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*Testimony before the Senate Committee on Government Operations,
Technology and Consumer Protection
State Senator André Jacque
May 7th, 2019*

Chairman Stroebel and members of the Senate Committee on Government Operations,
Technology and Consumer Protection,

Thank you for holding this hearing and the opportunity to testify before you today in support of Senate Bill 147. This legislation will ensure the Washington Island Observer is incorporated into the state definition of a newspaper so the print news outlet can be eligible to receive payments for publishing legal notices.

Under current law, a newspaper is defined with certain exceptions as a publication that is published at regular intervals and at least once a week, containing, on average, 25 percent news content per issue. The locally-owned Washington Island Observer is technically a weekly newspaper, but cuts down to two editions per month during the winter season due to the island's unique needs and of course geography. The only way to access the island is through a ferry, which only operates once per day from the beginning of January to the end of March.

The Observer is the only newspaper printed directly on the island and meets all of the state requirements, except that it is only published 30 times a year instead of 52 because the population shrinks during the winter months. But Washington Island still has close to 350 fulltime households and nearly 300 of them or 86% are Observer subscribers.

SB 147 will help promote government transparency by ensuring these residents have easier and more regular access to legal notices. The bill also creates fairness to rural print news outlets by allowing the Observer to receive compensation for publishing legal notices, just like any designated newspaper of record.

In addition, our legislation embraces new technological advancements by expanding the options a newspaper has in its obligation to send affidavits to those who requested published legal notices. Currently, an affidavit must include a copy of the legal notice clipped from the newspaper and must specify the date of each insertion and the paper in which it was published. SB 147 will now allow Wisconsin newspapers to send a copy of legal notice in either hard copy or electronic form.

Please join us and the Wisconsin Newspaper Association in supporting SB 147 to ensure the Washington Island Observer is eligible to receive payments for publishing legal notices and sending legal notices in electronic form is an option for newspapers across our state. Thank you for your consideration of Senate Bill 147.



JOEL KITCHENS

STATE REPRESENTATIVE • 1ST ASSEMBLY DISTRICT

**Testimony for the Senate Committee on Government Operations,
Technology and Consumer Protection
Senate Bill 147
Tuesday, May 7, 2019**

Thank you Chairman Stroebel and fellow committee members for holding a public hearing and giving me the opportunity to testify on Senate Bill 147, bipartisan legislation that will incorporate the Washington Island Observer into the state definition of a newspaper so it can become eligible to receive compensation for publishing legal notices.

For those of you who are not familiar with my district, Washington Island is an actual island that is located about 4.5 miles northeast from the tip of the Door Peninsula. The only way to publicly access the island is by a 30-minute ferry ride.

But it's much more difficult to travel to and leave the island from January to March since the ferry only operates one or two time per day during that time period. It shouldn't come as a surprise then, when I tell you the population on the island shrinks throughout the winter months.

That seasonal drop in residents leads to some rather unique challenges for the locally-owned Washington Island Observer, which publishes weekly during the summer but is forced to cut down to two editions per month in the winter.

Under current law, a newspaper is defined – with certain exceptions – as a publication that is printed at regular intervals and at least once per week, containing, on average, 25 percent news content per issue. A newspaper must meet that definition and the printing requirement to be considered eligible to receive payments for publishing legal notices.

The Observer is the only newspaper that is published directly on the island, but it falls short of the 52-week stipulation. That, however, is the only condition the Observer does not meet in order to be defined as a state newspaper.

SB 147 recognizes the Washington Island Observer's hardships and incorporates them into the state definition of a newspaper, helping the news outlet promote government transparency by ensuring my constituents have easier and more regular access to legal notices.



JOEL KITCHENS

STATE REPRESENTATIVE • 1ST ASSEMBLY DISTRICT

In this day and age when community newspapers are constantly folding or shedding staff to stay financially viable, SB 147 would give the Observer the opportunity to provide its readers with additional services to help keep them more informed. I know this is something Washington Island residents want, seeing as more than 80 percent of households on the island subscribe to the Observer.

There is also another component of this bill that won't just benefit the Observer, but all newspapers around the state. While working on the Washington Island Observer portion of this legislation, we were informed by the Wisconsin Newspaper Association about an issue that many newspapers are having when it comes to mailing affidavits to those who purchase legal notices.

Under current law, an affidavit must include a printed copy of the legal notice clipped from the newspaper and must specify the date of each insertion and the paper in which it was published.

SB 147 embraces newer technological advancements by allowing newspapers to send out the affidavits in either hard copy or electronic form. Now that we have the technology available, we shouldn't be forcing newspapers to do something that is by and large more costly and time-consuming. This gives them the opportunity to choose whichever option works best for them.

I would like to thank you for taking the time to listen to my testimony, and I hope you consider supporting this bipartisan bill. I am happy to answer any questions if you have them.



WISCONSIN NEWSPAPER ASSOCIATION

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

TO: Senate Government Operations, Technology and Consumer Protection
FROM: Beth Bennett, Executive Director of the Wisconsin Newspaper Association
DATE: May 7, 2019
RE: Testimony in support of Senate Bill 147

Thank you for the opportunity to speak in support of SB 147. I want to thank Chairman Stroebel for hearing Senate Bill 147 today and I urge support for this commonsense measure. I also want to thank Senator Jacque for sponsoring this bill and for working with the Wisconsin Newspaper Association (WNA) and our member the *Washington Island Observer* toward passage of SB 147.

SB 147 has two important updates to public notice laws in Wisconsin. The first expands the definition of a newspaper eligible to print public notices to address the unique circumstances of Washington Island. Current law requires a paper of record to be published at least on a weekly basis. The *Washington Island Observer* is an award-winning newspaper that includes robust local news coverage. However, during the winter months, the population of the Island and local activity decreases significantly due to access issues. It makes sense that the *Observer* would reduce its publication schedule during this time. It also makes sense to create this limited exception to the publication requirement to accommodate the incredibly unique circumstances of Wisconsin's only island municipality.

SB 147 also allows for affidavits for proof of publication to be sent electronically. Currently, newspapers are required to send the affidavits – which includes an actual copy of a legal notice that is clipped from the paper – via U.S. mail. SB 147 will allow newspapers to create a PDF of the clipping and send the affidavit via email.

Both changes keep Wisconsin's public notice laws up to date and continues newspapers' long-standing tradition of serving as a critically important independent reporter between units of government and the taxpayers.

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. Since 2005, the WNA has been digitally archiving all public notices published in Wisconsin, making them publicly available online at WisconsinPublicNotices.org. This online clearinghouse of notices is offered at no additional cost to governmental and private entities required to publish public notices.

The Wisconsin Newspaper Association is committed to providing the necessary verification, certification and archiving that ensures individuals and taxpayers rights are protected and preserved. On behalf of the 221 WNA members newspapers, I would again like to thank Rep. Kitchens for authoring this bill and I urge you to support SB 147.

**RESOLUTION NO. 2018-27
SUPPORT FOR OBSERVER TO BE
"PAPER OF RECORD"**

WHEREAS, the Washington Island Observer is interested in becoming the "Paper of Record" for the Town of Washington, and

WHEREAS, as Paper of Record, it would publish legal notices and agendas within required deadlines as well as posting similar information on the Observer's Facebook page, and

WHEREAS, special State legislation is required to make the Observer eligible to serve as Paper of Record, therefore

BE IT RESOLVED, that the Town Board of the Town of Washington hereby supports the efforts of the Observer to become the Town's Paper of Record, and

FURTHER that the State legislature of the State of Wisconsin is hereby encouraged to adopt legislation permitting this to occur.

Approved *Jack Jost* Attest *Janet Jessen*
Town Chairman Town Clerk & Deputy

Date *8-15-2018* Date *8-15-2018*

Wisconsin State Senator Andre Jacque
Email: Andre.Jacque@legis.wisconsin.gov

May 2, 2019

Dear Senator Jacque,

I wish to provide my testimony within this letter in support of Senate Bill 147 for the hearing on this matter that will be held Tuesday, May 7.

As I stated in my written testimony prior to the Assembly hearing on AB 112, I am a resident of Washington Island, a ferry captain, an officer with the Washington Island Ferry Line, Inc., and as a student of journalism (BA Journalism UW-Madison - 1970), I've been an observer of, and a contributor to, our Island community newspaper, the *Island Observer*.

Our Island has 700 full-time residents, more or less, but there are also many Island property owners and seasonal residents, as well as those with historical or family connections, who are subscribers. Such people rely on this newspaper which is published bi-monthly for nine months of the year and weekly during summer. Perhaps because this is a small island and its community is largely defined by its shores, the health and performance of this newspaper takes on a greater role of responsibility.

The *Island Observer* newspaper appears to be a healthy organization with many contributors, and despite scale of production, management and staff strive for (and often achieve) high journalism standards. There may be other news sources based in neighboring communities—some of them are mere “ghosts of the past” in terms of their news value to subscribers—but none of them report Washington Island news with the regularity or with detail upon which its readers can depend. For news, information and education, this role is uniquely filled by the *Island Observer*.

Granting the *Island Observer* the authority to print legal notices and then issue affidavits of those published notices, as required by statute, is but one additional way in which this paper can fulfill its stated role in this community.

I kindly ask for your support for SB 147 during hearing, and if advanced, for floor vote.

Should you require more information, I will be happy to provide such by phone or email.

Respectfully,

Richard Purinton
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