

ASSEMBLY, No. 296

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman ROONEY

1 ANACT concerning qualifications of newspapers for legal publications
2 and amending R.S.35:1-2.2.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. R.S.35:1-2.2 is amended to read as follows:

8 35:1-2.2 Whenever, by law, it is required that there be published
9 by printing and publishing in a newspaper or newspapers, ordinances,
10 resolutions or notices or advertisements of any sort, kind or character
11 by any county, city or other municipality or municipal corporation, or
12 by any municipal board or official board, or body, or office, or
13 officials, or by any person or corporation, such newspaper or
14 newspapers must, in addition to any other qualification now required
15 by law, meet the following qualifications, namely: said newspaper or
16 newspapers shall be entirely printed in the English language, shall be
17 printed and published within the State of New Jersey, shall be a
18 newspaper of general **[paid]** circulation possessing an average news
19 content of not less than 35%, and shall have been published
20 continuously in the municipality where its publication office is situate
21 for not less than 2 years **[and shall have been entered for 2 years as**
22 **second-class mail matter under the postal laws and regulations of the**
23 **United States]**. In case a newspaper cannot meet these qualifications
24 itself but has acquired another newspaper which meets these
25 qualifications, the acquiring newspaper shall be deemed to meet these
26 qualifications if it is published in the same municipality **[and entered in**
27 **the same post office]** as was the acquired newspaper. Continuous
28 publication within the meaning of this section shall not be deemed
29 interrupted by any involuntary suspension of publication for a period
30 not exceeding 6 months resulting from loss, destruction, mechanical
31 or electrical failure of typesetting equipment or printing presses or the
32 unavailability, due to conditions beyond the control or the publisher,

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 of paper or other materials and supplies necessary for operation, or
2 resulting from a labor dispute with a recognized labor union, and any
3 newspaper so affected shall not be disqualified hereunder in the event
4 that publication is resumed within said period of 6 months.

5 For the purposes of this section and for the purpose of qualifying
6 for legal advertisements generally, any newspaper which for not less
7 than 2 years shall have been continuously printed in a building located
8 within two municipalities and which for not less than 2 years shall have
9 continuously maintained its editorial and business offices in said
10 building shall be deemed to have been published continuously in each
11 of said municipalities during that period and its publication office shall
12 be deemed to have been situate in each municipality during that period.

13 In the event any newspaper which shall have been qualified to
14 publish legal advertisements shall move its publication office to any
15 municipality in the same county or in an adjacent county in this State
16 and which shall otherwise continue to meet the qualifications of this
17 section, it shall be qualified to publish legal advertisements which it
18 was qualified to publish prior to moving said publication office for a
19 period of 2 years after the date of the moving of its publication office
20 or such period as said newspaper shall have the highest [paid]
21 circulation of any newspaper within the county or municipality which
22 shall use said newspaper for legal advertisements.

23 (cf: P.L.1979, c.84, s.1)

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25 2. This act shall take effect immediately.

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STATEMENT

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30 This bill eliminates the requirement that newspapers qualified for
31 publication of ordinances, resolutions or notices or advertisements of
32 any sort by any county, municipality or other local government entity
33 or by any person or corporation be of paid circulation and possess a
34 second-class mail permit. Currently, in addition to other qualifications
35 required by law, newspapers qualified for legal advertisements must be
36 of general paid circulation, have an average news content of not less
37 than 35%, have been published in a locale continuously for two years,
38 and be entered for two years as second-class mail matter.

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Allows publication of legal advertisements in "free" newspapers.