

2019 DRAFTING REQUEST

Bill

For: **Joel Kitchens (608) 266-5350** Drafter: **swalkenh**
 By: **Matt** Secondary Drafters:
 Date: **8/30/2018** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Kitchens@legis.wisconsin.gov**
 Carbon copy (CC) to: **sarah.walkenhorstbarber@legis.wisconsin.gov**
melinda.johns@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Creating an exception to newspaper publication requirements for Washington Island

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	swalkenh 11/16/2018	csicilia 11/19/2018			
/P1	swalkenh 1/23/2019		lparisi 11/19/2018		
/P2	swalkenh 2/21/2019	csicilia 1/23/2019	dwalker 1/23/2019		
/P3		csicilia 2/21/2019	lparisi 2/21/2019		
/1			dwalker	dwalker	

Vers. Drafted

Reviewed

Submitted
2/21/2019

Jacketed
2/21/2019

Required

FE Sent For:

<END>

Not Needed

Walkenhorst Barber, Sarah

From: Tobias, Adam
Sent: Tuesday, January 08, 2019 3:15 PM
To: Walkenhorst Barber, Sarah
Subject: RE: Draft review: LRB -0134/P1
Attachments: LRB0134 Amendments.pdf

Sarah,

We just had a meeting with some stakeholders, and we are going to have to request one more change to LRB-0134.

Attached please find a document that outlines the changes.

The second one regarding affidavits in electronic form I already requested to you through email on Friday, Jan. 4.

The first request is a new change.

Please let me know if you have any questions.

Thanks!!!

Kindest regards,

Adam Tobias
Office of Rep. Joel Kitchens
1st Assembly District
608-266-5350
Room 312 North

From: Walkenhorst Barber, Sarah <Sarah.WalkenhorstBarber@legis.wisconsin.gov>
Sent: Friday, January 4, 2019 2:39 PM
To: Tobias, Adam <Adam.Tobias@legis.wisconsin.gov>
Subject: RE: Draft review: LRB -0134/P1

Hi Adam,

I'll get a /p2 version in process with this change.

Best,
Sarah

Sarah Walkenhorst Barber
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504-5826
sarah.walkenhorstbarber@legis.wisconsin.gov

From: Tobias, Adam <Adam.Tobias@legis.wisconsin.gov>
Sent: Friday, January 04, 2019 2:13 PM
To: Walkenhorst Barber, Sarah <Sarah.WalkenhorstBarber@legis.wisconsin.gov>
Subject: FW: Draft review: LRB -0134/P1

Sarah,

After talking to some stakeholders regarding LRB-0134, we would like to make one minor change.

We were told that, according to state law, whenever a legal notice is published the newspaper also has to issue an affidavit in hard copy form. We would like the bill to also give the option of sending the affidavit in an electronic pdf form. So, after the change, both forms would be acceptable.

Please let me know if you have any questions.

Thanks!!

Kindest regards,

Adam Tobias
Office of Rep. Joel Kitchens
1st Assembly District
608-266-5350
Room 312 North

From: Rep.Kitchens <Rep.Kitchens@legis.wisconsin.gov>
Sent: Thursday, January 3, 2019 2:03 PM
To: Tobias, Adam <Adam.Tobias@legis.wisconsin.gov>
Subject: FW: Draft review: LRB -0134/P1

Kindest regards,

Adam Tobias
Office of Rep. Joel Kitchens
1st Assembly District
608-266-5350
Room 312 North

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Monday, November 19, 2018 1:11 PM
To: Rep.Kitchens <Rep.Kitchens@legis.wisconsin.gov>
Subject: Draft review: LRB -0134/P1

Following is the PDF version of draft LRB -0134/P1.

Expanding the definition of newspaper to capture the Washington Island Observer and potentially other papers:

985.01(3r) "Newspaper" means a publication that is published at regular intervals and at least once a week, containing, on average, 25 percent news content per issue, including reports of happenings of recent occurrence of a varied character, such as political, social, moral and religious subjects, designed to inform the general reader. "Newspaper" includes a daily newspaper published in a county having a population of 750,000 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; or publishes at least thirty weeks each year and there is no other newspaper meeting the qualifications of this section published in the municipality.

Allowing affidavits of printing to be sent via email:

985.12 (1) AFFIDAVIT OF PRINTING. The affidavit of the editor, publisher, printer or proprietor of any newspaper, or of his or her foreman or principal clerk, of the publication of any legal notice, annexed to a copy of the notice clipped from the newspaper in either hard copy or electronic format, and specifying the date of each insertion, and the paper in which it was published, shall be received in all cases as presumptive evidence of the publication and of the facts stated therein.

Walkenhorst Barber, Sarah

Subject: FW: LRB Draft - Newspaper of Record Exception

From: Rohrbeck, Matthew
Sent: Wednesday, August 29, 2018 9:21 AM
To: LRB.Legal <lrblegal@legis.wisconsin.gov>
Subject: LRB Draft - Newspaper of Record Exception

Good morning,

Can I get a LRB draft allowing an exception in state statute for the newspaper of record requirements for Washington Island?

Here is some information for your consideration. Currently, Washington Island has a local newspaper called the Washington Island Observer and they do not meet the publishing requirements under current law because it is a seasonal newspaper, but my boss would like to create an exception for this newspaper to be the newspaper of record for Washington Island.

Thank you and let me know if you have any questions or thoughts.

Have a good day!

-Matt

Matthew L. Rohrbeck, MPA
Research Assistant
1ST Assembly District
(608) 266-5350
Matthew.Rohrbeck@legis.wi.gov



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-01342
SWB...

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193
gjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 11/16
Requested by
1/19

Gen Cat

Observer

1 AN ACT ~~...~~; relating to: eligibility of Washington Island newspaper to receive
2 compensation for publication of legal notice.

Analysis by the Legislative Reference Bureau

This bill incorporates the Washington Island newspaper into the definition of newspaper for purposes of eligibility to receive compensation for publishing legal notices. Under current law, a newspaper is defined, with certain exceptions, as a publication that is published at regular intervals and at least once a week, containing, on average, 25 percent news content per issue, including reports of happenings of recent occurrence of a varied character, such as political, social, moral and religious subjects, designed to inform the general reader. In addition to meeting other criteria, a publication must be a newspaper as defined in the statutes in order to qualify to receive compensation for publication of legal notices. This bill incorporates the Washington Island newspaper, published at least two times a month, into the definition of newspaper.

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

3 SECTION 1. 985.01 (3r) of the statutes is amended to read:

4 985.01 (3r) "Newspaper" means a publication that is published at regular
5 intervals and at least once a week, containing, on average, 25 percent news content

except as otherwise provided in
this subsection

1 per issue, including reports of happenings of recent occurrence of a varied character,
2 such as political, social, moral and religious subjects, designed to inform the general
3 reader. "Newspaper" includes a daily newspaper published in a county having a
4 population of 750,000 or more, devoted principally to business news and publishing
5 of records, which has been designated by the courts of record of the county for
6 publication of legal notices for a period of 6 months or more. "Newspaper" also
7 includes a community newspaper published in the ~~Town~~ of Washington, Door
8 County, at least two times a month. 2 2

History: 1981 c. 372; 1983 a. 189 ss. 327, 328, 329 (31); 1993 a. 486; 1999 a. 9, 85; 2007 a. 20; 2009 a. 276; 2011 a. 228; 2015 a. 79, 196; 2017 a. 282 ss. 1 to 3, 12.

****NOTE: This draft addresses the issue of how many times the newspaper publishes per year, but I would appreciate the opportunity to discuss more about the other criteria referenced under ss. 985.01 and 985.03 in case those need to be addressed further.

9

(END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0134/P1
SWB:cjs

1/P2
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN
1/22
Revised 1/23

INSERT

Went last

1 AN ACT to amend 985.01 (3r) of the statutes; relating to: eligibility of
2 Washington Island Observer ^{certain} newspapers to receive compensation for
3 publication of legal notices ^{and the content of affidavits of} printing. ^{filed as evidence of publications}

Analysis by the Legislative Reference Bureau

This bill incorporates the Washington Island Observer newspaper into the definition of newspaper for purposes of eligibility to receive compensation for publishing legal notices. Under current law, a newspaper is defined, with certain exceptions, as a publication that is published at regular intervals and at least once a week, containing, on average, 25 percent news content per issue, including reports of happenings of recent occurrence of a varied character, such as political, social, moral and religious subjects, designed to inform the general reader. In addition to meeting other criteria, a publication must be a newspaper as defined in the statutes in order to qualify to receive compensation for publication of legal notices. This bill incorporates the Washington Island Observer, published at least two times a month, into the definition of newspaper.

certain published at least 30 weeks each year

INS ANALYSIS

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

4 SECTION 1. 985.01 (3r) of the statutes is amended to read:

1 985.01 (3r) "Newspaper" means a publication that is published at regular
 2 intervals and, except as otherwise provided in this subsection, at least once a week,
 3 containing, on average, 25 percent news content per issue, including reports of
 4 happenings of recent occurrence of a varied character, such as political, social, moral
 5 and religious subjects, designed to inform the general reader. "Newspaper" includes
 6 a daily newspaper published in a county having a population of 750,000 or more,
 7 devoted principally to business news and publishing of records, which has been
 8 designated by the courts of record of the county for publication of legal notices for a
 9 period of 6 months or more. "Newspaper" also includes a newspaper published in the
 10 town of Washington, Door County, at least 2 times a month.

11 ****NOTE: This draft addresses the issue of how many times the newspaper
 publishes per year, but I would appreciate the opportunity to discuss more about the other
 criteria referenced under ss. 985.01 and 985.03 in case those need to be addressed further.

(END)

that is published
~~that publishes~~ at least 130 weeks each year if there is no
 other newspaper meeting the qualifications under s. 985.03(1)(a) or (am)

published in the municipality

same

INS
 2-10

INSERT ANALYSIS

no H

Same if

a } 15

[SCW Note: No new paragraph for insert, please.]
This bill incorporates into the definition of "newspaper" newspapers that publish at least 30 weeks each year and there is no other qualifying newspaper published in the municipality. The bill also provides that an affidavit of publication of any legal notice provided by an editor, publisher, printer or proprietor of any newspaper, can be attached to a copy of the notice clipped from the newspaper in either hard copy or electronic format.

(END INSERT ANALYSIS)

INSERT 2-10

1 SECTION 1. 985.12 (1) of the statutes is amended to read:
2 985.12 (1) AFFIDAVIT OF PRINTING. The affidavit of the editor, publisher, printer
3 or proprietor of any newspaper, or of his or her foreman or principal clerk, of the
4 publication of any legal notice, annexed to a copy of the notice clipped from the
5 newspaper in either hard copy or electronic format, and specifying the date of each
6 insertion, and the paper in which it was published, shall be received in all cases as
7 presumptive evidence of the publication and of the facts stated therein.

History: 1993 a. 486.

****NOTE: In addition to qualifying as a "newspaper" as defined under s. 985.01 (3r), in order to be eligible to receive compensation or a fee for publishing of a legal notice, a newspaper must meet the qualifications under s. 985.03 (1) (a) or (1) (am). Please let me know if we should discuss whether any additional changes are necessary to one of these provisions in order to apply to the newspapers you are seeking to cover with the bill. For example, s. 985.03 (1) (am) 1. requires that the newspaper be published "regularly and continuously."

(END INSERT 2-10)

4

Also, current law provides that in order for an affidavit of printing to be received as presumptive evidence of publication and of the facts stated in the affidavit, the affidavit must include a copy of the legal notice clipped from the newspaper and must specify the date of each insertion and the paper in which it was published. This bill specifies that the copy of the notice included with the affidavit of printing may be clipped from the newspaper in either hard copy or electronic format.

of a legal notice

✓



Per Adam,

Please revert to /P1 but add provision
from /P2 regarding electronic copy vs. hard copies
of copy of notice for affidavit of printing



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0134/PT

SWB:cjs

/P3

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 3/21

Requested
A.M. today,
if possible
Please

REGEN

1 AN ACT to amend 985.01 (3r) of the statutes; relating to: eligibility of
2 Washington Island Observer newspaper to receive compensation for
3 publication of legal notice notices and the content of affidavits of publication
filed as evidence of publication

Analysis by the Legislative Reference Bureau

This bill incorporates the Washington Island Observer newspaper into the definition of newspaper for purposes of eligibility to receive compensation for publishing legal notices. Under current law, a newspaper is defined, with certain exceptions, as a publication that is published at regular intervals and at least once a week, containing, on average, 25 percent news content per issue, including reports of happenings of recent occurrence of a varied character, such as political, social, moral and religious subjects, designed to inform the general reader. In addition to meeting other criteria, a publication must be a newspaper as defined in the statutes in order to qualify to receive compensation for publication of legal notices. This bill incorporates the Washington Island Observer, published at least two times a month, into the definition of newspaper.

INS
A

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

4 SECTION 1. 985.01 (3r) of the statutes is amended to read:

1 985.01 (3r) "Newspaper" means a publication that is published at regular
2 intervals and, except as otherwise provided in this subsection, at least once a week,
3 containing, on average, 25 percent news content per issue, including reports of
4 happenings of recent occurrence of a varied character, such as political, social, moral
5 and religious subjects, designed to inform the general reader. "Newspaper" includes
6 a daily newspaper published in a county having a population of 750,000 or more,
7 devoted principally to business news and publishing of records, which has been
8 designated by the courts of record of the county for publication of legal notices for a
9 period of 6 months or more. "Newspaper" also includes a newspaper published in the
10 town of Washington, Door County, at least 2 times a month.

***NOTE: This draft addresses the issue of how many times the newspaper publishes per year, but I would appreciate the opportunity to discuss more about the other criteria referenced under ss. 985.01 and 985.03 in case those need to be addressed further.

11

(END)

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State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0134/P2
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SUB
INSERT
for 0134/P3

1 **AN ACT to amend** 985.01 (3r) and 985.12 (1) of the statutes; **relating to:**
2 eligibility of certain newspapers to receive compensation for publication of legal
3 notices and the content of affidavits of printing filed as evidence of publication.

Analysis by the Legislative Reference Bureau

This bill incorporates certain newspapers published at least 30 weeks each year into the definition of "newspaper" for purposes of eligibility to receive compensation for publishing legal notices. Under current law, a newspaper is defined, with certain exceptions, as a publication that is published at regular intervals and at least once a week, containing, on average, 25 percent news content per issue, including reports of happenings of recent occurrence of a varied character, such as political, social, moral and religious subjects, designed to inform the general reader. In addition to meeting other criteria, a publication must be a newspaper as defined in the statutes in order to qualify to receive compensation for publication of legal notices. This bill incorporates into the definition of "newspaper" a newspaper that is published at least 30 weeks each year if there is no other qualifying newspaper published in the same municipality.

Also, current law provides that in order for an affidavit of printing to be received as presumptive evidence of publication of a legal notice and of the facts stated in the affidavit, the affidavit must include a copy of the legal notice clipped from the newspaper and must specify the date of each insertion and the paper in which it was published. This bill specifies that the copy of the notice included with the affidavit

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of printing may be clipped from the newspaper in either hard copy or electronic format.

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

SECTION 1. 985.01 (3r) of the statutes is amended to read:

985.01 (3r) "Newspaper" means a publication that is published at regular intervals and, except as otherwise provided in this subsection, at least once a week, containing, on average, 25 percent news content per issue, including reports of happenings of recent occurrence of a varied character, such as political, social, moral and religious subjects, designed to inform the general reader. "Newspaper" includes a daily newspaper published in a county having a population of 750,000 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. "Newspaper" also includes a newspaper that is published at least 30 weeks each year if there is no other newspaper meeting the qualifications under s. 985.03 (1) (a) or (am) published in the same municipality.

SECTION 2. 985.12 (1) of the statutes is amended to read:

985.12 (1) AFFIDAVIT OF PRINTING. The affidavit of the editor, publisher, printer or proprietor of any newspaper, or of his or her foreman or principal clerk, of the publication of any legal notice, annexed to a copy of the notice clipped from the newspaper in either hard copy or electronic format, and specifying the date of each insertion, and the paper in which it was published, shall be received in all cases as presumptive evidence of the publication and of the facts stated therein.

***NOTE: In addition to qualifying as a "newspaper" as defined under s. 985.01 (3r), in order to be eligible to receive compensation or a fee for publishing of a legal notice, a newspaper must meet the qualifications under s. 985.03 (1) (a) or (1) (am). Please let me know if we should discuss whether any additional changes are necessary to one of these

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provisions in order to apply to the newspapers you are seeking to cover with the bill. For example, s. 985.03 (1) (am) 1. requires that the newspaper be published "regularly and continuously."

1

(END)



Per Adam, please create /1 and jacket

Companies to be done for Sen Jacque



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0134/P3

SWB:cjs

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 985.01 (3r) and 985.12 (1) of the statutes; **relating to:**
2 eligibility of Washington Island Observer newspaper to receive compensation
3 for publication of legal notices and the content of affidavits of printing filed as
4 evidence of publication.

Analysis by the Legislative Reference Bureau

This bill incorporates the Washington Island Observer newspaper into the definition of newspaper for purposes of eligibility to receive compensation for publishing legal notices. Under current law, a newspaper is defined, with certain exceptions, as a publication that is published at regular intervals and at least once a week, containing, on average, 25 percent news content per issue, including reports of happenings of recent occurrence of a varied character, such as political, social, moral and religious subjects, designed to inform the general reader. In addition to meeting other criteria, a publication must be a newspaper as defined in the statutes in order to qualify to receive compensation for publication of legal notices. This bill incorporates the Washington Island Observer, published at least two times a month, into the definition of newspaper.

Also, current law provides that in order for an affidavit of printing to be received as presumptive evidence of publication of a legal notice and of the facts stated in the affidavit, the affidavit must include a copy of the legal notice clipped from the newspaper and must specify the date of each insertion and the paper in which it was published. This bill specifies that the copy of the notice included with the affidavit

of printing may be clipped from the newspaper in either hard copy or electronic format.

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

1 **SECTION 1.** 985.01 (3r) of the statutes is amended to read:

2 985.01 **(3r)** "Newspaper" means a publication that is published at regular
3 intervals and, except as otherwise provided in this subsection, at least once a week,
4 containing, on average, 25 percent news content per issue, including reports of
5 happenings of recent occurrence of a varied character, such as political, social, moral
6 and religious subjects, designed to inform the general reader. "Newspaper" includes
7 a daily newspaper published in a county having a population of 750,000 or more,
8 devoted principally to business news and publishing of records, which has been
9 designated by the courts of record of the county for publication of legal notices for a
10 period of 6 months or more. "Newspaper" also includes a newspaper published in the
11 town of Washington, Door County, at least 2 times a month.

12 **SECTION 2.** 985.12 (1) of the statutes is amended to read:

13 985.12 **(1)** AFFIDAVIT OF PRINTING. The affidavit of the editor, publisher, printer
14 or proprietor of any newspaper, or of his or her foreman or principal clerk, of the
15 publication of any legal notice, annexed to a copy of the notice clipped from the
16 newspaper in either hard copy or electronic format, and specifying the date of each
17 insertion, and the paper in which it was published, shall be received in all cases as
18 presumptive evidence of the publication and of the facts stated therein.

19

(END)

Walker, Dan

From: LRB.Legal
To: Rep.Kitchens@legis.wisconsin.gov
Subject: Draft review: LRB -0134/1
Attachments: 19-0134/1

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Sarah Walkenhorst Barber, Legislative Attorney, at (608) 504-5826, at sarah.walkenhorstbarber@legis.wisconsin.gov, or at One East Main Street, Suite 200.

We will jacket this draft for introduction in the Assembly.

If a jacket is needed immediately, please let us know in your response e-mail so we know to immediately jacket the proposal for you.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.