

By: Senator(s) Wilemon

To: Judiciary, Division A

SENATE BILL NO. 2883

1 AN ACT TO AMEND SECTION 13-3-31, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE GENERAL CIRCULATION REQUIREMENT FOR LEGAL NOTICE  
3 PUBLICATIONS; 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 or  
15 maintains a general circulation by mailing free of charge to  
16 predominantly all residents of the political subdivision within  
17 which publication of such legal notice is required. The term  
18 "general circulation" means numerically substantial,  
19 geographically widespread, demographically diversified circulation  
20 to bona fide paying subscribers. In no event shall the term  
21 "general circulation" be interpreted to require that legal notices  
22 be published in a newspaper having the greatest circulation. The  
23 term "bona fide paying subscribers" means persons who have  
24 subscribed at a subscription rate which is not nominal, whether by  
25 mail subscriptions, purchases through dealers and carriers, street  
26 vendors and counter sellers, or any combination thereof, but shall  
27 not include free circulation, sales at a token or nominal

28 subscription price and sales in bulk for purposes other than for  
29 resale for individual subscribers.

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

32 (i) Mail subscribers;

33 (ii) Dealers and carriers; and

34 (iii) Street vendors and counter sellers.

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

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

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

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

60 (g) Is originated and published for the dissemination  
61 of current news and intelligence of varied, broad and general  
62 public interest, announcements and notices, opinions as editorials  
63 on a regular or irregular basis, and advertising and miscellaneous  
64 reading matter.

65 (h) Is not designed primarily for free circulation or  
66 for circulation at nominal rates.

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

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

91 (4) A newspaper otherwise qualified under this section which  
92 is published in a municipality whose corporate limits encompass

93 territory in more than one (1) county shall be qualified to  
94 publish legal notices, including foreclosure sale notices as  
95 described in Section 89-1-55, for any county a portion of whose  
96 territory is included within the municipality, irrespective of the  
97 actual physical location within the municipality of the principal  
98 public business office of the newspaper.

99         **SECTION 2.** This act shall take effect and be in force from  
100 and after July 1, 2006.