

# JOHN SPIROS

State Representative • 86th Assembly District

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## *Assembly Bills 119 and 120*

September 21, 2017

Testimony from Rep. Spiros

Good afternoon, and thank you Chairman Ott and members of the Assembly Committee on Judiciary for allowing me to have the opportunity to share my testimony with you today regarding Assembly Bills 119 and 120, which were the result of the Legislative Council Study Committee on Publication of Government Documents and Legal Notices.

The Study Committee was directed to update and recodify chapters 35 and 985, statutes relating to the publication and distribution of government documents and legal notices, to reflect technological advances and remove obsolete provisions. In addition, the committee was to study whether, and in what circumstances, current law should be modified to allow for information to be made available only electronically or through nontraditional media outlets. In the end, the Study Committee chose to submit two bills to be considered in the legislature.

Assembly Bill 119 modifies current law relating to the method of notification when a legal notice is provided electronically. Specifically, this bill requires that a qualifying municipality include an easily identifiable link to its notices on the municipality's website homepage. Last session the legislature passed Assembly Bill 199, which allowed municipalities to post a legal notice in one public place and on their website rather than in three public places. Assembly Bill 119 that we are discussing today would ensure that those legal notices are as easy as possible for citizens to find on the municipalities website.

Assembly Bill 120 allows a municipality the option to publish a summary for the second and third insertions that are required for publication of certain Class 2 and Class 3 notices if the summarized notice also identifies a number of sources where the full-text content may be viewed. This bill will reduce costs and burden for municipalities, as well as ensure that citizens are still able to easily find the Class 2 and Class 3 notices.

I am also looking into an amendment that would clarify the last paragraph of the bill dealing with notices that are a result of a court order or court proceeding. This amendment would not change the intent behind the bill, but would simply add some clarification.

Thank you again for allowing me the opportunity to share testimony in support of these bills, and I welcome any questions. Scott and Steve from Leg Council are also here with me and would be happy to help answer questions.



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## MEMORANDUM

**TO:** Honorable Members of the Assembly Committee on Judiciary

**FROM:** Marcie Rainbolt, Government Affairs Associate

**DATE:** September 21, 2017

**SUBJECT:** Support for Assembly Bill 120; information required to be included in class 2 and class 3 legal notices

The Wisconsin Counties Association (WCA) supports Assembly Bill 120 (AB 120), relating to information required to be included in class 2 and 3 legal notices. This legislation is consistent with WCA's efforts promoting efficiency and fiscal responsibility at a time when counties and other local governments are continually being asked to do more with less.

In 2016, the Legislature decided the issue of publication of governmental documents and legal notices should be studied in-depth and created the Legislative Council Study Committee on Publication of Government Documents and Legal Notices. This study committee was directed to update and recodify state statute chapters 35 and 985 as well as consider allowing local governments the option to make notices available electronically. Michael V. Schlaak, Calumet County Treasurer, was a public member of the study committee representing the interests of all 72 Wisconsin counties.

From this study committee came the introduction of AB 120. Under current law, a legal notice is either class 1, 2, or 3 which corresponds to the frequency of the required number of times the notice must be published. A class 2 notice must be published once a week for 2 consecutive weeks and a Class 3 notice must be published once a week for three consecutive weeks. The last publication must occur at least a week prior to the act or event which is detailed in the notice.

AB 120 would allow a municipality the option to publish a summary of the notice—as opposed to the notice in its entirety—for the second and third publication of Class 2 and Class 3 notices. The summary would have to provide information on the newspaper where the notice was originally published, the municipal website where the notification can be found, the Wisconsin Newspaper Association legal notices website, and the physical location of the notice at the municipality.

Assembly Bill 120  
Page 2  
September 21, 2017

AB 120 would allow counties the ability to save taxpayer dollars while still keeping their constituents adequately informed of events and actions of their local government. WCA respectfully requests the committee's support for AB 120 to allow for more flexibility and greater local control over the publishing of local notices.



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## WISCONSIN NEWSPAPER ASSOCIATION

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To: Assembly Judiciary Committee

From: Wisconsin Newspaper Association

Date: September 21, 2017

Re: Assembly Bill 120

Member newspapers from the Wisconsin Newspaper Association (WNA) participated in the 2016 Legislative Council's Study Committee on Publication of Government Documents and Legal Notices.

Assembly Bill 120 is a product of the Legislative Council study.

The WNA on behalf of its member newspapers takes a "neutral" position on the overall merits of the bill.

The WNA does however have a concern with that portion of the bill exempting court notices from the provisions of the AB 120.

Specifically, the Legislative Council Committee had agreed that the legislative proposal would be strictly limited to pertain to only municipalities for the purpose of publishing summaries of notice material in the 2<sup>nd</sup> and 3<sup>rd</sup> legal notices and that all court mandated notices would be exempt.

Unfortunately, the language in the AB 120 as written does not reflect what the WNA believes to be the original intention of the Legislative Council's position as it pertains to the publication of court notices.

The language stating – ***"This section does not apply to a legal notice required to be published by a municipality by order of a court"*** – is so targeted as to conceivably open the door to a range of unintended consequences, potentially affecting a great number of court-related legal notices now requiring multiple insertions to ensure adequate notice to the public.

The WNA respectfully requests an amendment to AB 120 to clarify the original intent of the Legislative Council recommendation by amending the bill to read as follows:

**"This section does not apply to a legal notice required under section 985.01 (2) required to be published by a municipality by order of a court."**