

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1567

Short Title: Anson Legal Advertising.

(Local)

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Sponsors: Representative Hightower.

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Referred to: Judiciary I.

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May 28, 1998.

A BILL TO BE ENTITLED

AN ACT TO REDEFINE THE NEWSPAPERS ELIGIBLE TO ACCEPT LEGAL ADVERTISING IN ANSON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-597 reads as rewritten:

**"§ 1-597. Regulations for newspaper publication of legal notices, advertisements, etc.**

Whenever a notice or any other paper, document or legal advertisement of any kind or description shall be authorized or required by any of the laws of the State of North Carolina, heretofore or hereafter enacted, or by any order or judgment of any court of this State to be published or advertised in a newspaper, such publication, advertisement or notice shall be of no force and effect unless it shall be published in a newspaper with a general circulation to ~~actual paid subscribers~~ which newspaper at the time of such publication, advertisement or notice, shall have been admitted to the United States mails in the Periodicals class in the county or political subdivision where such publication, advertisement or notice is required to be published, and which shall have been regularly and continuously issued in the county in which the publication, advertisement or notice is authorized or required to be published, at least one day in each calendar week for at least 25 of the 26 consecutive weeks immediately preceding the date of the first publication of such advertisement, publication or notice; provided that in the event that a newspaper

1 otherwise meeting the qualifications and having the characteristics prescribed by G.S. 1-  
2 597 to 1-599, should fail for a period not exceeding four weeks in any calendar year to  
3 publish one or more of its issues such newspaper shall nevertheless be deemed to have  
4 complied with the requirements of regularity and continuity of publication prescribed  
5 herein. Provided further, that in the event the newspaper otherwise meeting the  
6 qualifications and having the characteristics prescribed by G.S. 1-597 to G.S.1-599, is  
7 admitted to the United States mails as third class matter rather than second-class matter,  
8 the newspaper shall qualify if it maintains a known office in the county where such  
9 publication, advertisement or notice is required to be published, is originated and  
10 published for the purpose of disseminating information of a public character, is not  
11 primarily designed for advertising purposes, and does not contain more than seventy-five  
12 percent (75%) advertising in more than one-fourth of the issues published during the  
13 preceding six-month period. Provided further, that where any city or town is located in  
14 two or more adjoining counties, any newspaper published in such city or town shall, for  
15 the purposes of G.S. 1-597 to 1-599, be deemed to be admitted to the mails, issued and  
16 published in all such counties in which such town or city of publication is located, and  
17 every publication, advertisement or notice required to be published in any such city or  
18 town or in any of the counties where such city or town is located shall be valid if  
19 published in a newspaper published, issued and admitted to the mails anywhere within  
20 any such city or town, regardless of whether the newspaper's plant or known office or the  
21 post office where the newspaper is admitted to the mails is in such county or not, if the  
22 newspaper otherwise meets the qualifications and requirements of G.S. 1-597 to 1-599.  
23 This provision shall be retroactive to May 1, 1940, and all publications, advertisements  
24 and notices published in accordance with this provision since May 1, 1940, are hereby  
25 validated.

26 Notwithstanding the provisions of G.S. 1-599, whenever a notice or any other paper,  
27 document or legal advertisement of any kind or description shall be authorized or  
28 required by any of the laws of the State of North Carolina, heretofore or hereafter  
29 enacted, or by any order or judgment of any court of this State to be published or  
30 advertised in a newspaper qualified for legal advertising in a county and there is no  
31 newspaper qualified for legal advertising as defined in this section in such county, then it  
32 shall be deemed sufficient compliance with such laws, order or judgment by publication  
33 of such notice or any other such paper, document or legal advertisement of any kind or  
34 description in a newspaper published in an adjoining county or in a county within the  
35 same district court district as defined in G.S. 7A-133 or superior court district or set of  
36 districts as defined in G.S. 7A-41.1, as the case may be; provided, if the clerk of the  
37 superior court finds as a fact that such newspaper otherwise meets the requirements of  
38 this section and has a general circulation in such county where no newspaper is published  
39 meeting the requirements of this section."

40 Section 2. This act applies to Anson County only and only applies to notices  
41 or legal advertisements of that County.

42 Section 3. This act is effective when it becomes law.