

By: Representatives Simpson, Fillingane

To: Judiciary A

HOUSE BILL NO. 520

1 AN ACT TO AMEND SECTION 13-3-31, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE FOR THE PUBLICATION OF FORECLOSURE SALE NOTICES IN CERTAIN
3 NEWSPAPERS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 13-3-31, Mississippi Code of 1972, is
6 amended as follows:

7 13-3-31. (1) Whenever it is required by law that any
8 summons, order, citation, advertisement or other legal notice
9 shall be published in a newspaper in this state, it shall mean, in
10 addition to any other requirements imposed by law, publication in
11 some newspaper which:

12 (a) Maintains a general circulation predominantly to
13 bona fide paying subscribers within the political subdivision
14 within which publication of such legal notice is required. The
15 term "general circulation" means numerically substantial,
16 geographically widespread, demographically diversified circulation
17 to bona fide paying subscribers. In no event shall the term
18 "general circulation" be interpreted to require that legal notices
19 be published in a newspaper having the greatest circulation. The
20 term "bona fide paying subscribers" means persons who have
21 subscribed at a subscription rate which is not nominal, whether by
22 mail subscriptions, purchases through dealers and carriers, street
23 vendors and counter sellers, or any combination thereof, but shall
24 not include free circulation, sales at a token or nominal
25 subscription price and sales in bulk for purposes other than for
26 resale for individual subscribers.

27 (b) Maintains a legitimate list of its bona fide paying
28 subscribers by the following categories where applicable:

29 (i) Mail subscribers;

30 (ii) Dealers and carriers; and

31 (iii) Street vendors and counter sellers.

32 (c) Is not published primarily for advertising purposes
33 and has not contained more than seventy-five percent (75%)
34 advertising in more than one-half (1/2) of its issues during the
35 period of twelve (12) months next prior to the first publication
36 of any legal notice therein, excluding separate advertising
37 supplements inserted into but separately identifiable from any
38 regular issue or issues.

39 (d) Has been established and published continuously for
40 at least twelve (12) months next prior to the first publication of
41 such matter to be published, is regularly issued at stated
42 intervals no less frequently than once a week, bears a date of
43 issue, and is numbered consecutively; provided, however, that
44 publication on legal holidays of this state or of the United
45 States and on Saturdays and Sundays shall not be required, and
46 failure to publish not more than two (2) regular issues in any
47 calendar year shall not disqualify a paper otherwise qualified.

48 (e) Is issued from a known office of publication, which
49 shall be the principal public business office of the newspaper and
50 need not be the place at which the newspaper's printing presses
51 are physically located. A newspaper shall be deemed to be
52 "published" at the place where its known office of publication is
53 located.

54 (f) Is formed of printed sheets. However, the word
55 "printed" does not include reproduction by the stencil, mimeograph
56 or hectograph process.

57 (g) Is originated and published for the dissemination
58 of current news and intelligence of varied, broad and general
59 public interest, announcements and notices, opinions as editorials

60 on a regular or irregular basis, and advertising and miscellaneous
61 reading matter.

62 (h) Is not designed primarily for free circulation or
63 for circulation at nominal rates.

64 (2) "Newspaper," as used in this section, shall not include
65 a newspaper, publication, or periodical which is published,
66 sponsored by, is directly supported financially by, or is
67 published to further the interests of, or is directed to, or has a
68 circulation restricted in whole or in part to any particular sect,
69 denomination, labor or fraternal organization or other special
70 group or class of citizens, or which primarily contains
71 information of a specialized nature rather than information of
72 varied, broad and general interest to the general public, or which
73 is directed to any particular geographical portion of any given
74 political subdivision within which publication of such legal
75 notice is required, rather than to such political subdivision as a
76 whole. No newspaper otherwise qualified under this section shall
77 be disqualified from publishing legal notices for the sole reason
78 that such newspaper does not have as great a circulation as some
79 other newspaper publishing in the same political subdivision.

80 (3) In the event of the discontinuance of the publication of
81 all newspapers in any county qualified under this section to
82 publish legal notices, any other such newspaper published in the
83 same county, regardless of the length of time it has been
84 published, shall be deemed qualified to publish such legal
85 notices, provided such newspaper meets all requirements of this
86 section other than the requirements of subsection (1)(d) of this
87 section.

88 (4) A newspaper otherwise qualified under this section which
89 is published in a municipality whose corporate limits encompass
90 territory in more than one (1) county shall be qualified to
91 publish legal notices, including foreclosure sale notices as
92 described in Section 89-1-55, for any county a portion of whose

93 territory is included within the municipality, irrespective of the
94 actual physical location within the municipality of the principal
95 public business office of the newspaper.

96 **SECTION 2.** This act shall take effect and be in force from
97 and after its passage.