



DUEY STROEBEL

STATE SENATOR • 20TH DISTRICT

Testimony on Senate Bill 42

Good morning. Thank you Chairman Feyen and the committee for hearing testimony on Senate Bill 42. I am sure many of you have heard from constituents, local newspapers, and local officials on this bill. In the contacts received by my office, there seems to be some confusion about what this bill actually does.

You may have seen the advertisements in your local paper claiming the public's "right to know is going away." This narrative is false. This bill **does not** shield the public from past government proceedings (meeting minutes). The bill requires all meeting minutes to be published in the local newspaper OR as an alternative, in a public place and on a website maintained by the local government board.

The bill allows any local government to maintain their current relationship with the local newspapers. The bill simply offers an alternative to costly newspaper publications.

I would remind the committee that in many cases newspapers require subscriptions or payment at a newsstand to read any published material – including the minutes newspapers claim is "your right to know."

All meeting minutes remain public records. Under Wisconsin's public record law, an individual must receive the record if they request it. Many local government clerks are more than willing to create email lists, mailing lists, or other alternatives for those interested in receiving the proceedings on a regular basis.

Local units of government are willing to provide any proceeding document free of charge to any requestor. Are newspapers willing to offer the same service? Most likely these minutes remain behind a paywall. Newspapers seem to be concerned about the revenue, not providing a service. Under free market principles, newspapers must provide content their readers want or risk losing readers.

This week we introduced an amendment that would ensure local governments will provide the electronic meeting minutes document to newspapers.

The Wisconsin Newspaper Association has suggested this bill would result in government reporting on itself. When these meeting minutes are published, they are unedited government documents oftentimes published weeks after the actual meeting. The reporting will continue to be done by the local media.

In Wisconsin, there are currently many types of proceedings that are not included in publication requirements. For example, the record of committee proceedings (ROCP) from today's hearing will not be published in the State's newspaper of record. Nonetheless, the proceedings are available on the legislature's website, the chairman's office, the office of the Chief Clerk, and the Wheeler Report. Members of the media do not complain the proceedings are hidden.

Like many of the committee members, I have heard from my local elected officials on this bill. They overwhelmingly support this bipartisan bill. Local control is a buzzword we hear in Madison. That is what this bill is about: local control. Contrary to the opponents, this bill offers more avenues for the public to read and review what is going on in their government.

Thank you for considering testimony this morning. I look forward to this bill moving forward in the legislative process.



State of Wisconsin
2017 - 2018 LEGISLATURE

CORRECTED
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**SENATE AMENDMENT 1,
TO SENATE BILL 42**

March 13, 2017 - Offered by Senators STROEBEL and L. TAYLOR.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 12: delete "public place and" and substitute "public place,".

3 **2.** Page 2, line 13: after "board" insert ", and transmit an electronic copy of the
4 same proceedings to the official newspaper designated by the district under ch. 985
5 or, if there is no official newspaper, to a newspaper likely to give notice in the district".

6 **3.** Page 3, line 2: delete "public place and" and substitute "public place,".

7 **4.** Page 3, line 3: after "by the board" insert ", and for transmitting an
8 electronic copy of the same proceedings to the official newspaper designated by the
9 county under ch. 985 or, if there is no official newspaper, to a newspaper likely to give
10 notice in the county".

11 **5.** Page 3, line 22: delete "public place and" and substitute "public place,".



Jeremy Thiesfeldt

STATE REPRESENTATIVE • 52nd ASSEMBLY DISTRICT

Testimony on Senate Bill 42

Good morning chairman Feyen, members of the committee. Thank you for having a hearing on this bi-partisan, very popular bill.

Some of the opponents of this bill, the newspaper industry, have been doing a marvelous job of placing large advertisements and penning numerous editorials in their own newspapers all over the state. That is fine—I anticipated that any time someone picks a fight with the media, they are likely going to be able to overwhelm the opposition with barrels of ink. I bear no ill will whatsoever for them using their built-in platform to make their case—I would likely do the same if roles were reversed.

The media narrative on SB42 has been one of, generously speaking, one-sided with a touch of hyperbole. Some may call my next words naïve, but in good faith I am going to choose to believe that the carefully constructed ‘wordsmithing’ within the aforementioned ads and editorials that been the norm in the reporting on this bill was not meant to be intentionally misleading. In return, I would hope that my good faith would be returned when the opposition steps to the microphone so that those in support of the bill will not be cavalierly accused of attempting to stifle the media, hide the unsavory actions of legislative bodies, or destroy the newspaper industry.

Let me tell you what the bill does: SB42 would allow municipalities, school districts, counties, and technical colleges to satisfy the current legal requirement of publishing meeting minutes by posting them on a website and one public place. Current law generally requires meeting minutes to be paid for and placed in the local newspaper. Keep in mind that minutes are the **record of already-conducted** business—not potential prospective actions found in agendas.

SB42 does not touch any of the other 88 publishing, 487 mailing, and 83 printing statutory requirements placed on our state government entities—it is only meeting minutes for local units of government.

SB42 is not the same and should not be confused with a much larger proposal that is found within the governor’s recent budget proposal. This simultaneous editorializing and advertising by the newspapers of two different proposals has led to much of the public’s confusion and erroneous accusations over what AB70 is about.

SB42 is not eliminating “public notice”. You will likely hear these two words used often today in the wider sense. Specifically, this bill only proposes to remove the mandate of the “public notice” of meeting minutes. I would respectfully ask the chairman to please be vigilant in making sure that none of the testimony today is allowed to contribute any further toward the incorrect blending of two distinct proposals.

SB42 is not changing anything for townships. Townships are already exempt from the requirement to publish meeting minutes in the newspaper. (Also Milwaukee County, City & School District)

Serving the communities of Fond du Lac, Oakfield, Byron, Empire, Taycheedah, and the western half of Calumet township

Sen. Strobel's and my support, as well as a bi-partisan group of 32 Representatives and 10 Senators, for this bill is to allow the impacted government entities to save the taxpayers money. It is also supported by the Wisconsin Association of School Boards, Wisconsin Counties Association, Wisconsin Technical College District Boards Association, School Administrators Alliance, Wisconsin League of Municipalities, Dane County Cities' & Villages' Association, the Southeastern Wisconsin Schools Alliance and the Wisconsin Rural Schools Alliance.

I trust all those in favor of SB42 recognize the valuable role the media plays in keeping the public informed of legislative activity at all levels. We also recognize that newspapers historically have played an important role. But there is no denying the role of the newspaper has diminished. Most Americans get their news in different ways today. There is now a superior, more cost-effective way for legislative bodies to keep the public informed--the internet.

It is likely there will be much data shared with you today about readership of newspapers. Claims of readership often give a rosy perception of newspaper penetration. This is because many will confuse readership with subscriptions. It seems that typically a newspaper will legitimately claim readership that is double the total amount of actual print subscriptions because they believe more than one person will read a specific newspaper—readership data might also include those using the digital version of the newspaper, too.

If we truly want to get reasonably accurate data of how much of the public is reliant on the print edition of newspapers in order to examine meeting minutes, we cannot include anyone with internet access where minutes are easily attainable; furthermore, I would strongly contend that a very low percentage of newspaper subscribers without internet access actually read the legal notices on any consistent basis.

Allow me to share some data with you. A 2013 Census Bureau study showed nearly 80% of Wisconsin residents had access to high speed internet. This number is certainly higher today and will only continue to climb with additional rural broadband initiatives being implemented across the state. On the other hand, according to a 2012 Pew Research Center study, nationwide newspaper daily readership had plummeted from 41% to 23% in the previous 10 years. Surely this decline has continued.

This bill does not preclude an entity from continuing to spend taxpayer dollars on publishing meeting minutes in the local newspaper if they wish. In fact, if a local government entity doesn't have a website the bill requires continuation of the current practice.

The 'sunshine' required by SB42 casts far more light than the ever-shrinking distribution of newspapers can offer. A simple search of a few government websites finds the information to be organized, archived, written in larger print, easily searchable and produced in a more timely fashion than in the newspaper. In fact, oftentimes video of the entire meetings is available.

To provide additional sunshine, just yesterday, we added an amendment to alleviate the concerns about oversight we heard in the Assembly hearing last week. This amendment simply adds a requirement for the local entities to transmit an electronic copy of the minutes/proceedings to the official newspaper designated or, if there is no official newspaper, to a newspaper likely to give notice in the district. In this way the newspaper can either print them if their readers find value in them, keep oversight of their activities, or archive them, if they desire, on their online website to make sure no one alters them.

Some have argued that they can't or don't have internet access. This is certainly the case for a small, shrinking group of citizens. However, it is far more economical to mail such individuals a copy of the minutes rather than require the purchase of newspaper space. Is the growing expense of purchasing print space a wise expense for such a small minority of taxpayers? We think it is not.

Ironically, as part of the justification for continuing to require taxpayers to assist in keeping the print business model afloat, my friends in the newspaper industry tout their website, www.WisconsinPublicNotices.org. While the website is serviceable as a clearinghouse for public notices, I was able to locate specific meeting minutes much faster by simply going to municipal websites.

The newspaper industry is fighting to keep an inefficient mandate. A scare tactic being deployed is that of local units of government "reporting on themselves." Minutes would continue to be written and approved by the same governing bodies, will continue to be easily accessible to citizens, and will likely be more thorough in content since they will no longer be billed by 'column inches'.

Informing the public is a legitimate expense for taxpayers. But, legislators also have a responsibility to see that it is done efficiently. The savings might be enough for some textbooks, playground equipment, a raise for poll workers, a K-9 unit, tech school equipment, fix a snow plow; or, maybe even some newspaper advertising!

MEMORANDUM

TO: Honorable Members of the Senate Committee on Economic Development,
Commerce and Local Government

FROM: Kyle Christianson, Director of Government Affairs *kc*

DATE: March 14, 2017

SUBJECT: Support of Senate Bill 42

The Wisconsin Counties Association (WCA) supports Senate Bill 42 (SB 42), which provides long-overdue flexibility for counties as it relates to publication of meeting minutes. At a time when local governments are being asked to do more with less, this bill is a common sense proposal aimed at saving local taxpayer dollars while maintaining the county's responsibility to keep residents informed.

Under current law, counties are required to publish the proceedings of regular and special meetings in the local newspaper. SB 42 allows counties the option to satisfy the publishing requirement by posting a copy of the proceedings in a public place and electronically on the county's website. While counties still have the option to publish meeting minutes in the local newspaper, this legislation may provide greater access to the information by placing it on the county's website.

According to county clerks, the cost to publish meeting minutes varies considerably from county to county. Based on responses to a survey, these costs range from a few thousand dollars to tens of thousands depending on the size of the county. SB 42 will undoubtedly generate cost savings at the local level while maintaining the county's commitment to public transparency.

While SB 42 will result in financial savings for local governments, this legislation also touches on a core pillar of county government advocacy: a return to local control. WCA has long argued that local government decisions are best made at the local level. This legislation returns control to local government by allowing local county board members and the citizens they represent to ultimately decide on how to best inform the public through the publishing of meeting minutes.

WCA respectfully requests that the Committee support SB 42.

Please feel free to contact WCA if you need additional information.



WISCONSIN NEWSPAPER ASSOCIATION

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

Testimony: Beth Bennett, Executive Director, 3-14-17

Good Morning: I would like to begin by thanking Chairman Feyen and the members of committee for the opportunity to testify on behalf of the Wisconsin newspaper industry today.

By way of introduction, my name is Beth Bennett and I am the Executive Director of the Wisconsin Newspaper Association.

The member newspapers of the WNA respectfully oppose the passage of Senate Bill 42 which removes from newspaper publication the proceedings of meetings of units of local government.

During the summer of 2016, the Wisconsin Legislature conducted a Legislative Council Study on the publication of legal notices in newspapers in light of "new technologies".

The legislative council committee appointed to study the publication of legal notices in newspapers conducted a thorough review of the reasons for using newspapers for the publication of legal notices; as well as the process involved in the publishing of legal notices.

Much of the legislative council committee's discussion focused on whether there should be a movement away from the newspaper publication of legal notices in hard copy newspapers to the posting of legal notices on government websites.

In the end, the legislative council committee did not recommend that legal notices be moved from newspapers in favor of government websites.

The legislative council's review of why legal notices exist and why they are published in newspapers demonstrated that there is far more to the publication of a legal notice than simply informing the public via a printed notice in the newspaper.

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 that 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 that 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.

The legislative council study committee discussed at length whether units of local government are currently capable of providing the necessary staffing and financial support needed to take on the responsibility of maintaining a secure website.

The committee acknowledged that if government were to assume the responsibility of publishing legal notices -- funds would be needed to build government websites with the necessary security to guarantee that a legal notice could not be altered or tampered with in any way.

The finances needed to support hundreds if not thousands of local government websites would be substantial.

These sites would also need to be equipped with the ability to time stamp the posting of the notice in order to ensure that the notice had been posted in accordance with statutory timelines and statutorily mandated document retention schedules.

Each of these necessary security measures revealed the need for a government website to indeed be supported in some way by a third party vendor that would provide the authentication necessary to properly publish legal notices on government websites.

The consensus by the committee that third party support of a government website was a key element to government publication of legal notices supported the newspaper industries long held position that it already provides the necessary third party vendor support that was being discussed.

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 a decade.

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 -- that website is WisconsinPublicNotices.org

The website now contains over eleven years of content.

The story of WisconsinPublicNotices.org is a great one and we are proud as an industry to have the opportunity to tell it.

I can say without hesitation that the Wisconsin public notice archive is the leading public notice archive in the country.

Establishing the statewide public notice website was a huge undertaking for the Wisconsin newspaper industry.

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 had 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.

WisconsinPublicNotices.org is subsidized by the newspapers of the State of Wisconsin by fees paid to the WNA by the newspapers.

There is no additional cost to the citizens, courts or government for the maintenance of the statewide public notice website.

The website is a free service provided to the citizens of the State of Wisconsin by the Wisconsin newspaper industry.

In 2010 the WNA added designated staff to work exclusively on the maintenance of the public notice website.

The WNA staff is on-call 24/7 to support the public in navigating the website and in locating public notice content.

To date, the newspapers of Wisconsin have made a substantial financial investment to support the establishment, staffing and fees required to house the public notice content available via WisconsinPublicNotices.org.

Let me reiterate that the public notice website is subsidized by the Wisconsin newspaper industry.

The cost to maintain the website and house the content is not passed along to the government or the public. Public notice fees are set annually by the Wisconsin Department of Administration and are calculated to only cover the cost of the print publication of the notices.

The continuation of newspapers as the publication of record in each community is important to the Wisconsin newspaper industry...the public notice website plays a crucial role in maintaining that status by providing both hard copy and digital platforms for our readers.

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.

Unlike other states, the majority of which have newspaper industry supported public notice websites, the Wisconsin website shows the public notice as it was published in the newspaper and not simply as text taken from the notice that appeared in the newspaper.

This is an important distinction.

The Wisconsin website provides for the certification and verification necessary to document that the public notice was actually published in the newspaper; on what page it was published; and on what day it was published.

In Wisconsin, the state of the art technology that supports the website allows the searcher to see the actual page of the newspaper upon which the notice was published...in addition to the text of the notice.

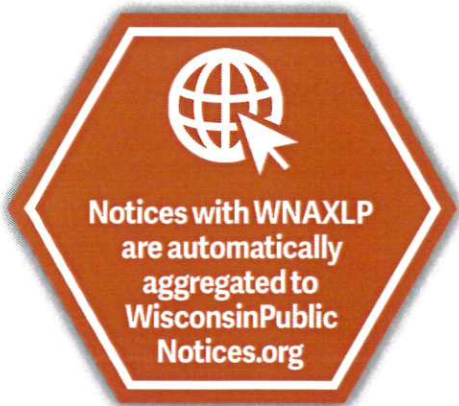
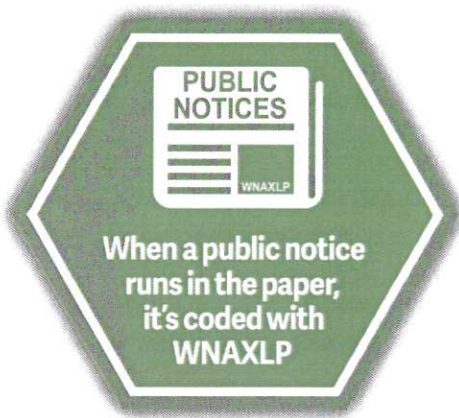
It is important to note that in 2011 the WNA partnered with the Wisconsin Department of Administration to draft legislation that was passed without opposition by the legislature that designated the website maintained by the newspaper industry as the statutorily sanctioned public notice website.

All newspapers in the State of Wisconsin are legally required to upload public notice content to the state sanctioned public notice website.

In closing, Mr. Chairman, newspaper publication of public notices is a process that has worked well -- and for so long --that those wanting to eliminate it; or change to another process,

rarely consider the disruption to government and to the court system that would take place without the proper verification and archiving of public notices that newspapers provide.

How WisconsinPublicNotices.org works



Legal Notices

vs/ Susan J. Lutz
 Susan J. Lutz
 Feb 21, 2017
 Form completed by:
 Amanda E. Keitel
 122 E. Main Street/PO Box 186
 Little Chute, Wisconsin 54140-0186
 Telephone: 920.788.0800
 Bar Number: 1079609
 Run: Feb 27, March 6, 13, **WNAJLP**

STATE OF WISCONSIN,
 CIRCUIT COURT
 OUTAGAMIE COUNTY
 In the matter of the name change of:
 DAVID LAWRENCE JARVIS
 BY DAVID LAWRENCE JARVIS
 Case No. 17CV153
 NOTICE IS GIVEN:
 A petition was filed asking to change the
 name of the person listed above:
 From: David Lawrence Jarvis
 To: David Anthrope Invenio
 Birth Certificate: David Lawrence Jarvis
 IT IS ORDERED:
 This petition will be heard in the Circuit
 Court of Outagamie County, state of
 Wisconsin:
 Juror's Name: Michael W. Gane

Legal Notices

given to the person suing you for what
 the person is asking.
 You are encouraged to bring with you all
 papers and documents relating to this
 matter, but there is no need to bring wit-
 nesses at this time.
 Dated this 23rd day of February 2017.
 Ahrens, Vaternick & Norby, LLP
 Attorneys for Plaintiff
 BY: /s/ David G. Ahrens
 Ahrens, Vaternick & Norby, LLP
 225 N. Richmond Street, Suite 201
 Appleton, WI 54911
 State Bar No. 01015611
 920/739-7781
 Ahrens, Vaternick & Norby, LLP is at-
 tempting to collect a debt and informa-
 tion obtained will be used for that pur-
 pose.
 RUN: March 6, 2017, **WNAJLP**

State of Wisconsin, Circuit Court,
 Plaintiff(s):
 Joseph Edmund Kelly
 2215 Cooper Avenue
 Sheboygan WI 53083

Legal Notices

Silton Seifert Carlson, S.C.
 331 E. Washington Street
 Appleton, WI 54911
 Telephone: (920) 739-2366
 Bar Number: 1006051
 Run: March 6, 13, 20, **WNAJLP**

State of Wisconsin, Circuit Court,
 Winnebago County
 Plaintiff: Smar Properties LLC
 400 1st St. Menasha WI 54952

-vs-
 Defendant(s):
 Kory Kolosso
 113 E Marquette St Appleton WI 54911
 Summons and Complaint Small Claims
 Case No. 17SC310
 Claim for money (\$10,000 or less)
 If you require reasonable accommoda-
 tions due to a disability to participate in
 the court process, please call 920-236-
 4858 **MAIL ANSWERS TO: Small
 Claims, PO Box 2808, Oshkosh WI
 54903** at least 10 working days prior to
 the scheduled court date. Please note
 that the court does not provide transpor-
 tation.
 Summons



SEARCH LEGAL NOTICES



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 of the Wisconsin Newspaper
 Association



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 website are available to users
 at no charge



TRUSTED SERVICE

Notices originally published in
 Wisconsin newspapers, the
 trusted source for all community
 information.



EASY SERVICE

Search by keyword, date,
 newspaper or county

Help Login to save searches and configure eNotifications - [Beta feedback]

Search terms:

Range:

From date:

Filter by county:

Filter by city:

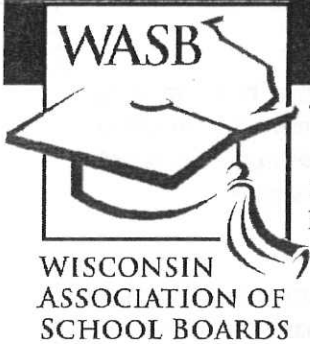
Select all and only publications visible in list

Show selected publications only

- Abbotsford, Tribune-Phonograph
- Adams-Friendship Times Reporter
- Advance-Titan (UW-Oshkosh)
- Albany, Hometown Herald
- Alma, Buffalo County Journal
- Amery Free Press
- Antigo Daily Journal
- Appleton, Post-Crescent

Publications selected: 1

A free public service powered by the Wisconsin Newspaper Association and its member newspapers.



"Leadership in Public School Governance"

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

122 W. WASHINGTON AVENUE, MADISON, WI 53703
PHONE: 608-257-2622 FAX: 608-257-8386

TO: Members, Senate Committee on Economic Development, Commerce and Local Government
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: March 14, 2017
RE: SUPPORT for Senate Bill 42, relating to publication of proceedings held by certain local governmental bodies

Mr. Chairman, members of the committee, my name is Dan Rossmiller. I am the Government Relations Director for the Wisconsin Association of School Boards (WASB). I am here on behalf of the 422 locally elected school boards in our state. Thank you for the opportunity to testify in support of Senate Bill 42.

The idea for this bill came from a resolution adopted by a local school board and submitted to the WASB Policy and Resolutions Committee. That resolution, approved by the January 2016 WASB Delegate Assembly, reads: *"The WASB supports legislation 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."*

Ever since the Internet came into widespread use, legislators have been introducing bills to allow state and local governments the greater use of electronic means of providing information to the public. These bills have frequently generated a spirited conversation. We want to thank the authors and sponsors of Senate Bill 42 for continuing this conversation.

Indeed, it was the Legislature that played a key part in helping to trigger the impetus for this bill. 2015 Wisconsin Act 79, which took effect in November 2015, gave school boards and other local governmental bodies a reason to reassess their procedures for issuing legal notices under Chapter 985 of the state statutes and 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, Act 79 amended the statutes to expressly permit school boards to direct the 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.

With respect to the publication of proceedings of school board meetings, our attorneys determined that even with the enactment of Act 79 the relevant statutes are ambiguous as to whether a school board may use an alternative method of publication or posting.

We advised our members to follow the options that are expressly identified in section 120.11(4) of the statutes, under which any school district that has a newspaper published in the district must either publish the meeting proceedings in the newspaper or publicize the proceedings using a district-wide distribution that is paid out of school funds.

Here is an important point. One reason we back this bill is that current law regarding publication of board meeting proceedings (minutes) is confusing and inconsistent because it imposes a mandate on some, but not all, districts to pay for newspaper publication. Whether a school district is required to pay to publish the proceedings of its board meetings currently depends solely on whether a newspaper is published in the district. If no newspaper is published in the district, the proceedings may be publicized as the school board directs.

Senate Bill 42 extends this discretion to all school boards. Rather than the state Legislature dictating how certain school boards must disseminate their meeting minutes, the bill would allow individual school boards to choose the method that best meets local circumstances in terms of both cost to taxpayers and effectiveness in reaching those interested in the actions of the board.

Nothing in the bill would force school districts to discontinue their current practice of paying to publish copies of their proceedings in their local newspaper. Even if AB SB 42 becomes law, a school district would be free to continue to pay to publish its board proceedings in the local newspaper or in another paper.

In school districts where Internet penetration is low and download speeds are slow or where residents are uncomfortable going online to find this information, we think school boards may very well choose to continue to utilize newspaper publication. On the other hand, in districts where relatively few residents subscribe to a local newspaper or where the public is more capable of using electronic delivery, this bill gives board members the option to consider using electronic delivery.

Some will argue that older citizens who are not technologically savvy or who cannot afford a home computer or Internet access will not be able to access board minutes if boards choose not to publish their minutes in newspapers. This argument ignores the reality that not everyone can afford to subscribe (or does subscribe) to their local newspaper. Presumably, these people must go to a public library to read the newspaper. But, in 2017, public libraries have computers and people who can help library patrons look up what they need to (or want to) look up online.

By requiring that school districts both post and maintain electronic copies on their websites AB 70 will provide consistent access by the public across the state with a level of transparency at least equal to what is provided under current law, while at the same time offering the potential to reduce costs for public school districts and taxpayers.

Finally, we note that SB 42 affects only the publication of proceedings and would not change any other current law requirements regarding notices of upcoming governmental activities. Notices such as school district annual meeting notices, budget hearing notices, election-related notices and other legal notices that are currently required to be published in the newspaper would still be required to be published in a newspaper.

Board meeting proceedings are, to use a phrase, "old news." The current law requiring newspaper publication allows proceedings to be published up to 45 days after the meeting has occurred. Thus, it is likely that by the time proceedings are published in the newspaper, another board meeting has already been held, at which the published proceedings were discussed and approved. Under this system many school districts are required to pay their local newspaper to publish a record of past events.

As an organization founded to espouse principles of local control by locally elected school boards, the WASB favors allowing the matter of publishing board meeting proceedings to be a local decision based on local needs and circumstances.

In our view, school boards should at least have the option to use the method they believe best serves the interests of their residents and taxpayers. This bill is not about newspapers versus local government, it about allowing options.

We believe the law should generally set the clear goal of making information available to the public and leave the means for providing that information to local control. That's what this bill does. We urge you to join us in supporting Senate Bill 42.

March 14th, 2017

Dear Chairman Feyen:

AARP would like to express our opposition to SB 42 and our support of efforts to retain the legal obligation to publish the proceedings of regular and special meetings in newspapers. Our concern lays in the fact that the move to publish in electronic format often omits a large percentage of older constituents who utilize print publications for the vast majority of information on local government activities. There is not only anecdotal evidence to this point but it is supported by research that has been conducted by organizations seeking to understand how Internet usage, while prevalent among some populations, remains underutilized by those who tend to be older and poorer than their high use counterparts.

It must be noted that Internet use among older adults is on the rise. Data from a Pew Research Center longitudinal survey highlights the steady growth in Internet utilization of older adults, including an over four-fold increase in use between 2000 and 2014. However, even with this significant increase in electronic information adoption, this population significantly lags in usage as compared to the broader population.

In fact, there remains a stark digital divide that exists among older adults, which is highlighted in the 2014 Pew Research Center survey. While the overall percentage of Internet usage was near 75 percent for individuals 65-69, less than 50% of those over 75 years of age used the Internet. Internet usage drops even more dramatically when observing Internet use based on household income. Less than 40 percent of all older adults who had an income of less than \$30,000 indicated Internet usage and only 25 percent of those under \$30,000 in household income had access to broadband service, which assists in viewing larger digital files. As reference, the median personal income for Wisconsinites over the age of 65 years of age was \$22,000 in 2015.

As more and more information is moved onto digital platforms, AARP is concerned that the race to digitization is leaving many Wisconsinites without access to more and more public information. Even with the increased utilization of the Internet by older adults and the proliferation of communication devices, we believe now is not the time to reduce means of access to the proceedings of regular and special meetings. For these reasons, we urge you to vote against SB 42.

If you have any questions regarding our position, please contact Helen Marks Dicks, Associate State Director for State Advocacy, at 608-286-6337 or by email at hmdicks@aarp.org.

Sincerely,


Sam Wilson, State Director



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Madison, Wisconsin 53703
phone (608) 267-2380; (800) 991-5502
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To: Senate Committee on Economic Development, Commerce and Local Government
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities
Date: March 14, 2017
Re: SB 42, Allowing Municipalities to Publish Meeting Minutes on the Municipality's Web Site in lieu of the Official Newspaper

The League of Wisconsin Municipalities strongly supports SB 42, 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.

Notwithstanding the rhetoric of the Newspapers Association, this bill makes a narrow change to state law. 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 42 deals with only one of the legal notices 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 surveyed our members last summer on publication costs. 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.

Last session, 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 42 does not do this. But what it does do is allow 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.

We support SB 42 bill for the following three reasons:

1. **Cost savings.** Municipalities have operated under state imposed levy limits since 2005. Almost all municipalities face serious budgetary constraints and are searching for ways to more efficiently provide the services their residents expect. While publication costs are a relatively tiny part of a municipality's overall budget, every little bit of savings helps.

2. **Publication requirements should be fair, logical, and consistent for all local governments.** Publication requirements should be aimed at providing notice to the public and the rules should be the same for all municipalities. Cities should not be limited solely to the most expensive and possibly least effective option for complying with publication requirements.
3. **More people have access to the internet than read newspapers.** According to the U.S. Census Bureau, in 2013 almost 84% of U.S. households owned computers and over 74% of all households reported internet use. In contrast, according to a 2012 Pew Research Center poll, only 29% of Americans said that they read a newspaper yesterday, with just 23% having read a print newspaper the previous day. Somewhat more (38%) said they regularly read a daily newspaper. This percentage has declined from 54% in 2004. Arguably, by allowing all communities, including cities, to post meeting minutes in a public place and on their official web sites instead of in newspapers, more people will have better access to the notice and may actually read the notice.

Conclusion

We urge the committee to recommend passage of SB 42. Thank you for considering our comments and recommendation.

Adding electronic media to Publication of Public notices March 14, 2017

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The purpose of publishing meeting agendas/minutes, land sales, legal notices, charges or assessments, RFPs, job openings, etc. is to reach the greatest amount of people so taxpayers can be informed.

Electronic media should also be able to be selected by city councils, county boards, village and town boards and school districts as Newspaper of Record.

Electronic media can annually save taxpayers money and save cities, villages, towns, school districts and county boards. Think of all the extra money for education and roads.

- Electronic media has unlimited space – more information could be shared without worrying about word count.
- Electronic media can post meeting minutes, agendas, etc. for a third of what it costs to put it in print. This would save taxpayer money in communities across the state and give local governments more flexibility in their budgets.
- My electronic media is free; no subscription needed and my page can go around the world. If the goal is to inform the public, everybody can have access to the information on my page. In one short year I have 3.4 million views and an audience of 606,000
- I can post immediately. Electronic media runs 24/7. I don't need to wait for a 10 p.m. newscast or a print run – I can post stories/information when it happens.
- Archives: All information on my website is archived electronically via Google. The information is backed up by the host/server and it can be stored in the cloud. Archives are available 24/7 and are readily accessible.
- Current legislation shows government notices have to be posted in three places including City Hall, public library, and town hall, etc. So it IS already in print.