

## CHAPTER 471—H.F.No. 1286

*An act relating to commerce; providing for the qualification of free distribution newspapers as legal newspapers; amending Minnesota Statutes 1978, Section 331.02, Subdivisions 1 and 6; repealing Minnesota Statutes 1978, Sections 16.61 and 331.09.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1978, 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 in newspaper format and in column and sheet form equivalent in printed space to at least ~~900~~ 1200 square inches;

(2) If a weekly, be distributed at least once each week for 50 weeks each year, or if a daily, at least five days each week; but in any week in which a legal holiday is included, not more than four issues of a daily paper are necessary;

(3) ~~Have 25 percent, if published more often than weekly, or 50 percent, if a weekly, of its news columns devoted to 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; In at least half of its issues each year, have an average of no more than 75 percent of its printed space comprised of advertising material and paid legal notices; and in all of its issues each year, have 25 percent if published more often than weekly or 50 percent, if weekly, of its news columns devoted to news of local interest to the community which it purports to serve, but not more than 25 percent of its total nonadvertising column inches in any issue may wholly duplicate any other publication unless the duplicated material is from recognized general news services;~~

(4) Be circulated in and near the municipality which it purports to serve, and have at least 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, or have at least 500 copies regularly distributed without charge to local residents;~~

(5) Have its known office of issue established 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;

(6a) Be made available at single or subscription prices to any person, corporation, partnership or other unincorporated association requesting the newspaper and making the applicable payment, or be distributed without charge to local residents;

Changes or additions indicated by underline deletions by ~~strikeout~~

(7) Have complied with all the foregoing conditions of this subdivision for at least one year 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~~ The newspaper must annually publish and submit to the secretary of state a sworn United States Post Office second-class statement of ownership and circulation or in the absence of a permit must annually publish and submit a statement of ownership and circulation verified by a recognized independent circulation auditing agency. \*

Sec. 2. Minnesota Statutes 1978, Section 331.02, Subdivision 8, is amended 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~~ that office; maintained by the publisher or managing officer of ~~such~~ the 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~~ the newspaper is printed at ~~such~~ that 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 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. 3. Minnesota Statutes 1978, Sections 16.61 and 331.09 are repealed.

Sec. 4. **EFFECTIVE DATE.** This act is effective the day following final enactment.

Approved April 3, 1980

\* See the amendment to section 1 in Laws 1980, Chapter 618, Section 20.