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To: Senate Committee on Government Operations, Legal Review, and Consumer Protection
From: Curt Witynski, J.D., Deputy Director, League of Wisconsin Municipalities
Date: February 4, 2021
Re: SB 55, Allowing Municipalities to Publish Meeting Minutes on the Municipality's Web Site in lieu of the Official Newspaper

The League of Wisconsin Municipalities supports SB 55, giving local governments the option of posting governing body meeting minutes in at least one public place and on the community's web site in lieu of paying for publication in the official newspaper.

This bill makes a narrow change to state law governing the publication of legal notices. Currently, all 1,250 towns and nearly all of the 411 villages in the state already have the option of posting meeting minutes in a public place and on the community's website in lieu of newspaper publication. Most take advantage of the alternative and do not pay for publishing meeting minutes in a local newspaper. SB 42 extends this option to cities, counties, and school districts.

Background on Publication Requirements Applicable to Municipalities

Municipal bodies are often required to inform the public of municipal matters by the publication or posting of legal notices. These notice requirements are found throughout the statutes. The term "legal notice" is defined in ch. 985 to mean every notice required by law or by order of a court to be published in a newspaper or other publication and includes the publication of ordinances, resolutions, financial statements, budgets and the proceedings of governmental bodies. "Legal notices" also include election notices, notices of public hearings held by governmental bodies and certain judicial notices and notices of sale intended to inform persons of their duty or right to exercise certain rights within a specified time period. Sec. 985.01(2).

SB 55 deals with only one of the legal notices that municipalities are required to publish, meeting minutes.

Official newspaper. Cities are required to designate newspapers for the publication of council proceedings and other city legal notices. Sec. 985.06. Such newspapers must be published in the city, although a fourth class city in which there is no eligible paper published may designate a newspaper published in the county and having a general circulation in the city. Sec. 985.06(2).

In contrast to cities, a village is not required but may choose to designate a newspaper published or having general circulation in the village as its official paper or use it for specific notices. Alternatively, the village board may direct that other forms of publication, such as posting in one public place and on the village's web site, be used, except for certain situations that do require

actual newspaper publication. The statutes specifically require the publication of tax redemptions or sales, annexations, detachments, consolidations, incorporations and notices directed to specific individuals. Also, if an eligible newspaper is published in the village, village board proceedings (e.g., Board Minutes) and village ordinances imposing a forfeiture must be published in that newspaper. Wis. Stat. sec. 985.05(1).

Cost to Municipalities of Publishing Legal Notices

We last surveyed our members on publication costs in 2016 when we emailed an online survey link to 585 municipalities. We received responses from 213 for a response rate of just over 36%. We asked the following question: How much did your municipality spend on publishing legal notices in 2015?

Responding municipalities spent a total of \$1,102,677 on publishing legal notices in 2015. The responses ranged from a low of \$0.0 in the Village of Potosi, to \$63,000 for the City of Green Bay. Responding municipalities on average spent \$5,177 on publishing legal notices in 2015. However, for reasons I'll explain later, cities spent significantly more than villages. Cities spent \$10,979 on average publishing legal notices in 2015. Villages spent \$1,824 on average.

Differences between Cities and Villages

The survey results show a substantial difference between what cities spend on publishing legal notices and the amount spent by villages. This is because villages (and towns), regardless of their size or population, have the flexibility under state law to publish legal notices in ways other than newspaper publication. All 190 cities in this state must designate an official newspaper and publish council meeting minutes, ordinances or ordinance summaries, and all other city legal notices in that newspaper. Villages need not designate an official newspaper and instead may choose to publish village legal notices by posting them in three public places or in one public place and on the village's website.

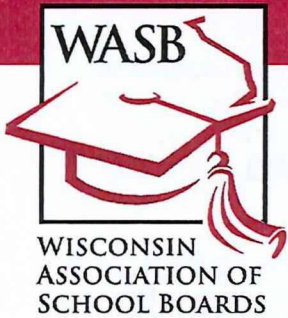
Because of this difference, large villages, such as Menomonee Falls, population 35,710, spent only \$200 on publishing legal notices in 2015 while a small city like Green Lake (pop. 961) spent \$8,489.

In 2015 we were pleased by the enactment of 2015 Wis. Act 79, which for the first-time allowed towns and villages that post to meet publication requirements by posting legal notices in at least one public place and posting the notice electronically on the community's web site.

The League strongly supports extending the same option to cities. SB 55 does not do this. But what it does do is provide one opportunity, allowing cities to satisfy the requirement to publish governing body meeting minutes by posting the minutes in one public place and on the community's web site, to reduce the overall costs associated with publication.

Conclusion

We urge the committee to recommend passage of SB 55. Thank you for considering our comments and recommendation.



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JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Members, Senate Committee on Government Operations, Legal Review and Consumer Protection
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: February 4, 2021
RE: SUPPORT for Senate Bill 55, relating to: the publication of proceedings of meetings held by certain governmental bodies, including school boards

Mr. Chairman and members of the committee thank you for the opportunity to submit written testimony in support of Senate Bill 55. The Wisconsin Association of School Boards (WASB) is a voluntary membership association representing all 421 of Wisconsin's locally elected public school boards.

Our members recognize the interest of the public in open and transparent public school governance but also seek to provide the public with information about such governance in an economical and efficient manner. We believe this bill strikes a good balance between these dual goals and deserves your support.

Back in January 2016, school board member delegates to the WASB Delegate Assembly adopted a permanent resolution (WASB Resolution 1.60) placing the WASB in support of allowing school districts to publish statutorily-required notices electronically on the school district website and other social media maintained by the school district in lieu of publishing these notices in newspapers. It was understood by our members that this resolution also applied to the publication of school board proceedings (minutes).

In addition to this policy directive to support legislation such as Senate Bill 55, there are a number of practical reasons why the WASB and its members support this bill. Here are some of the most important:

- 1) The strong direction or trend of recent legislation has been to provide increasing flexibility to school districts and other local governmental units with respect to publication requirements.

Shortly before WASB Resolution 1.60 was adopted, [2015 Wisconsin Act 79](#), which took effect in November 2015, gave school boards and other local governmental bodies a good reason to reassess their procedures for issuing legal notices under Chapter 985 of the state statutes. (More recently, the enactment of [2019 Wisconsin Act 140](#) gave these same governmental units reason for reassessing their procedures for giving notice of school board meetings and meetings of other governmental bodies, such as committees, under Wisconsin's Open Meetings Law.)

For certain legal notices under Chapter 985, in lieu of paying for a newspaper to publish certain legal notices, 2015 Act 79 amended the statutes to expressly permit school boards to direct the school administration to post a physical (paper) copy of certain legal notices in one public location, provided that an electronic copy of any such legal notice is also placed on a website maintained by the school district. This discretionary authority to direct posting in lieu of newspaper publication applies to some, but not all, Chapter 985 legal notices. If a specific legal notice is subject to an exception that disqualifies it from an alternative posting process, paid publication in a newspaper is still required.

At least with respect to the publication of proceedings of school board meetings, our attorneys determined that even with the enactment of 2015 Act 79 the relevant statutes were ambiguous as to whether a school board may use an alternative method of publication or posting. We sought to clarify this ambiguity, leading the WASB to support similar but slightly different legislation (e.g., [2017 Senate Bill 42](#) and [2017 Assembly Bill 70](#)) providing flexibility with regard to the publication of proceedings.

- 2) Current law regarding publication of school board meeting proceedings is confusing and inconsistent because it imposes a mandate on some, but not all, districts to publish a Class 1 legal notice (or pay for a district-wide distribution of the proceedings). Whether a school district is subject to the Class 1 legal notice requirement for its meetings currently depends upon whether a newspaper is published in the district. If no newspaper is published in the district, then the proceedings of school board meetings may be publicized as the school board directs.

In terms of assessing the potential effects of Senate Bill 55, it is important to note that many school districts with no newspaper published in the district *already do not* publish proceedings in newspapers, and there is no known issue with any complaints that those districts are not doing a sufficient job of providing public access to proceedings information. In addition to the legislative judgment regarding permissible methods of notification already embodied in s. [985.02](#), Stats., those districts provide proof that a less-costly and more accessible option (such as website posting) can readily serve as a sufficient substitute for traditional newspaper publication.

- 3) Nothing in this bill would require school districts or other local units of government to discontinue their current practice of paying to publish copies of their proceedings in their local newspaper. Whether those districts or local units would continue to do so may be debatable; however, they *could* continue to do so (voluntarily) under Senate Bill 55 if they believe this is in the public interest.
- 4) Under Senate Bill 55, all meeting minutes would remain public records and under Wisconsin's Public Records Law, and an individual or organization requesting such records must receive a copy of these records or be allowed to examine the records unless there is a basis for denying the request (e.g., if the request is with regard to certain closed session matters).
- 5) Furthermore, under Senate Bill 55, school districts and other local units of governments would continue to provide electronic copies of their meeting minutes (proceedings) documents to newspapers. The newspapers would be free to do what they wish with this information.
- 6) Many school districts and other local units of government already provide convenient and free access to their governing body minutes (or proceedings) on their websites.

All this being said, we believe the bill could be improved by clarifying what is meant by the terms “electronic notification service” and “interested individuals and organizations” in the portions of the bill that require school districts and other local units of government to “establish an electronic notification service to notify interested individuals and organizations (in the school district or local governmental unit) each time the proceedings are posted, electronically placed, and transmitted.”

Clarifying the language of this requirement could make a good bill better. Consider the following questions:

Does the phrase “electronic notification service” imply, for example, that school and local government clerks must actively push out emails or some other communication to interested individuals or organizations or could they post a notice on their website alerting interested individuals or organizations whenever meeting minutes are posted?

If the authors' intent is to employ the first approach suggested in the preceding paragraph, we would also suggest further clarification regarding to whom do those emails or communications must be sent. For example, must "interested individuals and organizations" have signed up or communicated their interest to the school district or other governmental unit in advance in order to receive notification or is the school district or other governmental unit required to make assumptions about who *might* be interested?

Another area where we think statutory clarification may be in order concerns whether or not the proceedings of a closed session may (or must) be published. Legislation addressing publication of proceedings does not often arise and this might be an opportunity to address some long standing issues.

School boards, for example, have long grappled with issue that section 120.11(4), Stats., does not apply to the proceedings of a closed session when there is an ongoing need to maintain the confidentiality of such proceedings that extends beyond the date of the meeting.

There may be a number of ongoing reasons to deny a request (in the context of a school board) for closed session records dealing with such things as: a) a motion to expel a student from school that must remain as confidential pupil records under s. 118.125; or b) a closed session motion to establish bargaining authority for a significant purchase or sale of property. In both these examples, there is an ongoing policy reason why a closed session motion must remain confidential.

For decades, school boards have relied on a cobbled-together "harmonization" of s. 120.11(4) and the Open Meetings Law, supported by AG opinions. (Please see the attached Legal Comment submitted along with this testimony.)

The simplest approach, for school districts at least, would be to say that the section 120.11(4), Stats. does not apply to the proceedings of closed sessions; however, there may be a more nuanced way to draw the line in this area. We would be happy to work with the bill's authors to address this issue as well as the other questions and concerns noted in our testimony. It is our understanding that groups representing other local units of government face similar issues with regard to the proceedings of closed sessions. We would be happy to collaborate with those groups as well.

Thank you for the opportunity to share our support for this legislation. For the reasons cited above, the WASB supports Senate Bill 55.



Board Agendas, Voting and Minutes

A school board's authority is vested in the entire board, and members of the board may not act separately or independently on behalf of the school district without express authority of the board to do so.¹ The only time a school board may conduct its business and take action on behalf of the district is at a public meeting properly noticed and held in accordance with Wisconsin's Open Meetings Law. School boards are required to hold meetings at least once each month and at other times as permitted by statute.² In order to meet and legally take action, a school board must appropriately post a notice of its meetings, vote only on matters properly before the board, and create a record of such action. This *Legal Comment* addresses the statutory and other authority which governs the processes required of school boards to properly notice, take, and record board action.

■ Agendas

Under the Open Meetings Law, all school board meetings must be preceded by written notice to the public, any news media who have filed a written request for such notice, and the official district newspaper.³ This usually takes the form of publishing

the board agenda for the meeting. The Wisconsin Department of Justice has taken the position that notice to the public is satisfied by posting in three separate locations in the district. In December 2015, the legislature amended Wis. Stat. § 985.02(2) (a) to allow for the posting of certain public notices in just one public location provided they are also posted on the district's website. It is not clear whether this amendment applies to the posting of meeting notices; however, the Wisconsin Attorney General continues to recommend that districts post their meeting notices in three locations, even if they are posted on the district's website.⁴

Proper notice of a meeting must be given at least 24 hours prior to the commencement of the meeting unless for good cause such notice is impossible or impractical.⁵ When good cause can be shown, shorter notice may be given, but in no case may the notice be provided less than two hours in advance of the meeting.

The Open Meetings Law requires that notices be published for any "governmental body" and any "formal subunit of that body." This encompasses both board and board committee meetings when they meet for the purposes of "exercising the responsibilities, authority, power or

duties delegated to or vested in the body."⁶ Notices must be published for both open and closed session meetings. Every notice must set forth the time, date, and place of the meeting, as well as the subject matter of the meeting's open or closed sessions, in a form that will give sufficient information about the business to be conducted at the meeting so that the public can make an informed decision about whether to attend.⁷ Factors relevant to this consideration include the burden of providing such notice, whether the subject is of particular public interest, and whether the meeting involves non-routine action that the public is unlikely to anticipate.⁸

The responsibility for preparing the meeting agenda (which is then often used as the formal meeting notice) is typically defined by board policy. Some boards divide the agenda into different categories, including action, discussion, and information items. Boards commonly use consent agendas for items that are routine or have already been discussed and are likely to be acceptable to all members and voted on as one item. Most board procedures allow any board member to remove an item from the consent agenda for separate consideration.

In order to meet and legally take action, a school board must appropriately post a notice of its meetings, vote only on matters properly before the board, and create a record of such action.

The development of board agendas is also a matter of board policy and varies across the state. Generally, placing an item on the agenda is within the authority of the superintendent and board president. However, board policies typically contain procedures by which other board members may compel an item to be placed on an agenda, including designating how many members are needed to make such a request and the form and timing of such requests. It is also not uncommon for board agendas to include an agenda item for board members to propose future agenda topics. In some situations, state law imposes conditions which must occur prior to placement of an item on an agenda — for example, the process for formulating a budget for a common school district must include a class 1 notice prior to any public hearing.⁹

Once an item is placed on an agenda, consideration of that item by the board is subject to board policy. It is not unusual for boards to formally approve the agenda by means of majority vote and, if such a practice is followed, removal of items for consideration at a meeting can take place at this time. In addition, parliamentary procedure allows for tabling or referral of agenda items to other times. However, items cannot be added to the agenda at the time of the meeting under the Open Meetings Law.

■ Voting

In order to conduct business, including voting, a quorum of the board must be present at the meeting (*i.e.*, one-half of the board membership, plus one). Generally, board actions must be approved by a majority of those voting, unless a statute or board policy provides otherwise. For example, a vote to employ or dismiss a teacher requires a majority of the full board membership.¹⁰ A board must vote in open session unless the vote is clearly an integral part of deliberation authorized to be conducted in closed session. A board can vote in closed session if voting in open session would compromise the need for a

closed session.¹¹ For example, if a board convenes in closed session to determine its bottom-line price for the sale of district property, the board can and should vote in closed session to set that price and authorize the administration to negotiate for the sale subject to that limit. Unless otherwise specifically provided by statute, no secret ballot may be utilized to determine any election or other board decision except the election of the board officers.¹² Any board member may require that a vote be taken in such a manner that the vote is ascertained and recorded, commonly referred to as a roll call vote.¹³ In instances where a statute does not require a roll call vote or a member does not request one, action may be by voice or hand vote.

The proliferation of video and audioconferencing technology provides boards with the ability to meet with some members not physically present at the location of the meeting. While there has not been definitive guidance on this issue, a common-sense reading of the statutes appears to permit a board to conduct a meeting during which board members appear electronically. In order to do so, a quorum of the board must still be physically present at the location noticed for the meeting.¹⁴ There is considerable doubt as to whether board members participating electronically can vote on a matter before the board at such meeting. The law makes no provision for voting by proxy or for having an absent board member's vote recorded as a result of a written or oral communication to the board requesting the member's vote be recorded in a certain way.

The order of voting is determined by board policy or practice. Board presidents are authorized to vote on every motion presented for action. No statute specifically requires a board member to vote on every motion before the board; however, the statutes do express a legislative policy favoring the accountability of board members for their actions. Routine abstention from voting by a board member may

be a breach of that responsibility. Abstention is appropriate in circumstances in which a board member has a conflict of interest, such as a direct financial interest in the outcome of the vote. An abstention is not counted towards the vote and, in such cases, a vote can be deemed passed when a plurality of votes are cast in the affirmative.¹⁵ For example, if a seven-member board has a quorum of six members present with one member abstaining, a 3-2 vote in favor of a motion will prevail even though it is not a majority of those present.

■ Minutes

Generally, the school clerk is responsible for recording the minutes of all board meetings, including both open and closed sessions, and for entering the minutes of the meetings into the board record.¹⁶ In the clerk's absence, the board may select another school board member to act as clerk of the meeting.¹⁷ Minutes are the presumptive evidence of official board action and should reflect the "substance of every official action" taken by the board in both open and closed session.¹⁸ "Substance" is defined as "an intelligible abstract of synopsis of the essential elements of official action taken by a local governing body, including the subject matter of a motion, the persons making and seconding the motion and the roll call vote on the motion."¹⁹ Minutes are not required to reflect what was said by individual board members or reflect the clerk's or anyone else's opinion on anything said or done at the meeting.

Motions and roll call votes of each meeting must be recorded, preserved, and open to public inspection in compliance with the Public Records Law.²⁰ This applies to open and closed sessions. Minutes of closed session should only reflect the statutory basis for entering into closed session, who made and seconded the motion to go into closed session, the time the board went into closed session, the fact that discussion occurred with respect to the statutory basis for being in closed session, any motions and roll call

votes, the motion and second to return to open session or adjourn, and the time of return to open session or adjournment.

The “proceedings” of a board meeting must be published within 45 days after the meeting as a Class 1 notice in a newspaper published in the district or publicized by a district-wide distribution prepared and directed by the board and paid out of school funds.²¹ For purposes of the publication, the proceedings must include the substance of every official action taken by the board and a statement of receipts and expenditures. Meeting minutes usually constitute such proceedings and are typically approved at the next board meeting.

The Attorney General has taken the position that these publication requirements apply to proceedings conducted in open and closed session meetings. Closed session minutes may also be approved in open session; however, the Attorney General has advised that boards should publish the proceedings of a closed session in a manner that preserves the confidentiality of closed session if the public interest still weighs in favor of keeping the proceedings confidential.²² Accordingly, as long as the need for confidentiality exists, it is advisable for the board to approve such closed session minutes in closed session and to withhold publication of such closed session proceedings.

Board minutes must be retained for a minimum of seven years, except as otherwise provided by the Public Records Board.²³ Tape recordings used for the purpose of preparing minutes may be destroyed no sooner than 90 days after the minutes have been approved and published.²⁴ The best practice, however, is to retain board meeting minutes permanently. With respect to student expulsions, the board is required to keep written minutes of the entire expulsion hearing, which become part of the student’s confidential student record.²⁵

Meeting minutes for both open and closed session are considered public records and must be maintained and disclosed in accordance with provisions of the Wisconsin Public Records Law. Before the minutes are approved, however, the minutes may be considered “drafts” and, as a result, they are not a “record” subject to disclosure. Once approved, the minutes are then likely “records” which must be provided to members of the public subject to analysis under the “balancing test.” Generally, open session minutes are subject to disclosure without limitation. Minutes from closed sessions are not exempt simply because the meeting occurred in a valid closed session. However, the records custodian may refuse to permit inspection of closed session minutes if the need for confidentiality continues and if sufficient reason is given consistent with the law. In many cases, the need to keep closed session minutes confidential may not extend beyond the closed meeting itself. In other cases, confidentiality may be required indefinitely, for example, in the case of minutes which refer to pupil records. Certain segments of closed session minutes may be properly open to public inspection, while other segments retain their confidential nature. As such, the custodian may have to review the minutes and block out certain portions prior to their disclosure.

Conclusion

Because school boards are governing bodies of public entities, public policy requires that board action take place in a manner which advises the public in advance of contemplated action, be conducted in accordance with appropriate process, notifies the public of the actions taken, preserves the records documenting such action, and allows for subsequent public inspection of those records. This requires boards to follow specific procedures some of which arise statutorily. However, a significant amount

of board practice involving agenda-making and board action is left for boards to determine through policy. Accordingly, boards should review their practices regarding agendas, voting, and minutes to make sure they not only comply with the statutes, but also are consistent with board policy. ■

End Notes

1. 2 *Education Law* § 3.04[2](Matthew Bender, 2015).
2. Wis. Stat. §§ 120.11, 120.43.
3. Wis. Stat. §19.84(1)(b).
4. March 14, 2016 letter from Assistant Attorney General Paul M. Ferguson to Daniel J. Mallin.
5. Wis. Stat. § 19.84(3).
6. Wis. Stat. § 19.82(2).
7. Wis. Stat. §19.84(2).
8. *Buswell v. Tomah Area Sch. Dist.* 2007 WI 71, ¶ 28, 301 Wis. 2d 178, 732 N.W.2d 804.
9. Wis. Stat. § 65.90(3)(a)3.
10. Wis. Stat. §§ 118.22(2).
11. *State ex. rel. Cities S.O. Co. v. Bd. of Appeals*, 21 Wis.2d 516, 538-39, 124 N.W.2d 809 (1963).
12. Wis. Stat. § 19.88(1).
13. Wis. Stat. § 19.88(2).
14. Wis. Stat. § 120.11 (1).
15. *State ex. rel. Burdick v. Tyrell*, 158 Wis. 425, 434, 149 N.W. 280 (1914).
16. Wis. Stat. §§ 120.11(1), 120.17(3), and 120.44(2).
17. Wis. Stat. § 120.11.
18. Wis. Stat. § 120.11(4).
19. Wis. Stat. § 985.01(6).
20. Wis. Stat. §19.88(3).
21. Wis. Stat. §§ 120.11(4) and 120.43(4).
22. Office of the Attorney General, Informal Correspondence to Jon Litscher (March 30, 1981).
23. Wis. Stat. § 19.21(6).
24. Wis. Stat. § 19.21(7).
25. Wis. Stat. §120.13(1)(c)3.

For additional information on related topics, see WASB *School News*, “Minutes of School Board Meetings” (May 2009); “Board Member Voting” (April 2007); and “Disclosure of Closed Meeting Minutes” (July 1981).

This Legal Comment was written by Michael J. Julka and Steven C. Zach of Boardman & Clark LLP, WASB Legal Counsel.



WISCONSIN NEWSPAPER ASSOCIATION

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

Please Oppose Senate Bill 55

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 Senate Bill 55 is a step towards less transparency in government actions – something I believe you don't want to see happen.

The member newspapers of the WNA respectfully oppose the passage of SB 55 which removes from newspaper publication the proceedings of meetings of units of local government.

Each of you is familiar with the process of how public notices are published in the print editions of your local newspapers.

What you may not be as familiar with, and of great importance to this discussion today, is how your local newspaper also provides for the digital publication and preservation of those same notices.

While the concept of moving legal notices to a digital platform may seem like a new concept ... it is, in fact, one that has been around for over 15 years.

In 2005, the Wisconsin Newspaper Association began digitally archiving all public notices published in the State of Wisconsin, making them publicly available on a statewide website -- WisconsinPublicNotices.org.

The website now contains over 15 years of content and serves as a one-stop shop for notice seekers and can be searched a number of ways. If SB 55 were to be passed, information from official government meetings would no longer be a part of this archive.

Aggregating every public notice published each day in Wisconsin requires that every newspaper in the state code every notice during the lay-out of the newspaper and then upload every page of every newspaper to the WNA archive once it has been published on a daily or, in the case of a weekly newspaper, weekly basis.

WisconsinPublicNotices.org is a REAL TIME public service that provides for online access to every public notice on the day that it is published in the newspaper.

The website is a free service provided to the citizens of the State of Wisconsin by the Wisconsin newspaper industry. The WNA staff is on-call 24/7 to support the public in navigating the website and in locating public notice content.

The notices that appear on the public notice website will be housed by the newspaper industry in perpetuity – providing a historical and legal record of all government/court activity in a digital format from 2005 to present.

I can say without hesitation that the Wisconsin public notice archive is the leading public notice archive in the country. I don't know why anyone would want to roll that back.

Later today you will take testimony on Senate Bill 51, which WNA supports, that will expand which publications are eligible to take legal notices. SB 51 also requires every paper that publishes legal notices to place all notices on their websites with a prominent link to legal notices on its home page.

That means a notice published will be published in the print edition of the paper, posted on the paper's web site and archived at WisconsinPublicNotices.org. This is all done at no additional cost to the citizens, courts or government.

Speaking of costs, it is important to remember that **public notice fees are set annually by the Wisconsin Department of Administration – not by the papers** – and are calculated to only cover the cost of the print publication of the notices. The authors of SB 55 noted in their co-sponsorship memo that the "Fond du Lac School District indicated this bill would save them \$4,440." The Fond du Lac School District's budget for the 2020-21 school year is just over \$200 million. That means failing to publish notices on the proceedings of its meeting would save the district .00222%. I would submit that ensuring broad public access to public information is worth much more than .00222% of a budget.

I'd also like to emphasize that if SB 55 passes you are removing third-party verification of proceedings and essentially allowing local governments to decide for themselves what the public needs to know. Again, that doesn't seem to reflect the push by this Legislature to require more openness and transparency in government actions.

While it is true that legal notices protect the public's right to know, they are also just as importantly intended to protect the government entity publishing the notice.

They are called legal notices for the legal protection they provide the public and government --- an entire chapter of the Wisconsin statutes is dedicated to outlining the necessary requirements for proper publication of a legal notice in a newspaper.

Publication of a legal notice by a unit of government ensures the governmental entity is protected from legal challenges surrounding the subject of the legal notice....in the case of meeting proceedings, by providing a legal accounting of what occurred during the meeting.

Newspaper publication offers the necessary oversight and third-party verification necessary to protect the subject of the legal notice.

Publication of meeting proceedings provides the necessary proof that the meeting was conducted properly while outlining the matters that were discussed or acted upon by a unit of government.

And, contrary to the talking points being circulated supporting the elimination of newspaper publication --- meeting proceedings do not ONLY report on THINGS THAT HAVE ALREADY HAPPENED --- THEY ALSO REPORT ON THINGS THAT ARE GOING TO HAPPEN.

Meeting proceedings contain information that is useful after the fact, as well as information that informs the public of the upcoming activities of government that may be of interest or concern. The proceedings are intended to not only report, but to also engage the affected public.

In closing, Mr. Chairman and committee members, Senate Bill 55 would needlessly upset a publication process that has both worked well for generations and evolved with technology. For a relatively small and regulated fee, newspapers serve as a third-party verification for government actions and disseminate that information both in print and online. Please reject Senate Bill 55.

Thank you.