

CHAPTER 474—H. F. No. 1087

[Coded in Part]

An act relating to the qualifications and adjudication of newspapers as mediums of official and legal publication; amending Minnesota Statutes 1961, Section 331.02, Subdivisions 1, 2, 3, and 4; and Section 331.02, by adding subdivisions.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1961, Section 331.02, Subdivision 1, is amended to read:

331.02 **Legal newspaper.** Subdivision 1. **Qualifications.** In order to be qualified as a medium of official and legal publication, a newspaper shall:

(1) Be printed in the English language ~~from its known office of publication within the city, village, or town from which it purports to be issued~~ and in newspaper format and in column and sheet form equivalent in *printed* space to at least 450 ~~running inches of single column, two inches wide~~ *900 square inches*;

(2) If a weekly, be ~~issued distributed~~ at least once each week, or; if a daily, at least five days each week; ~~from a known office established in such place for such publication and employing skilled workmen and the necessary material for preparing and printing the same;~~ but in any week in which a legal holiday or ~~Thanksgiving day~~ is included, not more than four issues of a daily paper are necessary; ~~provided that the press work on that part of the newspaper devoted to local news of interest to the community which it purports to serve shall be done in its known office of publication;~~

(3) Have 25 percent, *if published more often than weekly, or 50 percent, if a weekly*, of its news columns devoted to ~~local~~ news of local interest to the community which it purports to serve, and it may contain general news, comment, and miscellany, but not wholly duplicate any other publication, or be made up entirely of patents, plate matter, and advertisements;

(4) Be circulated in and near its ~~place of publication to the extent of the municipality which it purports to serve, and has at least 240~~ 500 copies regularly delivered to paying subscribers, *and have an average of at least 75 percent of its total circulation currently paid or no more than three months in arrears* and have entry as second-class matter in its local post-office;

(5) ~~Have complied with all the foregoing conditions for at least one year last past;~~ *Have its known office of issue established*

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in the county in which lies, in whole or in part, the municipality which the newspaper purports to serve;

(6) File a copy of each issue immediately with the State Historical Society;

(7) *Have complied with all the foregoing conditions of this subdivision for at least two years last past;*

(8) *File with the secretary of state, prior to January 1 of each year, an affidavit signed by the publisher or managing officer and sworn to before a notary public stating that the newspaper is a legal newspaper. The form of the affidavit shall be prescribed by the secretary of state.*

Sec. 2. Minnesota Statutes 1961, Section 331.02, Subdivision 2, is amended to read:

Subd. 2. **Requisites.** ~~Any publication which shall have been a duly qualified medium of legal publication or which shall have filed with the proper county auditor an affidavit purporting to set forth its qualifications as a legal publication, under the laws of this state, prior to the passage of this section, shall be a legal newspaper and a duly qualified medium of official and legal publication so long as the publication complies with subdivision 1, clause (4).~~

Newspapers which have been qualified, on the effective date of this act, as mediums of official and legal publication shall remain qualified only if they meet the requirements of subdivision 1, except as follows:

(1) *If on the effective date of this act any newspaper is a qualified medium of official and legal publication but is printed in a foreign language, or in English and a foreign language, and otherwise qualifies as a medium of official and legal publication pursuant to the requirements of subdivision 1, such newspaper shall be a medium of official and legal publication so long as it otherwise qualifies pursuant to the requirements of subdivision 1.*

(2) *If on the effective date of this act any newspaper has been circulated in and near the municipality which it purports to serve to the extent of at least 240 but less than 500 copies regularly delivered to paying subscribers and otherwise qualifies as a medium of official and legal publication pursuant to the requirements of subdivision 1, such newspaper shall be a medium of official and legal publication so long as at least 240 copies are regularly so circulated and delivered and as it otherwise qualifies pursuant to the requirements of subdivision 1.*

(3) *If on the effective date of this act any newspaper shall*

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have been qualified as a medium of official and legal publication, it shall remain a medium of official and legal publication so long as it complies with the provisions of subdivision 1 thereafter.

Sec. 3. Minnesota Statutes 1961, Section 331.02, Subdivision 3, is amended to read:

Subd. 3. **Publication; suspension, change of date or place of.** Suspension of publication for a period of not more than three *consecutive* months ~~within any year~~ resulting from the destruction of its *known* office of issue, equipment or other facility by the elements, or unforeseen accident to the equipment thereof, or acts of God or by reason of a labor dispute, shall not affect the qualification of ~~such a~~ newspaper which has become or remains a medium of official and legal publication pursuant to subdivisions 1 and 2; nor shall the consolidation of one newspaper with another published in the same county, nor any change in the name or ownership ~~there thereof~~, or the temporary change in the place of the printing and publication thereof in the same county *known office of issue*, disqualify it a newspaper or invalidate any publication continuously made therein, before and after the change; and any change of the day of publication, the frequency of publication, or the change of *the known office of issue or place of publication* from one place to another within the same county shall not deprive any such publication of its standing as a ~~legal newspaper~~ *medium of official and legal publication*, or its designation as the official newspaper for the publication of the proceedings of any county board. *Except as herein otherwise provided, suspension of publication, or any change of known office of issue from one county to another county, or failure to maintain its known office of issue in the county, shall deprive a newspaper of its standing as a medium of official and legal publication until such newspaper shall again have become qualified pursuant to the provisions of subdivision 1 of this section.*

Sec. 4. Minnesota Statutes 1961, Section 331.02, Subdivision 4, is amended to read:

Subd. 4. **Declaratory judgment of legality.** Any person interested in the legality of any publication may request the auditor of the county in which such publication is published to furnish proof of the legal standing of the publication in which such legal publication is contained. The county auditor shall then demand of the publisher of such publication to furnish written proof of its qualifications; together with a list of the 240 paying subscribers, which shall then be filed by the auditor in his office as a public record. Failure of the publisher to comply with this demand within ten days after receipt of such request shall forfeit the legal standing of the publication and it shall not be a medium of legal publication until such

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~~written proof and list shall have been so furnished. The publisher of any newspaper, or any other person interested in the standing as a medium of official and legal publication of a newspaper, may petition the district court in the county in which the newspaper has its known office of issue for a declaratory judgment whether such newspaper is qualified as a medium of official and legal publication. Unless filed by the publisher, the petition and summons shall be served on the publisher as in other civil actions; service in other cases shall be made by publication of the petition and summons once each week for three successive weeks in such newspaper or newspapers as the court may order and upon such person or persons as the court may direct. The court shall hear the proofs of the petitioner and contestant, if there be any. The decision and judgment of the court may be vacated, modified or set aside by the court on its own motion or the motion of any person, whether a party to the original proceeding or not, upon a satisfactory showing made to the court that the newspaper has ceased to be qualified as a medium of official and legal publication, but all publications made in a newspaper after judgment that it is qualified as a medium of official and legal publication and before such judgment shall be vacated or set aside, shall be valid and sufficient. Except as herein otherwise specifically provided, the provisions of the uniform declaratory judgments act and the rules of civil procedure for the district courts of Minnesota, as from time to time in effect, shall apply.~~

Sec. 5. Minnesota Statutes 1961, Section 331.02, is amended by adding a subdivision to read:

Subd. 7. Designation of official publications. The governing body of any municipality or other local public corporation, or other authorized officer thereof, when authorized or required by statute or charter to designate a newspaper therein for publication of its official proceedings and public notices, shall designate a newspaper which is a duly qualified medium of official and legal publication in the sequence and order as follows:

(1) *If there is a qualified newspaper which is printed in, has a known office of issue within and is distributed from within such municipality or other local public corporation, such newspaper shall be designated, and if there be more than one such newspaper, then one such newspaper be designated;*

(2) *When a qualified newspaper is not printed in such municipality or other local public corporation, but has its known office of issue located within and is distributed from within such municipality or other local public corporation, such newspaper shall be designated and if there be more than one such newspaper, then one such newspaper shall be designated;*

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(3) *When no qualified newspaper has its known office of issue within the municipality or other local public corporation, then a qualified newspaper of general circulation therein shall be designated.*

The governing body or other authorized officer of a municipality or other local public corporation with territory in two or more counties may, if deemed in the public interest, designate a separate qualified newspaper for each such county.

Sec. 6. Minnesota Statutes 1961, Section 331.02, is amended by adding a subdivision to read:

Subd. 8. Definitions. For the purposes of this section, the following definitions shall apply except as otherwise expressly provided or indicated by the context:

(1) *“Newspaper” means a publication issued regularly by the same person, persons, or corporation or his, their or its successor, successors or assigns, whether the name of the publication be the same or different.*

(2) *“Known office of issue” means the office established and open during its regular business hours for the gathering of news, sale of advertisements and sale of subscriptions for the newspaper, whether or not printing or any other newspaper operations are conducted at or from such office; maintained by the publisher or managing officer of such newspaper or a person or persons in his or its employ and subject to his direction and control during all such regular business hours; and, unless such newspaper is printed at such office, devoted exclusively during such regular business hours to the business of the newspaper and business related thereto, including the sale of commercial printing, stationery, office supplies and office equipment.*

(3) *“Municipality” means a city, village, borough or town.*

(4) *“Local public corporation” means a municipality, school district, or other political subdivision or local district, commission, board or authority except a county.*

Sec. 7. Minnesota Statutes 1961, Section 331.02, is amended by adding a subdivision to read:

Subd. 9. Interpretation. Nothing in this section shall invalidate or affect any statutory or charter provision imposing additional or special qualifications for publication of particular notices or proceedings.

Approved May 19, 1965.

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