



WISCONSIN NEWSPAPER ASSOCIATION

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

Testimony: Beth Bennett, Executive Director, 7-16-26

Good Morning:

I would like to begin by thanking Chairman Spiros for inviting the Wisconsin Newspaper Association to address the committee today to review and discuss the publication of public notices in Wisconsin newspapers.

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

Also representing the Wisconsin Newspaper Association this morning are;

Gregg Walker, publisher and owner of Lakeland Publishing which includes The Lakeland Times, located in Minocqua and The Northwood River News, located in Rhinelander. Gregg is a member of the WNA board of director's and serves on the board's executive committee.

Andrew Johnson, publisher and owner of Wisconsin Free Press publications with newspapers in Mayville, Campbellsport and Kewaskum. Andrew is a past-president of the WNA and the current president of the WNA Foundation. Andrew is also a member of the National Newspaper Association board of directors; and

Denise Guttery, Denise is the Media Services Director for the Wisconsin Newspaper Association.

Gregg, and Andrew and Denise and I will be addressing the importance of the publication of public notices in newspapers and the commitment that the Wisconsin newspaper industry has made and continues to make toward the promotion and preservation of Wisconsin's public notices in both print and digital formats.

I believe that 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 our discussion today----is how your local newspaper also provides for the digital publication and preservation of those same notices.

But before we discuss the detailed process that goes into the publication of public notices let me first note that the publication of public notices by newspapers is a fundamental component to the foundation of our democracy and of our legal system.

For more than 200 years, newspapers have been paid to print public notices and to serve as the critically important independent third-party reporter between units of government and the taxpayers, as well as, serving as the official notification vehicle for our court system.

Newspaper publication of government notices provides the necessary verification, certification and archiving that ensures that individuals and taxpayers rights are protected and preserved.

Newspapers offer a system of check and balance --- ensuring that government and the courts have indeed provided the required notice to the affected public.

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 bodies and to the court system that would take place without the proper verification and archiving of public notices that newspapers provide.

To this day, newspapers remain the trusted vehicle used by every state in the nation for notifying the public of the activities of the government and the courts.

There has been only one attempt by a state to move away from newspaper publication of public notice.

In 2009, the State of Utah passed legislation that provided for a gradual, five year, withdrawal of notices from newspapers.

Newspaper notices were to be replaced by the posting of public notices on government managed websites.

In short, the plan to move away from newspapers was a total failure for the State of Utah.

The Utah law was repealed shortly into year two of the proposed five year plan and all public notice publication laws providing for newspaper publication were restored.

With that, let me walk each of you through the public notice publication process as it exists in the State of Wisconsin today.

Unlike most states, Wisconsin very closely regulates the public notice process.

While all states have similar requirements/regulations for what constitutes a newspaper for the purpose of being eligible to publish public notices----most do not regulate the fees that are allowed to be charged for the publication of the notices.

Instead, most states provide a cap on the cost of publishing notices allowing the marketplace to dictate the fees paid to the newspaper for the publication of notices.

This is not the case in the State of Wisconsin.

In Wisconsin, the Department of Administration is charged with overseeing the certification of newspapers that are eligible to publish public notices --- and it is the DOA that sets a mandated rate that must be charged by the newspaper for publishing the notices.

Newspapers must be certified annually by the DOA in order to continue to publish public notices. With the annual certification comes the issuance by DOA of the set publication rate for that year.

The strict regulation by the State of Wisconsin is one of the reasons that Wisconsin is, in my opinion, nationally --one of the leaders, if not THE leader in public notice accountability and reporting.

Having a regulated public notice publication process ensures that the newspapers certified by the DOA are reputable publications with roots in the community they serve.

The issuance of the set annual rate that must be charged by newspapers for the publication of notices avoids any possibility of rate discrepancies resulting in all governmental entities, the courts, and the public paying the same rate for newspaper publication.

This is a good time to note that the cost of publishing public notices is not born by government alone. In many instances the cost for the publication of notices is passed along to the entity that is the subject of the notice.

For example, a notice for a new license is passed along to the new licensee. Foreclosure notice fees are assumed by the banks and the attorneys handling the foreclosure.

Court notice costs are passed along by the courts to the subject of the legal matter; and in many instances public notices are required to be placed by John Q. Citizen who pays directly for the publication of the notice. The Wisconsin Department of Natural Resources has such notices.

Public notices are mandated by law to be published. The language contained in the Wisconsin statutes requiring the publication of a public notice is consistent throughout the statutes.

Each notice is identified in statute as a Class One, Class Two or Class Three notice----meaning that the notice must be published once, twice or three times in the newspaper.

The majority of notices in Wisconsin statutes are Class One notices.

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 ten 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. Denise manages the public notice website and the staff that supports it.

The WNA staff is on-call 24/7 to support, if necessary, any newspaper with the uploading process. WNA staff is also available to assist 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 via public notice fees. As I stated earlier, public notice fees are set annually by the DOA 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 vitally important role in maintaining that status.

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.

Denise will provide a demonstration of the website momentarily.

But before we view the website, it is important to note that in 2012 the WNA partnered with the Wisconsin Department of Administration to draft legislation that was passed without opposition by the legislature that streamlined the DOA administration of the annual newspaper certification process, making the certification process faster and easier to process.

One of the 2012 legislative changes that were designed to result in time savings for the DOA staff is the fact that all newspapers are now required to use a set font for the publication of public notices.

Prior to 2012, each newspaper was certified for the font that was used by the newspaper.

The implementation of the set font that is now used by all newspapers has allowed units of government to better budget for the annual cost of publishing notices; and it has also resulted in publication cost savings.

The 2012 legislation also designated the website maintained by the newspaper industry as the statutorily sanctioned public notice website.

With that, I will turn the floor over to Denise who will provide a demonstration of the public notice website, WisconsinPublicNotices.org