

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.