be effective upon 18 posting.

Section 5. 985.02 (3) of the statutes is amended to read:

SENATE BILL 137

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

Section 6. 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 the rate issued by the department of administration for the first and subsequent insertions per standard line. 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 standard line rate shall be reviewed annually, the adjustment, if any, to be effective on January 1 of each year to reflect the relevant change in costs of the newspaper publishing industry 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 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 charged for placing a legal notice on the Wisconsin newspapers legal notice Web notices Internet site pursuant to s. 985.02 (3).



State of Misconsin 2015 - 2016 LEGISLATURE

Today

LRBa0600/1 PJH:...

SENATE AMENDMENT, TO SENATE BILL 137

At the locations indicated, amend the bill as follows:

1. Page3, line 3: after that line insert:

"Section 5m. 985.05 (1m) of the statutes is created to read:

985.05 (1m) A governing body of a municipality shall, within the first three meetings after the effective date of this subsection ..., (LRB inserts date), adopt a resolution indicating its policy for publication or posting under this section or under s. 985.02 (2). The policy shall take effect not less than 15 days after adoption of the resolution and shall remain in effect unless the municipality adopts, within the first three meetings of a succeeding governing body, a resolution indicating a different policy."

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