



JOEL KITCHENS

STATE REPRESENTATIVE • 1ST ASSEMBLY DISTRICT

Testimony for the Assembly Committee on Local Government
Assembly Bill 47
Wednesday, March 10, 2021

Thank you Chairman Novak and committee members for holding a public hearing and allowing me to testify on Assembly Bill 47. This proposed legislation intends to make government operations more transparent by giving more community newspapers the opportunity to print legal notices.

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

However, one of the issues we are seeing is that many communities in Wisconsin do not have their own hometown newspaper that can meet all the criteria outlined in state statutes. AB 47 lays out specific guidelines that would allow for these publications to be compensated for printing notices.

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

First, AB 47 eliminates the requirement that a publisher must sell 50 percent or more of their newspaper's circulation. Instead, the paper must meet a modest minimum paid circulation number, depending on the size of the municipality.

The legislative proposal also does away with the stipulation that a newspaper must be published regularly and continuously in the same city, village or town for at least two of the five years immediately before the date a legal notice appears in print. Instead, a newspaper could qualify if it has been published at least once a week for at least 50 consecutive issues prior to the first publication of the notice, matching other statutory criteria in an existing provision.

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

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ROBERT L. COWLES

Wisconsin State Senator
2nd Senate District

JOINT COMMITTEES:
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Testimony on 2021 Assembly Bill 47

Senator Robert Cowles

Assembly Committee on Local Government

March 10th, 2021

Thank you, Chairman Novak and Committee Members, for allowing me to testify on 2021 Assembly Bill 47. This bill helps to bring government transparency into the modern era. It does so by identifying the different patterns in the size and content of local publications and adapting qualification requirements to match products on the market along with bringing notices online to extend their reach.

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

This legislation looks to expand the number of newspapers in this state that are qualified to publish legal notices and makes other changes that should help to make the statutes more consistent and notices more transparent, which can help to keep local government more accountable. AB 47 makes the following changes:

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

Ultimately, 2021 Assembly Bill 47 provides a series of consensus, common-sense changes supported by Wisconsin's newspapers that will benefit local government, hometown journalism, and taxpayers throughout the state. By creating a manner to get more local legal notices in front of more Wisconsinites, we can help to ensure that local government remains accountable and that residents have an easier time learning what their elected officials are doing. I'm glad to join Representative Kitchens in this effort.

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

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

We believe a more transparent government is a better government.

AB 47 was drafted in consultation with, and is supported by, the Wisconsin Newspaper Association.

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



WISCONSIN NEWSPAPER ASSOCIATION

Testimony of Beth Bennett
Executive Director, Wisconsin Newspaper Association

Please Support Assembly Bill 47

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

I appreciate the opportunity to testify today in support of Assembly Bill 47.

I'd also like to thank Representative Kitchens and Senator Cowles for authoring this worthwhile proposal. We appreciate their good work to ensure that legal notices are being seen as widely as possible.

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

Newspaper publication of notices provides the necessary verification, certification and archiving that ensures individuals and taxpayers rights are protected and preserved. While notice publication in newspapers has been a constant and reliable third-party check on governmental actors for generations, Wisconsin's publishers have worked to continually adapt public notice requirements to ensure the broadest dissemination of public information.

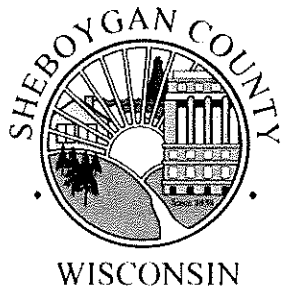
For example, in 2005, the Wisconsin Newspaper Association began digitally archiving all public notices published in the state, making them available online at WisconsinPublicNotices.org. This online clearing house of notices from across the state serves as a one-stop shop for notice seekers and can be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

In our continued effort to expand the reach of public notices, while ensuring that important third-party verification, the Wisconsin Newspaper Association was pleased to work with Representative Kitchens and Senator Cowles in developing Assembly Bill 47. This proposed legislation will significantly expand which publications can qualify to publish public notices – including expanding the eligibility of free distribution newspapers to qualify to publish public notices.

AB 47 also requires any newspaper that publishes legal notices to place all notices on their websites – in addition to current statutory requirements mandating publication in the print copy and on WisconsinPublicNotices.org – with a prominent link to legal notices on its home page.

AB 47 also modernizes some of the terminology and requirements in Chapter 985 to, again, ensure maximum opportunity for publication of legal notices to best inform your constituents.

On behalf of the 221 members newspapers of the Wisconsin Newspaper Association, I urge you to support Assembly Bill 47 and move it forward in the committee. Thank you.



Sheboygan County Department of County Clerk

Jon Dolson – County Clerk
508 New York Avenue – Administration Building, Rm. 129
Sheboygan WI 53081-4126

March 10, 2021

State Assembly - Committee on Local Government

Re: AB-047 Publication of Legal Notices

Good afternoon Chairman Novak and Committee Members:

Please consider passage of AB-047 to give county and municipal clerks more flexibility and broader reaching methods of publishing required notices. One scenario I would like to reference has to do with election notices, though AB-047 would obviously affect all notice requirements for local government. An election insert is published for each election using the 4 subscription-based newspapers in Sheboygan Co. Currently these 4 subscription-based newspapers only reach 12,962 households at best, since businesses are included in this total. Here lies one problem, there are close to 50,000 households in Sheboygan Co. Yes, not everyone obtains their news from print periodicals, but allowing local clerks to use the best options to fit their municipality's needs makes complete sense. With the passage of AB-047, I believe these needs would be met.

Print media, unfortunately, is less favorable than it used to be. One of our subscription-based newspapers alone went from 14,600 printed papers in 2013, to only 5,226 for our last election. While subscription-based newspapers will still be needed and used, AB-047 simply gives clerks flexibility and opportunity to reach more residents. More notice to county residents on local government issues and elections makes for a better community. Disallowing qualified free newspapers hinders this 100%.

One solution is AB-047. A local example is a long-established free weekly newspaper in Sheboygan Co., that meets all of the other requirements for newspaper publication. It reaches upwards of 36,000 households, but local clerks cannot use this newspaper to meet their publication requirement, simply because it is free. That's nonsensical. Think of how many more people would read about local happenings of their local board, or read about the upcoming election and possibly turn out on election day. Wow! Wouldn't that be something? AB-047 will be a change for the better.

Thank you for your time, service and consideration.

Sincerely,

Jon G. Dolson
County Clerk

Thank you for having us today.

My name is Karen Schneider and I am the owner and publisher of the Oshkosh Herald.

The Oshkosh Herald is a home delivered, advertiser supported weekly to over 30,000 homes in the Oshkosh area -reaching about 90% of the homes in Oshkosh proper.

I want to stress "advertising supported." It means people must be reading and acting on what they see in the product in order for us to attract and retain advertisers.

We also have a website where anyone and everyone can access our entire edition at no charge.

Our goal is simple – **to have a more informed community.**

There has been a lot of confusion over AB47. Rep. Kitchen was kind enough to correspond with me over my concerns, and emailed me in our conversation that "It completely eliminates the paid subscription requirement" and "Your paper will be able to be a paper of record in your entire area when this is passed."

After speaking with Beth Bennett of WNA, I understand that the current newspaper of record remains as is, but enables area townships and villages, etc. to publish in free newspapers if they so choose v. the nearest paid paper. Mainly, the goal of this amendment is to open competition in one market much like the changes that were adopted a few years back.

In my conversations on this and SB55 most of the comments related to how people are moving online to get their news.

In that I have a few questions for you to consider:

- a) Were these surveys referenced for LOCAL news? I agree that most will say **they get their** national and regional news online – so many resources and not a delay like with a print product.
- b) How often do you yourself visit the newspaper of record's website in your community and actually page through it or its e-edition or do you mainly follow a link to read a story and leave?
- c) And if people are getting their LOCAL news online please tell me why not only is their print circulation declining, but digital subscriptions are not keeping pace?

I'll give you an example of asking local residents where they want to get their news. In Nov. 2019 the Oshkosh Area School District was readying for a referendum and their consulted conducted a survey. A question on the survey was "How would you like to receive School District information?" – a pretty important deal, right? Meeting the taxpayers where they want to be met?

The school district was the first choice for parents – no surprise, but the Herald was the first choice of non-parents.

62% of non-parents said they get their news from Oshkosh Herald. Nearly double that of the daily.

So, what I ask you to consider when revisiting 985.01 is to remove the word "paid" from this legislation all together and enable our local government the opportunity to meet its taxpayers where they want to be met.