

State of Arkansas

CALL ITEM 14

76th General Assembly

Third Extraordinary Session, 1988

HOUSE BILL 1026

By: Representative Shaver

"AN ACT TO AMEND ARKANSAS CODE 16-3-105(c)(1) TO PROVIDE THAT WHEN A LEGAL NEWSPAPER SURRENDERS ITS SECOND-CLASS MAILING PRIVILEGE AND IS SUBSEQUENTLY SOLD, THE RESULTING NEWSPAPER IS A LEGAL NEWSPAPER IF THE PURCHASED NEWSPAPER HAD BEEN A LEGAL NEWSPAPER WITHIN TWELVE MONTHS PRIOR TO ITS SALE; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 16-3-105(c)(1) is hereby amended to read as follows:

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

SECTION 2. All laws and parts of laws in conflict with this Act are

hereby repealed.

SECTION 3. Emergency. It is hereby found and determined by the General Assembly that when a legal newspaper surrenders its second-class mailing privilege and is subsequently sold, it is unclear as to what requirements must be met by the resulting newspaper in order to become a legal newspaper; that this Act clarifies the law in this respect; that until this act becomes effective the legal newspaper status of some successor newspapers will be in doubt; and that this Act should become effective immediately in order to eliminate the confusion as soon as possible. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the peace, health and safety shall be in full force and effect from and after its passage and approval.

