

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 1732

4
5 By: Representative Jackson
6
7

For An Act To Be Entitled

9 AN ACT TO REVISE THE REQUIREMENTS FOR NEWSPAPERS
10 TO QUALIFY AS A LEGAL NEWSPAPER FOR THE
11 PUBLICATION OF LEGAL NOTICES; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 TO REVISE THE REQUIREMENTS FOR
15 NEWSPAPERS TO QUALIFY AS A LEGAL
16 NEWSPAPER FOR THE PUBLICATION OF LEGAL
17 NOTICES.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 16-3-105 is amended to read as follows:
24 16-3-105. Authorized publications - Legal newspapers.

25 (a) As used in this section, "legal newspaper" means a publication
26 bearing a fixed title or name, published at a fixed place of business,
27 regularly issued at fixed intervals as frequently as one (1) time each week
28 ~~and having a second class mailing privilege,~~ and being not less than four (4)
29 pages of ~~five (5)~~ four (4) columns each.

30 (b) The primary function of such a publication shall be to inform,
31 instruct, enlighten, and entertain, and to be an intangible service to which
32 the general public as a whole resorts for intelligence of passing events of a
33 political, religious, commercial, or social nature, for local and general
34 current happenings, editorial comment, announcements, miscellaneous reading
35 matter, advertisements, and other notices.

36 (c)(1) For a newspaper to be eligible to publish legal notices and to



1 be classified as a legal newspaper, it shall have been published at regular
 2 intervals continuously during a period of at least ~~twelve (12) months,~~
 3 ~~following the securing of a second class mailing privilege, or as a direct~~
 4 ~~legal successor of such a publication issued during the immediate prior~~
 5 ~~period of at least twelve (12) months, or, in the case of a legal newspaper~~
 6 ~~which surrenders its second class mailing privilege and is subsequently sold,~~
 7 ~~the resulting newspaper under new ownership is a legal newspaper if the~~
 8 ~~purchased newspaper had been a legal newspaper within twelve (12) months~~
 9 ~~prior to its sale twenty-four (24) months.~~ The newspaper shall be circulated
 10 and distributed from an established place of business to subscribers and
 11 readers generally of all classes in the county or counties in which it is
 12 circulated ~~for a definite price or consideration for each copy or at a fixed~~
 13 ~~price per annum, which price or consideration shall be fixed by the publisher~~
 14 ~~at what he considers the value of the publication based upon the news value~~
 15 ~~and service value it contains and not upon the physical or concrete worth of~~
 16 ~~the raw materials so sold.~~

17 (2) It is ascertained by the General Assembly that the value of
 18 a newspaper or other publication coming within the requisites of this section
 19 is in the service that it renders to the community or communities it serves.

20 (d)(1) The circulation of a legal newspaper shall be proven bona fide
 21 by ~~at:~~

22 (A) At least fifty percent (50%) of the subscribers
 23 thereto having paid cash for their subscriptions to the newspaper, or its
 24 agents, or through recognized news dealers, over a period of six (6) months;
 25 or

26 (B) If the newspaper is distributed at no charge, the
 27 publisher shall:

28 (i) Document that more than sixty-seven percent
 29 (67%) of copies are requested by either individuals or commercial businesses
 30 that serve as distribution points within the local political subdivision; and

31 (ii) Be certified by a resolution of the governing
 32 body of the local political subdivision that runs legal notices in the
 33 newspaper that the newspaper is a bona fide newspaper of general circulation
 34 and broad readership within the local political subdivision.

35 (2) A legal newspaper must publish an average of forty percent
 36 (40%) news matter which has sufficient merit to have created a following of

1 ~~paid~~ regular readers.

2 (e)(1) The definition of "legal newspaper" provided in this section
3 shall not be construed to classify as legal newspapers publications such as
4 racing forms, shopping guides, and similar publications devoted primarily to
5 advertising, entertainment, or opinion.

6 (2) Special class publications having a bona fide circulation
7 such as patriotic organs, religious publications, construction journals, and
8 other similar class publications shall not be affected under the provisions
9 of this section.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36