

SENATE, No. 1039

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1996

By Senators CIESLA and McNAMARA

1 AN ACT concerning legal advertising in newspapers and amending
2 R.S.35:1-2.1 and R.S.35:1-2.2.

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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.35:1-2.1 is amended to read as follows:

8 35:1-2.1. Whenever it is required to publish resolutions, official
9 proclamations, notices or advertising of any sort, kind or character,
10 including proposals for bids on public work and otherwise, by this
11 State or by any board or body constituted and established for the
12 performance of any State duty or by any State official or office or
13 commission, the newspaper or newspapers selected for such
14 publication must meet and satisfy the following qualifications, namely:
15 said newspaper or newspapers shall be entirely printed in the English
16 language[.]; shall be printed and published within the State of New
17 Jersey[.]; shall be a newspaper of general paid circulation possessing
18 an average news content of not less than thirty-five per centum
19 (35%)[.]; shall have been published continuously in the municipality
20 where its publication office is situate for not less than two years or
21 shall have been published continuously in the county where its
22 publication office is situate for not less than two years and shall be
23 circulated on a daily, county-wide basis; and shall have been entered
24 for two years as second-class mail matter under the postal laws and
25 regulations of the United States. In case a newspaper cannot meet
26 these qualifications, itself, but has acquired another newspaper which
27 meets these qualifications, the acquiring newspaper shall be deemed to
28 meet these qualifications if it is published in the same municipality or
29 county and entered in the same post office as was the acquired
30 newspaper. Continuous publication within the meaning of this section
31 shall not be deemed interrupted by any involuntary suspension of
32 publication for a period not exceeding six months, resulting from loss,
33 destruction, mechanical or electrical failure of typesetting equipment
34 or printing presses or the unavailability, due to conditions beyond the

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

6 (cf: P.L.1953, c.411, s.1)

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

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

42 For the purposes of this section and for the purpose of qualifying
43 for legal advertisements generally, any newspaper which for not less
44 than [2]two years shall have been continuously printed in a building
45 located within two municipalities and which for not less than [2]two
46 years shall have continuously maintained its editorial and business

1 offices in said building shall be deemed to have been published
2 continuously in each of said municipalities during that period and its
3 publication office shall be deemed to have been situate in each
4 municipality during that period.

5 In the event any newspaper which shall have been qualified to
6 publish legal advertisements shall move its publication office to any
7 municipality in the same county or in an adjacent county in this State
8 and which shall otherwise continue to meet the qualifications of this
9 section, it shall be qualified to publish legal advertisements which it
10 was qualified to publish prior to moving said publication office for a
11 period of [2]two years after the date of the moving of its publication
12 office or such period as said newspaper shall have the highest paid
13 circulation of any newspaper within the county or municipality which
14 shall use said newspaper for legal advertisements.

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

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17 3. This act shall take effect immediately.

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STATEMENT

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22 This bill concerns legal advertising in newspapers. It provides an
23 additional option by allowing legal advertisements to be published in
24 a newspaper which has been published continuously in the county
25 where its publication office has been located for at least two years and
26 which is circulated on a daily, county-wide basis.

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31 Provides for an additional legal advertising option.