

By: Senator(s) Bryan

To: Judiciary, Division B

SENATE BILL NO. 2079

1 AN ACT TO AMEND SECTION 13-3-31, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE PUBLICATION OF LEGAL NOTICE IN THE COUNTY BORDERING
3 THE COUNTY WHERE THE PUBLICATION IS REQUIRED; AND FOR RELATED
4 PURPOSES.

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

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

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

13 (a) Maintains a general circulation predominantly to
14 bona fide paying subscribers (i) within the political subdivision
15 within which publication of such legal notice is required, or (ii)
16 bordering the political subdivision within which publication of
17 such legal notice is required. The term "general circulation"
18 means numerically substantial, geographically widespread,
19 demographically diversified circulation to bona fide paying



20 subscribers. In no event shall the term "general circulation" be
21 interpreted to require that legal notices be published in a
22 newspaper having the greatest circulation. The term "bona fide
23 paying subscribers" means persons who have subscribed at a
24 subscription rate which is not nominal, whether by mail
25 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



intervals no less frequently than once a week, bears a date of issue, and is numbered consecutively; provided, however, that publication on legal holidays of this state or of the United States and on Saturdays and Sundays shall not be required, and failure to publish not more than two (2) regular issues in any calendar year shall not disqualify a paper otherwise qualified.

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

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

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

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

(2) "Newspaper," as used in this section, shall not include a newspaper, publication, or periodical which is published, sponsored by, is directly supported financially by, or is



published to further the interests of, or is directed to, or has a circulation restricted in whole or in part to any particular sect, denomination, labor or fraternal organization or other special group or class of citizens, or which primarily contains information of a specialized nature rather than information of varied, broad and general interest to the general public, or which is directed to any particular geographical portion of any given political subdivision within which publication of such legal notice is required, rather than to such political subdivision as a whole. No newspaper otherwise qualified under this section shall be disqualified from publishing legal notices for the sole reason that such newspaper does not have as great a circulation as some other newspaper publishing in the same political subdivision.

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

(4) A newspaper otherwise qualified under this section which is published in a municipality whose corporate limits encompass territory in more than one (1) county shall be qualified to 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, 2020.

