

# State of Wisconsin



2017 Assembly Bill 731

Date of enactment: April 16, 2018  
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## 2017 WISCONSIN ACT 282

AN ACT *to repeal* 985.03 (1) (a) 1. and 985.03 (1) (a) 2.; *to renumber and amend* 985.03 (1) (c); *to amend* 985.01 (5), 985.02 (1), 985.03 (1) (a) (intro.) and 985.03 (2); and *to create* 985.01 (1b), 985.01 (3g), 985.03 (1) (a) 1m., 985.03 (1) (a) 2m., 985.03 (1) (a) 3., 985.03 (1) (am) and 985.03 (1) (cm) of the statutes; **relating to:** qualification of newspapers to receive compensation for publication of legal notice.

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

**SECTION 1.** 985.01 (1b) of the statutes is created to read:

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

(a) The publisher of the newspaper sells 50 percent or more of the circulation of the newspaper.

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

**SECTION 2.** 985.01 (3g) of the statutes is created to read:

985.01 (3g) "News content" means written information and images, other than advertisements, that are printed in a publication.

**SECTION 3.** 985.01 (5) of the statutes is amended to read:

985.01 (5) A newspaper is "published" at the place from which its mailing permit is issued, except that if the place where the newspaper has its major concentration of circulation has no primary post office, then at the place it shall designate as its place of publication in the affidavit

required by s. 985.03 (2) (1) (cm), but no newspaper shall have more than one place of publication during the same period of time.

**SECTION 4.** 985.02 (1) of the statutes is amended to read:

985.02 (1) Except as otherwise provided by law, a legal notice shall be published in a newspaper likely to give notice in the area or to the person affected. Whenever the law requires publication in a newspaper published in a designated municipality or area and no newspaper that satisfies the requirements under s. 985.03 (1) (a) or (am) is published therein, publication shall be made in a newspaper likely to give notice.

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

985.03 (1) (a) (intro.) ~~No~~ Except as provided in par. (am), no publisher of any newspaper in this state shall be awarded or be entitled to any compensation or fee for the publishing of any legal notice unless, ~~for at least 2 of the 5 years immediately before the date of the notice publication, the newspaper has been published regularly and continuously in the city, village or town where published, and has had a bona fide paid circulation~~ and one of the following applies:

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**SECTION 6.** 985.03 (1) (a) 1. of the statutes is repealed.

**SECTION 7.** 985.03 (1) (a) 1m. of the statutes is created to read:

985.03 (1) (a) 1m. For at least 2 of the 5 years immediately before the date of the publication of the notice, the newspaper has been published regularly and continuously in the city, village, or town where published.

**SECTION 8.** 985.03 (1) (a) 2. of the statutes is repealed.

**SECTION 9.** 985.03 (1) (a) 2m. of the statutes is created to read:

985.03 (1) (a) 2m. The newspaper is a successor to a newspaper described in subd. 1m. and the successor newspaper has resumed publication following succession within 30 days.

**SECTION 10.** 985.03 (1) (a) 3. of the statutes is created to read:

985.03 (1) (a) 3. The newspaper has merged or consolidated with one or more newspapers and one of the newspapers subject to the consolidation or merger 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.

**SECTION 11.** 985.03 (1) (am) of the statutes is created to read:

985.03 (1) (am) If there is not a newspaper in a city, village, or town that satisfies the requirements under par. (a), the publisher of a newspaper that satisfies all of the following may be awarded or be entitled to compensation or a fee for the publishing of a legal notice:

1. The newspaper is published regularly and continuously in the city, village, or town and publishing in the newspaper is likely to give notice in the area or to the affected person.

2. The newspaper is otherwise qualified under this section.

**SECTION 12.** 985.03 (1) (c) of the statutes is renumbered 985.01 (3r) and amended to read:

985.01 (3r) ~~A newspaper, under this chapter, is~~ “Newspaper” means a publication that is published at regular intervals and at least once a week, containing, on average, 25 percent news content per issue, including reports of happenings of recent occurrence of a varied character, such as political, social, moral and religious subjects, designed to inform the general reader. ~~The definition~~ “Newspaper” includes a daily newspaper published in a county having a population of 500,000 or more, devoted principally to business news and publishing of records, which has been designated by the courts of record of the county for publication of legal notices for a period of 6 months or more.

**SECTION 13.** 985.03 (1) (cm) of the statutes is created to read:

985.03 (1) (cm) A newspaper in order to be eligible under this section shall also file a certificate with the county clerk stating that it qualifies under this section and stating its place of publication.

**SECTION 14.** 985.03 (2) of the statutes is amended to read:

985.03 (2) Any person charged with the duty of causing legal notices to be published, and who causes any legal notice, to be published in any newspaper not eligible to so publish under the requirements of sub. (1), or who fails to cause such legal notice to be published in any newspaper eligible under this section, may be fined not to exceed \$100 for each offense. Each day in which a legal notice should have been but was not published as required by law shall constitute a separate offense hereunder. ~~A newspaper in order to be eligible under this section shall also file a certificate with the county clerk stating that it qualifies under this section and stating its place of publication.~~

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