



WISCONSIN LEGISLATIVE COUNCIL

PUBLICATION OF GOVERNMENT DOCUMENTS AND LEGAL NOTICES

Legislative Council Large Conference Room
One East Main Street, Suite 401, Madison

August 30, 2016
10:00 a.m. – 1:50 p.m.

[The following is a summary of the August 30, 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; Representatives Eric Genrich and André Jacque; and Public Members Matt Blessing, Caroline Burmaster, Tim Lyke, Michael Schlaak, and Maribeth Witzel-Behl.

COMMITTEE MEMBERS EXCUSED: Public Members Heather Rogge and Mark Stodder.

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

APPEARANCE: Judy Steffes, Owner, WashingtonCountyInsider.com.

Approval of the Minutes From the Committee's July 26, 2016 Meeting

Mr. Blessing moved, seconded by Ms. Burmaster, that the minutes from the committee's July 26, 2016 meeting be approved. The motion was approved by unanimous consent.

Presentation by Invited Speaker

Judy Steffes, Owner, WashingtonCountyInsider.com

Ms. Steffes introduced herself and talked about her experience as a journalist for both print and digital media outlets. She showed committee members her website, www.WashingtonCountyInsider.com, and urged committee members to consider allowing digital-only news outlets to qualify as an official newspaper that satisfies legal notice publication requirements. She touted her website's low advertising fees, 24/7 availability, and unlimited space for print as features that newspapers cannot offer local governments.

Ms. Steffes responded to questions from the committee regarding her website's content, her experience covering local affairs and legal notices, and her website's business model.

Research Briefing, Scott Grosz and Steve McCarthy, Legislative Council

Mr. McCarthy and Mr. Grosz presented the committee with prepared research addressing issues raised by committee members at the previous meeting.

Mr. McCarthy presented information regarding expenditures and revenue for both newspapers and local government relating to publication of legal notices, newspaper utilization by different demographic groups, and utilization and creation of local government websites.

Mr. Grosz presented information regarding maintenance and security of local government websites, practices relating to the authentication of digital publication, publication rates set by the Department of Administration (DOA), and limitations on government advertising for referenda.

Information and data was collected from a number of sources, including the Wisconsin Newspapers Association, the League of Wisconsin Municipalities, the Wisconsin Municipal Clerks Association, the Pew Research Center, the Legislative Audit Bureau, the Legislative Technology Services Bureau, and DOA.

Mr. McCarthy and Mr. Grosz responded to questions from the committee regarding DOA publication rate-setting, available data on readership of newspaper legal notices, and capacity of local governments to maintain websites.

Discussion of Committee Assignment

Mr. Grosz read the committee's scope of assignment statement.

Senator Miller began the discussion by commenting that his priority for the committee is ensuring citizens receive notice, and he asked others to share their priorities for the committee. The committee discussed various priorities, including transparency and flexibility for local governments to decide how best to reach citizens.

Chair Spiros commented that his first priority is transparency and his second is flexibility for local governments. He commented that cost-cutting and budgeting is an important consideration for a local government, and that he did not want the committee to impose new restrictions or mandates on local government publication of legal notices. Chair Spiros then invited committee members to offer specific ideas for the committee to consider.

Representative Jacque suggested limiting the length of certain mandatory notice requirements by requiring a brief summary and direction to a local government's website for more information. The committee discussed his idea, including discussion of shortening the number or length requirements for class 2 and 3 notices. Mr. Schlaak said he thought that, if changes were to be made to class 2 and 3 notice publication requirements, a full notice should still be required for the first publication.

Representative Genrich suggested there needs to be a systematized online publication option for local governments that is secure. He commented that information must be free, but recognized that providing the information comes with a cost. Mr. Blessing commented that the Wisconsin Historical Society currently pays for maintaining digital archives for different types of state and local government documents and that model could be used if the committee pursues a permissive, third-party online publication option.

Senator Miller said the committee should consider the fact that many citizens consume communications in both print and digital form. He suggested the committee consider establishing requirements for local governments that have the statutory option to post on a website to establish a consistent manner of posting and to maintain online postings for a set period of time. He also suggested that clarification be added to the statutes to require that a local government that posts on its website must do so in a conspicuous way, such as on the website's home page. The committee discussed his ideas.

After a break for lunch, Chair Spiros explained that members should offer any more suggestions they have. He said that Legislative Council staff will summarize those ideas, and synthesize them into an options paper that will be presented to the committee for consideration at the next meeting.

Representative Jacque suggested that the state could bear some of the cost of an online clearinghouse for legal notices. He said the online clearinghouse could be operated either as the arm of a state government agency, the Wisconsin Newspaper Association, or some other third party. He wanted local governments then to have the option to post to the online

clearinghouse or in print newspapers. Some committee members expressed concern that no local governments would choose to publish legal notices in newspapers if the state were to bear the cost of an online clearinghouse.

Representative Jacque also suggested that municipalities have the option to publish legal notices in mass mailings that go out on regularly scheduled intervals. Ms. Burmaster commented that it would be impossible for her community and other larger communities to ensure that citizens are receiving notices sent via mass mailings because so many property owners reside elsewhere.

Mr. Grosz recapped the ideas that had been offered, and grouped them into four general categories: (1) website navigation standards; (2) permissive option for electronic publication; (3) limiting the length of mandatory notice requirements; and (4) revising standards for class 2 and 3 notices to allow limited electronic publication.

The committee then generally discussed the ideas that had been presented. Mr. Lyke commented that he worries that greater flexibility would mean less notice and less transparency. Senator Miller indicated he would only support ideas that expand notice to citizens. Mr. Blessing requested that the committee ensure any drafted language carefully avoids using the phrase “publication of government documents” because that phrase has a different meaning to the Historical Society than “publication of legal notices.”

Representative Jacque asked Legislative Council for a list of state and local documents that are required to be kept in print. He commented that his office regularly receives large, unsolicited documents that could be accessed electronically at a cheaper cost to the state. Mr. Blessing approximated that 90% of such documents are already available electronically and then by request in print form.

Other Business

Chair Spiros thanked the members for their attendance and participation in the meeting. He commented that excused committee members will be afforded an opportunity to submit ideas to Legislative Council staff for inclusion in the options paper that will be discussed at the next meeting.

Plans for Future Meetings

Legislative Council staff will poll members to determine the next meeting date. Possible dates include October 5th, 7th, and 10th.

Adjournment

The meeting was adjourned at 1:50 p.m.