

STANDING COMMITTEES:

Natural Resources & Energy, Chair
Transportation & Local Government, Vice-Chair



JOINT COMMITTEES:
Audit Committee, Co-Chair

Testimony on 2021 Senate Bill 51

Senator Robert Cowles

Senate Committee on Government Operations, Legal Review and Consumer Protection
February 4th, 2021

Thank you, Chairman Stroebel and Committee Members, for allowing me to submit testimony on 2019 Senate Bill 51. This bill helps to bring government transparency into the modern era by identifying the different patterns in the size and content of local publications and adapting qualification requirements to match products on the market along with bringing notices online to extend their reach.

To comply with open meeting requirements, election notice requirements, and other public notice requirements for certain actions by local governments, these entities are statutorily required to publish legal notices in newspapers that are likely to give notice in the area or to the person affected. As of December, 69 of Wisconsin's 72 counties had a newspaper that's qualified to publish legal notices, but 21 of those counties had only one newspaper certified in their county, while many more had two or three at the most. Even populous counties like Eau Claire and La Crosse only have one and two papers, respectively, qualified to publish notices in their counties, while Grant County has one of the highest concentrations of qualified papers at six.

This legislation looks to expand the number of newspapers in this state that are qualified to publish legal notices and makes other changes that should help to make the statutes more consistent and notices more transparent, which can help to keep local government more accountable. SB 51 makes the following changes:

1. Eliminates the requirement that a publisher sells at least 50% or more of their circulation to qualify as a "bona fide paid circulation," and adds that subscribers may be digital versus simply in paper.
2. Eliminates a provision that the paper have been published at least two of the last five years to qualify to publish notices and replaces it with a provision that the paper shall have been published for at least 50 consecutive issues in the year prior to publication of the notice.
3. Adds a requirement that if a newspaper publishes a legal notice, they must place that notice on their website, with a link displayed prominently on the homepage, and that the notices page must be accessible to the public at no cost.
4. Changes the criteria for newspapers to qualify if no other newspapers meet legal requirements to instead require that the paper is circulated at least once each week for at least 50 issues each year for one year prior to the first publication of a notice as opposed to the current language of 'regularly and continuously.' Additionally, the paper must provide, on average, at least 10% news content.
5. Change a provision requiring that, if requested, the paper provide a tear sheet proof of a multiple insertion notice via mail to allow the tear sheet proof to be delivered via email as an alternative.

Ultimately, 2021 Senate Bill 51 provides a series of consensus, common-sense changes supported by Wisconsin's newspapers that will benefit local government, hometown journalism, and taxpayers throughout the state. By creating a manner to get more local legal notices in front of more Wisconsinites, we can help to ensure that local government remains accountable and that residents have an easier time learning what their elected officials are doing. I'm glad to join Representative Kitchens in this effort.



JOEL KITCHENS

STATE REPRESENTATIVE • 1ST ASSEMBLY DISTRICT

Testimony for the Senate Committee on Government Operations, Legal Review and Consumer Protection

Senate Bill 51

Thursday, Feb. 4, 2021

Thank you Chairman Stroebel and committee members for holding a public hearing and allowing me to testify on Senate Bill 51. This proposed legislation would help smaller community newspapers with bringing in more revenue and make government operations more transparent for our residents.

Under current state law, all local units of government must publish the agendas and minutes of their meetings in a newspaper. Those newspapers also must meet certain requirements in order to be considered eligible to receive compensation for printing legal notices.

However, one of the issues we are seeing is that there are many communities in Wisconsin that do not have their own hometown newspaper that can meet all the criteria outlined in state statutes. SB 51 lays out specific guidelines that would allow for these publications to be compensated for printing notices.

The internet has created many challenges for the newspaper industry and many papers have gone out of business. Many people are unwilling to pay for a newspaper subscription when they can get news for free online. This bill recognizes that new business models are emerging, such as free newspapers, to compete in the modern marketplace.

First, SB 51 eliminates the requirement that a publisher must sell 50 percent or more of their newspaper's circulation. The legislative proposal also does away with the stipulation that a newspaper must be published regularly and continuously in the same city, village or town for at least two of the five years immediately before the date a legal notice appears in print.

Instead, a newspaper could qualify if it has been published at least once a week for at least 50 consecutive issues prior to the first publication of the notice, matching other statutory criteria in an existing provision.

By providing more options in who can print legal notices, we will give governmental bodies more flexibility in determining which newspaper will better reach their constituents. We also expect the legislation to increase competition between those publications.

Furthermore, the bill takes advantage of modern technology by requiring all newspapers to publish their legal notices on their websites. The legal notices section must be available to the public at no cost.

Because of the internet, people's reading habits have changed over the past several decades, with most readers now going online to get their news. With this transformation, we must also adapt to ensure the public can better follow along with what their local elected officials are doing.

We believe a more transparent government is a better government.

SB 51 was drafted in consultation with, and is supported by, the Wisconsin Newspaper Association.

Thank you for taking the time to listen to my testimony and I hope you will consider supporting this legislation. I would also like to thank Sen. Cowles and his office for helping us with this bill. I would be happy to answer any questions if you have them.



WISCONSIN NEWSPAPER ASSOCIATION

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

**Submitted Testimony of Beth Bennett
Executive Director, Wisconsin Newspaper Association**

Please Support Senate Bill 51

Good afternoon Chairman Stroebel and committee members. By way of introduction, my name is Beth Bennett and I am the Executive Director of the Wisconsin Newspaper Association.

First off, I am sorry I could not be present in person at today's hearing. The Wisconsin Newspaper Association has its annual convention today and tomorrow. I appreciate the opportunity to submit this written testimony and I look forward to follow up conversations with each of you about why WNA support Senate Bill 51.

I'd also like to thank Representative Kitchens and Senator Cowles for authoring this worthwhile proposal.

For more than 200 years, Wisconsin's newspapers have helped ensure our state's citizens are well informed through public notices. These notices serve as a critically important independent reporter between units of government and taxpayers, in addition to serving as the official notification vehicle for our court system.

Newspaper publication of notices provides the necessary verification, certification and archiving that ensures individuals and taxpayers rights are protected and preserved. 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.

For example, in 2005, the Wisconsin Newspaper Association began digitally archiving all public notices published in the state, making them available online at WisconsinPublicNotices.org. This online clearing house of notices from across the state serves as a one-stop shop for notice seekers and can be searched a number of ways. And, the online posting is provided at no additional cost to the governmental and private entities required to publish public notices.

In our continued effort to expand the reach of public notices, while ensuring that important third-party verification, the Wisconsin Newspaper Association was pleased to work with Representative Kitchens and Senator Cowles in developing Senate Bill 51. This proposed legislation will significantly expand which publications can qualify to publish public notices – including expanding the eligibility of free distribution newspapers to qualify to publish public notices.

SB 51 also requires any newspaper that publishes legal notices to place all notices on their websites (in addition to current statutory requirements mandating publication in the print copy and on WisconsinPublicNotices.org) with a prominent link to legal notices on its home page.

SB 51 also modernizes some of the terminology and requirements in Chapter 985 to, again, ensure maximum opportunity for publication of legal notices to best inform your constituents.

On behalf of the 221 members newspapers of the Wisconsin Newspaper Association, I urge you to support Senate Bill 51 and move it forward in the committee. Thank you.



Sheboygan County Department of County Clerk

Jon Dolson— County Clerk
508 New York Avenue – Administration Building 1st Floor
Sheboygan WI 53081-4126

February 4, 2021

Committee on Government Operations, Legal Review and Consumer Protection

Re: SB 51 Qualification of Newspapers

Good afternoon committee members:

Please consider approving SB-51. I know there's been attempts in the past that were appreciated, but this one looks like a winner. In Sheboygan Co. there is a long-standing weekly direct mail newspaper that can reach about 98% of county residents, but it doesn't qualify as a newspaper under current statutes, so it can't be the one used for official publications. Because of the excellent reach of this paper, I would like to use it for certain election notices, among others, to get more people to the polls. Also, municipalities would be able to choose which "newspaper" better suits their needs for any of their required notice publication. The current allowable "newspapers" in Sheboygan Co. combined distribution does not cover even half the county's population (subscription numbers drop every year!), limiting an avenue to help promote more participation by county residents. Having options on how to best get the word out for any required publication of notices is a good thing.

- Current distribution of allowed "newspapers" is only 12,926 households (total of 4 "newspapers").
- Direct mail weekly newspapers have "verifiable distribution directly to residences," meaning they could show an audit, USPS receipts, etc., if necessary, which is proof that the tax base is receiving notices.
- Current subscription-based newspapers have ever decreasing subscriptions over the years showing a definite pattern of declining readership of the paper version. And currently no insert gets posted to the web.
- Many of the subscription-based newspaper's actual subscriptions are for businesses, where often the end user does not reside in this county, so using subscription-based multipliers skew results of to whom the notices are actually getting out to. Are they actual residents of the county, or residents out of the area?
- Making these simple changes would give clerks options. Give us choices as to how we can best get notices out to our residents. Getting the notices out to where they need to go, in the most economical way for our taxpayers. If in one city the best way to send notices was in a direct mail newspaper, but in another city, or village, a subscription-based newspaper would be best, clerks should have that option.

Thank you for your time, consideration and service!

Sincerely,

Jon G. Dolson