



---

# JOEL KITCHENS

STATE REPRESENTATIVE • 1<sup>ST</sup> ASSEMBLY DISTRICT

## **Testimony for the Assembly Committee on Judiciary Assembly Bill 112 Thursday, April 11, 2019**

Thank you Chairman Ott and fellow committee members for holding a public hearing and giving me the opportunity to testify on Assembly Bill 112, bipartisan legislation that will incorporate the Washington Island Observer into the state definition of a newspaper so it can become eligible to receive compensation for publishing legal notices.

For those of you who are not familiar with my district, Washington Island is, in fact, an actual island that is located about 4.5 miles northeast from the tip of the Door Peninsula. The only way to publicly access the island is by a 30-minute ferry ride.

But it's much more difficult to travel to and leave the island from January to March since the ferry only operates one time per day during that time. It shouldn't come as a surprise then, when I tell you the population on the island shrinks throughout the winter months.

That seasonal drop in residents leads to some rather unique challenges for the locally-owned Washington Island Observer, which publishes weekly during the summer but is forced to cut down to two editions per month in the winter.

Under current law, an official newspaper is defined – with certain exceptions – as a publication that is printed at regular intervals and at least once per week, containing, on average, 25 percent news content per issue. A newspaper must meet that definition and the printing requirement to be considered eligible to receive payments for publishing legal notices.

The Observer is the only newspaper that is published directly on the island, but it falls short of the 52-week stipulation. That, however, is the only condition the Observer does not meet in order to be defined as a state newspaper.



---

# JOEL KITCHENS

STATE REPRESENTATIVE • 1<sup>ST</sup> ASSEMBLY DISTRICT

AB 112 recognizes the Washington Island Observer's hardships and incorporates them into the state definition of a newspaper, helping the news outlet promote government transparency by ensuring my constituents have easier and more regular access to legal notices.

In this day and age when community newspapers are constantly folding or shedding staff to stay financially viable, AB 112 would give the Observer the opportunity to provide its readers with additional services to help keep them more informed. The citizenry of the island is exceptionally civically engaged and there is great demand for this information. More than 80 percent of households on the island subscribe to the Observer.

There is another component of this bill that won't just benefit the Observer, but all newspapers around the state. While working on the Washington Island Observer portion of this legislation, we learned about an issue that many newspapers are dealing with when mailing affidavits to those who purchase legal notices.

Under current law, an affidavit must include a printed 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.

AB 112 embraces newer technological advancements by allowing newspapers to send out the affidavits in either hard copy or electronic form. Now that we have the technology available, we shouldn't be forcing newspapers to do something that is by and large more costly and time-consuming. My bill gives them the opportunity to choose whichever option works best for them.

I would like to thank you for taking the time to listen to my testimony, and I hope you consider supporting this bipartisan bill. I am happy to answer any questions if you have them.



# ANDRÉ JACQUE

STATE SENATOR • 1<sup>ST</sup> SENATE DISTRICT

Phone: (608) 266-3512

Fax: (608) 282-3541

Sen.Jacque@legis.wi.gov

State Capitol · P.O. Box 7882

Madison, WI 53707-7882

*Testimony before the Assembly Committee on Judiciary  
State Senator André Jacque  
April 11<sup>th</sup>, 2019*

Chairman Ott and members of the Assembly Committee on Judiciary,

Thank you for holding this hearing and the opportunity to testify before you today in support of Assembly Bill 112. This legislation will ensure the Washington Island Observer is incorporated into the state definition of a newspaper so the print news outlet can be eligible to receive payments 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. The locally-owned Washington Island Observer is technically a weekly newspaper, but cuts down to two editions per month during the winter season due to the island's unique needs and of course geography. The only way to access the island is through a ferry, which only operates once per day from the beginning of January to the end of March.

The Observer is the only newspaper printed directly on the island and meets all of the state requirements, except that it is only published 30 times a year instead of 52 because the population shrinks during the winter months. But Washington Island still has close to 350 fulltime households and nearly 300 of them or 86% are Observer subscribers.

AB 112 will help promote government transparency by ensuring these residents have easier and more regular access to legal notices. The bill also creates fairness to rural print news outlets by allowing the Observer to receive compensation for publishing legal notices, just like any designated newspaper of record.

In addition, our legislation embraces new technological advancements by expanding the options a newspaper has in its obligation to send affidavits to those who requested published legal notices. Currently, an 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. AB 112 will now allow Wisconsin newspapers to send a copy of legal notice in either hard copy or electronic form.

Please join us and the Wisconsin Newspaper Association in supporting AB 112 to ensure the Washington Island Observer is eligible to receive payments for publishing legal notices and sending legal notices in electronic form is an option for newspapers across our state. Thank you for your consideration of Assembly Bill 112.

**RESOLUTION NO. 2018-27  
SUPPORT FOR OBSERVER TO BE  
"PAPER OF RECORD"**

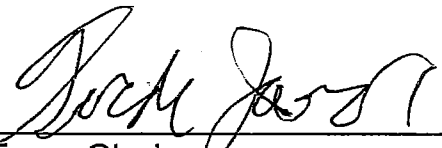
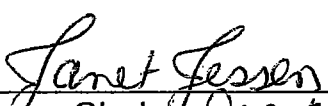
**WHEREAS**, the Washington Island Observer is interested in becoming the "Paper of Record" for the Town of Washington, and

**WHEREAS**, as Paper of Record, it would publish legal notices and agendas within required deadlines as well as posting similar information on the Observer's Facebook page, and

**WHEREAS**, special State legislation is required to make the Observer eligible to serve as Paper of Record, therefore

**BE IT RESOLVED**, that the Town Board of the Town of Washington hereby supports the efforts of the Observer to become the Town's Paper of Record, and

**FURTHER** that the State legislature of the State of Wisconsin is hereby encouraged to adopt legislation permitting this to occur.

Approved  Attest   
Town Chairman Town Clerk - Deputy

Date ~~AUG 15~~ 2018 Date 8-15-2018

Rep. Jim Ott  
Chairman, Wisconsin Assembly Committee on Judiciary  
Rm. 317 North  
PO Box 8953  
Madison, WI. 53708

Subj: AB 112

Dear Rep. Ott and Members of the Judiciary Committee:

Please accept this letter as my testimony for AB 112.

A few years ago I became one of several who helped purchase the *Island Observer* newspaper. Our common belief was that it is vitally important for this island community to have its own newspaper. This remains as true today as then, because other newspapers in the Door Peninsula typically are unable or not interested in reporting Island news. Readership of the Door County Advocate has fallen precipitously, and this newspaper covers less and less local, Island news as it appears to struggle to maintain viability. And yet, currently, that is the newspaper to which we must turn to post or to view legal notices.

I've contributed editorial content and photographs on a regular basis, and I've served on the *Island Observer* editorial committee. Typical coverage in the pages of the *Island Observer* includes: school board and town board reports; civic, social, sporting, school and church organization activities and events; matters related to law enforcement; property ownership exchanges; Town building permit applications; and stories with historical perspective. The *Island Observer* is everything one might expect in a community newspaper, providing readers with balanced information, news, and advertising. This newspaper's quality is excellent, and it continues to improve. (Numerous Wisconsin Newspaper Association awards have been received.)

Surprisingly, such a newspaper is published within an island community of approximately 700 full-time citizens. It's an exceptionally small subscriber and readership base, where the business model relies on many unpaid contributors for written material and photographs. Yet, this newspaper continues on sound economic footing as a vital voice for the Island community. While its business model is for-profit, realized profit is either applied directly to newspaper upgrades, or they are passed to Island community non-profits.

Should the *Island Observer* obtain authority to publish legal notices, it would not significantly change the newspaper's bottom line - such activity would be minimal - but it would represent a meaningful, added service to readership.

It is the number of issues published each year by the *Island Observer* that currently limits this newspaper's ability to publish such legal notices. It remains a handicap of scale – 30 issues annually, rather than the one-per-week minimum as statutes currently require. This statute threshold prevents this Island community newspaper (which serves nearly 300 of 350 Island full-time households, or 80%) and its readership, who must search farther afield to view such notices, or remain uninformed.

The fact that the *Island Observer* reaches such a significant number of Island households - once every two weeks for approximately ten months, then weekly in July and August – makes it a preferred choice of informed Island readers. Subscriber numbers speak well for this Island newspaper, and they also point to the direct benefit legal notice publication would add for Island readership.

I therefore ask for your support of AB 112, to recognize *The Washington Island Observer* newspaper as the publisher of legal notices in this community. At a time when many community papers – in large and small markets - are shrinking, or folding, we are proud to have the *Island Observer* provide us with information and news. Publication of legal notices is but one more way in which this paper can perform its community role.

A hard copy will be forwarded to you by mail.

Respectfully,



Richard Purinton

Personal background: I'm a Washington Island resident, and I've been associated with the Washington Island Ferry Line, Inc. as ferry captain, general manager, president, and, currently, CEO. Prior to serving four years in the U.S. Navy, I received a BA in Journalism at UW-Madison.

Cc: Rep. Joel Kitchens



---

## WISCONSIN NEWSPAPER ASSOCIATION

---

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

TO: Members of the Assembly Committee on Judiciary  
FROM: Beth Bennett, Executive Director of the Wisconsin Newspaper Association  
DATE: April 11, 2019  
RE: Testimony in support of Assembly Bill 112

I apologize that my schedule does not allow me to attend today's hearing in person. I want to thank Chairman Ott for hearing Assembly Bill 112 today and I urge support for this commonsense measure. I also want to thank Representative Kitchens for authoring this bill and working with the Wisconsin Newspaper Association (WNA) and our member the *Washington Island Observer* in drafting AB 112.

AB 112 has two important updates to public notice laws in Wisconsin. The first expands the definition of a newspaper eligible to print public notices to address the unique circumstances of Washington Island. Current law requires a paper of record to be published at least on a weekly basis. The *Washington Island Observer* is an award-winning newspaper that includes robust local news coverage. However, during the winter months, the population of the Island and local activity decreases significantly due to access issues. It makes sense that the *Observer* would reduce its publication schedule during this time. It also makes sense to create this limited exception to the publication requirement to accommodate the incredibly unique circumstances of Wisconsin's only island municipality.

AB 112 also allows for affidavits for proof of publication to be sent electronically. Currently, newspapers are required to send the affidavits – which includes an actual copy of a legal notice that is clipped from the paper – via U.S. mail. AB 112 will allow newspapers to create a PDF of the clipping and send the affidavit via email.

Both of these changes keep Wisconsin's public notice laws up to date and continues newspapers' long-standing tradition of serving as a critically important independent reporter between units of government and the taxpayers.

While notice publication in newspapers has been a constant and reliable third-party check on governmental actors for generations, Wisconsin's publishers have worked to continually adapt public notice requirements to ensure the broadest dissemination of public information. Since 2005, the WNA has been digitally archiving all public notices published in Wisconsin, making them publicly available online at [WisconsinPublicNotices.org](http://WisconsinPublicNotices.org). This online clearinghouse of notices is offered at no additional cost to governmental and private entities required to publish public notices.

The Wisconsin Newspaper Association is committed to providing the necessary verification, certification and archiving that ensures individuals and taxpayers rights are protected and preserved. On behalf of the 221 WNA members newspapers, I would again like to thank Rep. Kitchens for authoring this bill and I urge you to support AB 112.