

---

# Wisconsin Legislative Council

## AMENDMENT MEMO

---



**Memo published:** May 7, 2021

**Contact:** Melissa Schmidt, Senior Staff Attorney

### 2021 Senate Bill 51

### Senate Amendment 1

## 2021 SENATE BILL 51

2021 Senate Bill 51 modifies qualification requirements for newspapers that publish legally required public notices. Specifically, the bill does all of the following:

- Modifies the definition of “bona fide circulation” to remove a requirement that a newspaper must sell 50 percent or more of the newspaper’s circulation to be qualified. (The bill retains a requirement to have either 300 or 1,000 paid subscribers, depending on the size of the municipality where published.)
- Requires that a newspaper has published at least 50 consecutive issues at least once per week prior to the first publication of a public notice in the municipality where it is published, or to have been succeeded by or merged with such a newspaper. (In contrast, current law generally requires a newspaper to have been published regularly and continuously for at least two of the past five years.)
- Changes an alternative qualification requirement from “published regularly and continuously” to instead require that the newspaper both: (1) have published at least 50 issues over the past year; and (2) contained, on average, at least 10 percent news content per issue.<sup>1</sup>
- Requires a newspaper that publishes a legal notice to have an Internet site and to provide electronic copies of legal notices under a prominent link on the site.
- Allows a newspaper to provide proof of certain publications (for multiple insertions) electronically.

## SENATE AMENDMENT 1

Senate Amendment 1 makes several changes to the bill. Specifically, it:

- Modifies a provision to clarify that a qualified newspaper’s paid subscribers may be digital, electronic, or print subscribers.
- As an alternative to publishing at least 50 consecutive issues at least once per week in the municipality where published, allows a newspaper to verify to the Department of Administration that the newspaper has been circulated to the requisite number of paid subscribers prior to the issuance of its mailing permit from its place of publication.
- Modifies the definition of “newspaper” to require a newspaper to publish a minimum of 50 issues each year, corresponding with a 50-issue requirement in other provisions of the bill.
- Removes the requirement to include at least 10 percent news content for the alternative qualification method, instead retaining a requirement to publish at least 25 percent news content.

---

<sup>1</sup> The alternative qualification requirements apply in a municipality in which no newspaper satisfies the general qualification criteria.

## **BILL HISTORY**

Senator Cowles introduced Senate Amendment 1 on April 13, 2021. On May 6, 2021, the Senate Committee on Government Operations, Legal Review, and Consumer Protection voted to recommend adoption of the amendment, and passage of the bill, as amended, by votes of Ayes, 5; Noes, 0.

MS:ty