



WISCONSIN LEGISLATIVE COUNCIL

PUBLICATION OF GOVERNMENT DOCUMENTS AND LEGAL NOTICES

Room 411 South
State Capitol

July 26, 2016
10:30 a.m. – 2:50 p.m.

[The following is a summary of the July 26, 2016 meeting of the Study Committee on the Publication of Government Documents and Legal Notices. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.wisconsin.gov/lc.>]

Call to Order and Roll Call

Chair Spiros called the committee to order. The roll was called and a quorum was determined to be present.

COMMITTEE MEMBERS PRESENT: Representative John Spiros, Chair; Senator Mark Miller, Vice Chair; Representative André Jacque; and Public Members Matt Blessing, Caroline Burmaster, Heather Rogge, Michael Schlaak, Mark Stodder, and Maribeth Witzel-Behl.

COMMITTEE MEMBERS EXCUSED: Representative Eric Genrich and Public Member Tim Lyke.

COUNCIL STAFF PRESENT: Scott Grosz, Principal Attorney, and Steve McCarthy, Staff Attorney.

APPEARANCES: Senator Mary Lazich and Representative Joan Ballweg, Co-Chairs, Joint Legislative Council; Terry Anderson, Director, Legislative Council Staff; Beth Bennett, Executive Director, and Denise Guttery, Media Services Director, Wisconsin Newspaper Association (WNA); Gregg Walker, WNA Board Member and Publisher of Lakeland Publishing in Minocqua; and Andrew Johnson, Publisher of the Wisconsin Free Press

Group (Mayville, Dodge County Pioneer-Campbellsport News); Curt Witynski, Assistant Director, League of Wisconsin Municipalities, and Sandra L. Wesolowski, Clerk, City of Franklin; Carol Nawrocki, Assistant Director, Wisconsin Towns Association (WTA), and Karen Weinschrott, Clerk, Town of Grand Chute; and Dan Rossmiller, Director of Government Relations, Wisconsin Association of School Boards (WASB).

Opening Remarks

Joint Legislative Council Co-Chairs Senator Lazich and Representative Ballweg made welcoming remarks and explained the Legislative Council study committee process. Director Anderson provided remarks about the Joint Legislative Council and thanked members for their willingness to serve. Chair Spiros discussed the committee's scope of study and explained that the meeting will include presentations from invited speakers and a brief discussion amongst committee members.

Introduction of Committee Members

The committee members introduced themselves and provided comments regarding their background with publication of government documents and legal notices and their interest in participating on the study committee.

Presentations by Invited Speakers

Beth Bennett, Executive Director, and Denise Guttery, Media Services Director, WNA

Ms. Bennett presented information regarding the history of publication of legal notices in newspapers. She said that newspaper publication of legal notices is a fundamental part of government going back centuries and that the current system works well. She noted that each state requires some form of legal notice publication in newspapers, and that Wisconsin's strict regulation of legal notice publication in newspapers, including statutorily set fees, creates a system of fair play.

Ms. Bennett described the statutorily required statewide website that archives published legal notices, www.wisconsinpublicnotices.org, and called it the leading public notice archive in the country. She said that the website aggregates each published legal notice each day, and is maintained by fees paid by newspapers. She also said that the website provides verification that legal notices were actually published, and allows viewers to view the actual legal notice as it appeared on the newspaper page.

Ms. Guttery provided a demonstration of how the statewide legal notice publication website works in practice.

Ms. Bennett and Ms. Guttery responded to questions regarding the operation and security of the legal notice publication website, and the membership of the WNA.

Gregg Walker, WNA Board Member and Publisher of Lakeland Publishing in Minocqua; and Andrew Johnson, Publisher of the Wisconsin Free Press Group (Mayville, Dodge County Pioneer-Campbellsport News)

Mr. Walker noted that newspapers are innovative and responsive to changes in technology, and that newspapers still gather most of the news that goes to digital media platforms.

Mr. Walker also expressed concern that the study committee does not have any representation from the northern third of the state. He said that the northern part of the state is different than other parts of the state because newspapers play a much larger role in delivering information to citizens. He urged the committee to consider the role of newspapers in the northern part of the state as the committee completes its work.

Mr. Johnson stated that public notices work well for local governmental issues, and provided a number of examples how notices of local reports, meetings, and actions were seen by citizens reading their local newspaper. He said that citizens would not have had the opportunity to be engaged in these local affairs had they not seen the notices in the newspaper. He stated that now is not the time to limit mandatory legal notice publication in newspapers.

Mr. Walker and Mr. Johnson responded to questions regarding fees paid by local governments to newspapers, the necessity of third-party publication of legal notices, and local newspaper reporting shortages.

Curt Witynski, Assistant Director, League of Wisconsin Municipalities; and Sandra L. Wesolowski, Clerk, City of Franklin

Mr. Witynski provided background information on publication requirements applicable to cities and villages under current Wisconsin law. He discussed the costs to municipalities of publishing legal notices and noted that cities spend significantly more than villages because of the requirement that cities designate an official newspaper and publish city legal notices in that newspaper. He stated that 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.

Mr. Witynski recommended the committee consider legislation that would extend to all municipalities the option of posting legal notices in one public place and on a municipality's website in lieu of newspaper publication.

Ms. Wesolowski described her duties as a city clerk relating to publication of legal notices, and discussed the costs her city incurs publishing legal notices in the newspaper. She also stated that, if permitted to post legal notices in one public place and on a city's website, a

city would be able to maintain the accuracy of effective dates and comply with legal notice classes better than newspapers.

Mr. Witynski and Ms. Wesolowski responded to questions regarding the percentage of villages that have elected to designate an official newspaper, municipalities' technological capacity to operate and maintain a website, the role of newspapers in maintaining government transparency, and how individuals receive news from their local government.

Carol Nawrocki, Assistant Director, WTA; and Karen Weinschrott, Clerk, Town of Grand Chute

Ms. Nawrocki provided background information on WTA and described how towns are diverse in geographic size, population, proximity to urban areas, and extent of commercial development.

Ms. Weinschrott stated that she has never heard of a case in which a citizen learned about town business by reading a legal notice published in a newspaper. She said that many town property owners are not residents and rely on the town's website for information about town business. She also said that people will access information as long as they know where to find information, and the type of media used is largely irrelevant. She stated that a significant amount of taxpayer dollars are spent to reach a small amount of people because people do not read newspapers to find and read legal notices.

Ms. Nawrocki outlined proposed law changes recommended by WTA, including the elimination of the requirement that towns publish certain types of legal notices in newspapers and clarification of the applicability of 2015 Wisconsin Act 79 to the open meetings law. She also stated that eliminating paid newspaper publication would not hurt the public, would not make it more difficult to enforce the open meetings law, would not jeopardize the reliability of legal notices, and would not diminish accountability for municipal officers.

Ms. Nawrocki and Ms. Weinschrott responded to questions regarding towns' technological capacity to operate and maintain a website and the role of newspapers in maintaining government transparency.

Dan Rossmiller, Director of Government Relations, WASB

Mr. Rossmiller said that school boards, much like municipalities, want options and flexibility regarding publication of legal notices. He noted that the current requirement that school board meeting proceedings be published is especially costly for school boards, and he requested that the committee consider allowing school boards the option to post such notices in one public place and on the Internet.

Mr. Rossmiller responded to questions regarding the amount of money spent by school boards on publication of legal notices, the role of newspapers in maintaining government transparency, and school boards' use of the media to promote school boards' interests.

Discussion of Committee Assignment

Chairman Spiros stated that the committee received a substantial amount of information at its initial meeting, and asked that committee members offer suggestions of additional issues they would like Legislative Council staff to research before the next meeting. Legislative Council staff commented that they will prepare research for the committee on the following topics:

- Expenditures and revenues relating to publication.
- Newspaper utilization by different demographic groups.
- Utilization, creation, maintenance, and security of current local government websites.
- Publication rates as set by the Department of Administration, and the selection and qualification of newspapers as the official newspaper of a local government.
- Limitations on government advertising in relation to referenda.
- Practices relating to the authentication of digital publications.

Other Business

Chair Spiros thanked the members for their attendance and participation in the meeting.

Plans for Future Meetings

Legislative Council staff will poll members to determine the next meeting date. Possible dates include August 23th, 24th, 29th, and 30th.

Adjournment

The meeting was adjourned at 2:50 p.m.

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