



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1287/1
SWB:cdc

2021 SENATE BILL 51

January 28, 2021 - Introduced by Senators COWLES, BEWLEY, PFAFF and TESTIN, cosponsored by Representatives KITCHENS, ARMSTRONG, BILLINGS, DOYLE, DUCHOW, JAMES, KNODL, LOUDENBECK, MILROY, MOSES, MURSAU, NOVAK, ROZAR, SKOWRONSKI, STEFFEN, SUBECK and VRUWINK. Referred to Committee on Government Operations, Legal Review and Consumer Protection.

1 **AN ACT to repeal** 985.01 (1b) (a); **to consolidate, renumber and amend** 985.01
2 (1b) (intro.) and (b); and **to amend** 985.01 (3r), 985.02 (3), 985.03 (1) (a) 1m.,
3 985.03 (1) (am) 1. and 985.08 (8) of the statutes; **relating to:** qualification of
4 newspapers to receive compensation for publication of legal notices and
5 requirements relating to publication.

Analysis by the Legislative Reference Bureau

This bill changes the criteria for a newspaper to be eligible for compensation for publication of legal notices. Under current law, with certain exceptions, in order for a newspaper to qualify for compensation for publication of a legal notice, the newspaper must have bona fide paid circulation, meaning the paid circulation of a newspaper for which 1) the publisher of the newspaper sells 50 percent or more of the circulation of the newspaper; and 2) the publisher of the newspaper has actual subscribers at each publication of not less than 1,000 copies in first and second class cities (cities of 150,000 people or more and cities with between 39,000 and 150,000 people, respectively); 300 copies in third and fourth class cities (cities with between 10,000 and 39,000 people and cities with less than 10,000 people, respectively); villages; or towns. The bill eliminates the requirement that the publisher of the newspaper sells 50 percent or more of the circulation of the newspaper.

Under current law, in addition to bona fide circulation, a newspaper must generally meet one of the following criteria to qualify for compensation: 1) for at least two of the five years immediately before the date of publication of a notice, have been

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published regularly and continuously in the city, village, or town where published; 2) be a successor to such a newspaper and resumed publication following succession; or 3) have merged or consolidated with one or more other newspapers and one of the newspapers involved has been continuously published at regular intervals of at least once each week for at least 50 issues each year for at least one year prior to the first publication of the notice. The bill modifies the first qualification, eliminating the requirement that a newspaper be published regularly and continuously in the city, village, or town where published for at least two of the five years immediately before the date of publication of a notice, and instead allowing a newspaper to qualify that has been published at least once a week for at least 50 consecutive issues prior to the first publication of the notice in the city, village, or town where published.

Under current law, if there is not a newspaper in a city, village, or town that meets any of the general criteria, a newspaper may still qualify for compensation under an alternative provision if the newspaper is published regularly and continuously in the city, village, or town, publishing in the newspaper is likely to give notice in the area or to the affected person, and the newspaper is otherwise qualified for compensation. The bill changes the alternative criteria, modifying the “regularly and continuously” requirement to a requirement that the newspaper be circulated at least once each week for at least 50 issues each year for one year prior to the first publication of the notice in the city, village or town and requiring that the newspaper contain, on average, at least 10 percent news content per issue. The bill also provides an exception to the definition of “newspaper” to allow newspapers to qualify under these alternative criteria.

The bill adds a requirement that a newspaper that publishes a legal notice must place an electronic copy of the legal notice at no additional charge on that newspaper’s Internet site in addition to the current law requirement to place an electronic copy on the Wisconsin newspapers legal notices Internet site. Under the bill, every newspaper that publishes legal notices must have an Internet site and must include on its home page a prominent link to the newspaper’s legal notices section. The bill requires that a newspaper’s legal notices section must be available for viewing at no cost to the public and must include a link to the Wisconsin newspapers legal notices Internet site.

Finally, the bill provides that a tear sheet proof of a multiple insertion notice that must, upon request, be mailed to an advertiser or the advertiser’s attorney within 72 hours after the first insertion may be sent in electronic format.

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

1 **SECTION 1.** 985.01 (1b) (intro.) and (b) of the statutes are consolidated,
2 renumbered 985.01 (1b) and amended to read:

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1 985.01 (1b) “Bona fide paid circulation” means the paid circulation of a
2 newspaper that satisfies all of the following:

3 (b) ~~The for which the publisher of the newspaper has actual paid, digital, or~~
4 ~~electronic~~ subscribers at each publication of not less than 1,000 copies in 1st and 2nd
5 class cities or 300 copies in 3rd and 4th class cities, villages, or towns.

6 **SECTION 2.** 985.01 (1b) (a) of the statutes is repealed.

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

8 985.01 (3r) “Newspaper” Except as otherwise provided in this subsection or in
9 s. 985.03 (1) (am), “newspaper” means a publication that is published at regular
10 intervals and, ~~except as otherwise provided in this subsection,~~ at least once a week,
11 containing, on average, ~~[at least]~~ at least 25 percent news content per issue,
12 including reports of happenings of recent occurrence of a varied character, such as
13 political, social, moral and religious subjects, designed to inform the general reader.
14 “Newspaper” includes a daily newspaper published in a county having a population
15 of 750,000 or more, devoted principally to business news and publishing of records,
16 which has been designated by the courts of record of the county for publication of
17 legal notices for a period of 6 months or more. “Newspaper” also includes a
18 newspaper published in the town of Washington, Door County, at least 2 times a
19 month.

20 **SECTION 4.** 985.02 (3) of the statutes is amended to read:

21 985.02 (3) The newspaper that publishes a legal notice shall, in addition to
22 newspaper publication, place an electronic copy of the legal notice at no additional
23 charge on the publishing newspaper’s Internet site and on the Wisconsin
24 newspapers legal notices Internet site. Every newspaper that publishes legal notices
25 shall have an Internet site and include on its home page a prominent link to the

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1 newspaper's legal notices section, the contents of which shall be available for viewing
2 at no cost to the public. The newspaper's Internet legal notice section shall include
3 a link to the Wisconsin newspapers legal notices Internet site as defined in s. 985.01
4 (7).

5 **SECTION 5.** 985.03 (1) (a) 1m. of the statutes is amended to read:

6 985.03 (1) (a) 1m. ~~For at least 2 of the 5 years immediately before the date of~~
7 ~~the publication of the notice, the~~ The newspaper has been published regularly and
8 continuously at least once each week for at least 50 consecutive issues prior to the
9 first publication of the notice in the city, village, or town where published.

10 **SECTION 6.** 985.03 (1) (am) 1. of the statutes is amended to read:

11 985.03 (1) (am) 1. The newspaper is ~~published regularly and continuously~~ has
12 been circulated at least once each week for at least 50 issues each year for one year
13 prior to the first publication of the notice and containing, on average, at least 10
14 percent news content per issue in the city, village, or town and publishing in the
15 newspaper is likely to give notice in the area or to the affected person.

16 **SECTION 7.** 985.08 (8) of the statutes is amended to read:

17 985.08 (8) Upon request, a tear sheet proof of a multiple insertion notice shall
18 be mailed or sent in electronic format to the advertiser or the advertiser's attorney
19 within 72 hours after the first insertion, and an additional charge of \$1 for such tear
20 sheet proof may be made.

21 (END)