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## WISCONSIN NEWSPAPER ASSOCIATION

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

Mr. Scott Grosz  
Wisconsin Legislative Council  
Principal Attorney  
PO Box 2536  
Madison, Wi 53701-2536

August 3, 2016

Dear Mr. Grosz:

On behalf of the Wisconsin Newspaper Association I would like to formally respond to testimony presented at the Tuesday, July 26, 2016, Legislative Council Study Committee hearing on publication of government documents and legal notices.

My comments relate to the testimony provided by the League of Wisconsin Municipalities as it pertains to the recently enacted provisions contained in 2015 Wisconsin Public Act 79.

The changes that were implemented in PA 79 were, in my opinion, misrepresented throughout the testimony to the members of the Study Committee as having eliminated previously required newspaper publications. This misinterpretation requires clarification.

Specifically, it was indicated by representatives testifying on behalf of the League, that PA 79 repealed requirements for the publication of public notices in newspapers. This is simply not the case. PA 79 repealed the requirement of two physical public postings.

PA 79 simply made changes to the existing provisions contained in 985.02 for those municipalities choosing to rely on 985.05 (1) for the physical public posting of a notice in three public places---to now be done in one place publicly and placed electronically on an Internet site maintained by municipality.

**Let me emphasize that the change that was made in PA 79 applied to notices that did not previously require newspaper publication.** The Wisconsin Newspaper Association did not oppose the changes implemented by PA 79 due to the fact that the bill as introduced, and ultimately passed, did not affect any statutorily required newspaper publication of public notice.

Additionally, Section 985.05 clarifies notices that must be published in a newspaper for entities relying on the posting provisions of 985.05 (1). It states in part: ***“Other publication or posting, however, shall not be substituted for newspaper publication in proceedings relating to: tax redemptions or sales of land acquired by the county or city authorized to act under s. 74.87 for delinquent taxes, charges or assessments; civil annexations, detachments, consolidations or incorporations under chs. 59 to 66; or legal notices directed to specific individuals. Posting may not be substituted for publication in school board elections conducted under s. 120.06 or publication under s. 60.80 (2) of town ordinances imposing forfeitures. If an eligible newspaper is published in the municipality, other publication or posting shall not be substituted for newspaper publication under s. 61.32 or 61.50.”***

The following example of how PA 79 is to be interpreted was prepared by Oconto County Corporation Counsel, Cheryl A. Mick, in response to an inquiry by a local newspaper. The WNA is in complete and total agreement with the interpretation of PA 79 as provided by Counsel Mick and has issued similar statements to its members:

*(A) Oconto County is not a county which is required to designate an official newspaper (See OAG immediately above).*

*(B) Under Chapter 985, Oconto County is required to publish legal notices.*

*(C) Under s 985.02(2), Oconto County is entitled to elect to publish under s.985.05(1) [because Oconto County is not required to have an official newspaper] and the publication must be done in the following manner: (a) posted in three places likely to give notice; OR (b) posted in one place likely to give notice and on our website. (2015 Wisconsin Act 79)*

*(D) S. 985.02.(2) never applied to notices which must, by law, be published in newspaper; and neither does the amended language apply to notices which must, by law, be published in a newspaper .*

*(E) Notices that must be published in a newspaper are set forth in s.985.05(1), as follow:*

- (a) tax redemptions*
- (b) sales of land*
- (c) charges or assessments*
- (d) civil annexations, detachments, consolidations or incorporations*
- (e) legal notices directed to specific individuals*

*Oconto County will continue to publish the above notices in the newspaper.*

Counsel Mick concludes by stating that, ***“This interpretation is strictly consistent with the Wisconsin Legislative Council Act Memo prepared by the staff attorney.”***

In conclusion, I have attached the testimony of PA 79 sponsor Senator Marklein wherein he states, ***“This bill does not affect any meeting notice that is currently required to be published in a newspaper.”***

The inclusion of this clarification with materials to be relied upon by the Study Committee for the purpose of the evaluation of the current status of newspaper public notice publication would be greatly appreciated.

Sincerely,

Beth Bennett, Executive Director