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LEGISLATIVE HISTORY OF N.J.S.A.35:1-2.1
 (State publications; qualifications of newspapers; unqualified newspaper acquiring a qualified newspaper)

L.1935 - chap.177 - A283
 Jan.28 - Introduced.
 Bill amended during passage.
 Bill had statement. (enclosed)
 2d OCR enclosed. (1st OCR not bound in bound volume of bills).

L.1938 - chap.328 - A644
 April 25 - Introduced. (enclosed)
 Assembly Committee Substitute for A644 (enclosed)
 Substitute not amended during passage.
 Bill had no statement.

L.1941 - chap.147 - S220
 (Bound volume of senate bills containing this bill not locatable at time legislative history was done.)

L.1941 - chap.409 - S410
 June 9 - Introduced.
 Amended during passage. (enclosed)
 Bill had statement. (enclosed)

L.1953 - chap.411 - A406
 March 16 - Introduced
 Amended during passage. (enclosed)
 Bill had statement. (enclosed)

No hearings or reports were located on any of these bills.

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JRM/EH
 Encl.

STATE OF NEW JERSEY

INTRODUCED JANUARY 28, 1935

By Miss MALONEY

Referred to Committee on Judiciary

AN ACT defining what newspapers or publications may be used for the publication of official notices, advertisements or other publications required to be made by the State of New Jersey as such or by any department, board or body of the State government or by any State official or office.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Whenever it is required to publish ordinances, resolutions, official
2 proclamations, notices, or advertising of any sort, kind, or character, includ-
3 ing proposals for bids on public work and otherwise, by the State of New
4 Jersey or by any board or body constituted and established for the perform-
5 ance of any State duty or by any State official or office, or commission, the
6 newspaper or newspapers selected for such publication or publications must
7 meet and satisfy the following qualifications, namely: Said newspaper or
8 newspapers shall be printed in the English language, shall have been pub-
9 lished continuously for not less than one year and shall have been entered
10 as second class mail matter under the postal laws and regulations of the
11 United States.

1 2. All acts or parts of acts inconsistent with this act are hereby re-
2 pealed.

1 3. This act is to take place immediately.

STATEMENT

The object of this act is to limit the selection of newspapers for official advertising to actual newspapers printed and published in the State and qualified and eligible to use the second-class newspaper mailing privileges in the United States. This is to prevent the selection of any mere advertising medium or circular or pretended newspaper publication.

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5 ance of any State duty or by any State official or office, or commission, the
6 newspaper or newspapers selected for such publication or publications must
7 meet and satisfy the following qualifications, namely: Said newspaper or
8 newspapers shall be printed in the English language, shall have been pub-
9 lished continuously for not less than one year and shall have been entered
10 as second class mail matter under the postal laws and regulations of the
11 United States.

1 2. All acts or parts of acts inconsistent with this act are hereby re-
2 pealed.

1 3. This act is to take place immediately.

ASSEMBLY, No. 644

STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1938

By Mr. WILENSKY

Referred to Committee on Judiciary

AN ACT concerning newspapers, and amending section 35:1-2.1 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 35:1-2.1 of the Revised Statutes be and the same is hereby
2 amended to read as follows:

3 35:1-2.1. State publications; qualifications of newspapers. Whenever
4 it is required to publish resolutions, official proclamations, notices or adver-
5 tising of any sort, kind or character, including proposals for bids on public
6 work and otherwise by this State or by any board or body constituted and
7 established for the performance of any State duty or by any State, county,
8 city, borough, township and village official or office or commission, the news-
9 paper or newspapers selected for such publication must meet and satisfy the
10 following qualifications, namely: said newspaper or newspapers shall be
11 printed in the English language, shall have been published continuously for
12 not less than [one] two years and shall have been entered as second-class mail
13 matter under the postal laws and regulations of the United States[.] for a
14 period of two years.

1 2. All acts or parts of acts inconsistent with this act are hereby re-
2 pealed.

1 3. This act shall take effect immediately.

COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 644

STATE OF NEW JERSEY

ADOPTED MAY 9, 1938

AN ACT concerning newspapers, and amending sections 35:1-2.1 and 35:1-2.2
of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Sections 35:1-2.1 and 35:1-2.2 of the Revised Statutes be and the same
2 are hereby amended to read as follows:

3 35:1-2.1. State publications; qualifications of newspapers. Whenever it
4 is required to publish resolutions, official proclamations, notices or advertis-
5 ing of any sort, kind or character, including proposals for bids on public
6 work and otherwise, by this State or by any board or body constituted and
7 established for the performance of any State duty or by any State official
8 or office or commission, the newspaper or newspapers selected for such pub-
9 lication must meet and satisfy the following qualifications, namely: said
10 newspaper or newspapers shall be entirely printed in the English language,
11 shall have been published continuously for not less than [one] two years
12 and shall have been entered as second-class mail matter under the postal laws
13 and regulations of the United States.

14 35:1-2.2. Publications by counties, municipalities, individuals and corpo-
15 rations; qualifications of newspapers. Whenever, by law, it is required that
16 there be published by printing and publishing in a newspaper or newspa-
17 pers ordinances, resolutions or notices or advertisements of any sort, kind
18 or character by any county, city or other municipality or municipal corpora-
19 tion, or by any municipal board or official board, or body, or office, or officials,

20 or by any person or corporation, such newspaper or newspapers must, in ad-
21 dition to any other qualification now required by law, meet the following
22 qualifications, namely: said newspaper or newspapers shall be entirely
23 printed in the English language, shall have been published continuously for
24 not less than [~~one~~] two years and shall have been entered as second-class
25 mail matter under the postal laws and regulations of the United States.

1 2. All acts or parts of acts inconsistent with this act are hereby re-
2 pealed.

1 3. This act shall take effect immediately.

STATE OF NEW JERSEY

INTRODUCED JUNE 9, 1941

By Mr. SCHROEDER

Referred to Committee on Miscellaneous Business

AN ACT concerning newspapers, and amending sections 35:1-2.1 and 35:1-2.2
of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 35:1-2.1 of the Revised Statutes is amended to read as fol-
2 lows:

3 35:1-2.1. Whenever it is required to publish resolutions, official procla-
4 mations, notices or advertising of any sort, kind or character, including pro-
5 posals for bids on public work and otherwise, by this State or by any board
6 or body constituted and established for the performance of any State duty
7 or by any State official or office or commission, the newspaper or newspapers
8 selected for such publication must meet and satisfy the following qualifica-
9 tions, namely: said newspaper or newspapers shall be entirely printed in the
10 English language, shall be printed and published within the State of New Jer-
11 sey, shall be a newspaper of general circulation possessing an average news
12 content of not less than thirty-five per centum (35%), shall have been pub-
13 lished continuously in the municipality where its publication office is situ-
14 ate for not less than two years and shall have been entered for two years
15 as second-class mail matter under the postal laws and regulations of the
16 United States. In case a newspaper cannot meet these qualifications, itself,
17 but has acquired another newspaper which meets these qualifications, the
18 acquiring newspaper shall be deemed to meet these qualifications if it is

19 published in the same municipality and entered in the same post office as
20 was the acquired newspaper.

1 2. Section 35:1-2.2 of the Revised Statutes is amended to read as fol-
2 lows:

3 35:1-2.2. Whenever, by law, it is required that there be published by
4 printing and publishing in a newspaper or newspapers ordinances, resolu-
5 tions or notices or advertisements of any sort, kind or character by any
6 county, city or other municipality or municipal corporation, or by any munic-
7 ipal board or official board, or body, or office, or officials, or by any person
8 or corporation, such newspaper or newspapers must, in addition to any
9 other qualification now required by law, meet the following qualifications,
10 namely: said newspaper or newspapers shall be entirely printed in the English
11 language, shall be printed and published within the State of New Jersey,
12 shall be a newspaper of general circulation possessing an average news con-
13 tent of not less than thirty-five per centum (35%), shall have been published
14 continuously in the municipality where its publication office is situate for
15 not less than two years and shall have been entered for two years as sec-
16 ond-class mail matter under the postal laws and regulations of the United
17 States. In case a newspaper cannot meet these qualifications itself but has
18 acquired another newspaper which meets these qualifications, the acquiring
19 newspaper shall be deemed to meet these qualifications if it is published in
20 the same municipality and entered in the same post office as was the acquired
21 newspaper.

1 3. All acts or parts of acts inconsistent with this act are repealed.

1 4. This act shall take effect immediately.

EXPLANATION

The purpose of this amendment is to clarify present qualifications of news-
papers for legal advertisements and to prevent defeat of the intent of the
present law.

STATE OF NEW JERSEY

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Referred to Committee on Miscellaneous Business

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of the Revised Statutes.

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4 mations, notices or advertising of any sort, kind or character, including pro-
5 posals for bids on public work and otherwise, by this State or by any board
6 or body constituted and established for the performance of any State duty
7 or by any State official or office or commission, the newspaper or newspapers
8 selected for such publication must meet and satisfy the following qualifica-
9 tions, namely: said newspaper or newspapers shall be entirely printed in the
10 English language, shall be printed and published within the State of New Jer-
11 sey, shall be a newspaper of general circulation possessing an average news
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13 lished continuously in the municipality where its publication office is situ-
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16 United States. In case a newspaper cannot meet these qualifications, itself,
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18 acquiring newspaper shall be deemed to meet these qualifications if it is

19 published in the same municipality and entered in the same post office as
20 was the acquired newspaper.

1 2. Section 35:1-2.2 of the Revised Statutes is amended to read as fol-
2 lows:

3 35:1-2.2. Whenever, by law, it is required that there be published by
4 printing and publishing in a newspaper or newspapers ordinances, resolu-
5 tions or notices or advertisements of any sort, kind or character by any
6 county, city or other municipality or municipal corporation, or by any munic-
7 ipal board or official board, or body, or office, or officials, or by any person
8 or corporation, such newspaper or newspapers must, in addition to any
9 other qualification now required by law, meet the following qualifications,
10 namely: said newspaper or newspapers shall be entirely printed in the English
11 language, shall be printed and published within the State of New Jersey,
12 shall be a newspaper of general circulation possessing an average news con-
13 tent of not less than thirty-five per centum (35%), shall have been published
14 continuously in the municipality where its publication office is situate for
15 not less than two years and shall have been entered for two years as sec-
16 ond-class mail matter under the postal laws and regulations of the United
17 States. In case a newspaper cannot meet these qualifications itself but has
18 acquired another newspaper which meets these qualifications, the acquiring
19 newspaper shall be deemed to meet these qualifications if it is published in
20 the same municipality and entered in the same post office as was the acquired
21 newspaper.

1 3. All acts or parts of acts inconsistent with this act are repealed.

1 4. This act shall take effect immediately.

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ASSEMBLY, No. 406

STATE OF NEW JERSEY

INTRODUCED MARCH 16, 1953

By Mr. JOYA

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning legal newspapers,, and amending sections 35:1-2.1 and
35:1-2.2 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 35:1-2.1 of the Revised Statutes is amended to read as
2 follows:

3 35:1-2.1. Whenever it is required to publish resolutions, official proclama-
4 tions, notices or advertising of any sort, kind or character, including pro-
5 posals for bids on public work and otherwise, by this State or by any board
6 or body constituted and established for the performance of any State duty
7 or by any State official or office or commission, the newspaper or newspapers
8 selected for such publication must meet and satisfy the following qualifica-
9 tions, namely: said newspaper or newspapers shall be entirely printed in
10 the English language, shall be printed and published within the State of
11 New Jersey, shall be a newspaper of general circulation possessing an aver-
12 age news content of not less than thirty-five per centum (35%), shall have
13 been published continuously in the municipality where its publication office is
14 situate for not less than two years and shall have been entered for two years
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16 United States. In case a newspaper cannot meet these qualifications, itself,
17 but has acquired another newspaper which meets these qualifications, the

18 acquiring newspaper shall be deemed to meet these qualifications if it is
 19 published in the same municipality and entered in the same post office as
 20 was the acquired newspaper. Continuous publication within the meaning of
 21 this section shall not be deemed interrupted by any involuntary suspension
 22 of publication resulting from loss, destruction, failure or unavailability of
 23 operating facilities, equipment or personnel from whatever cause, and any
 24 newspaper so affected shall not be disqualified hereunder in the event that
 25 publication is resumed within one week after it again becomes possible.

1 2. Section 35:1-2.2 of the Revised Statutes is amended to read as
 2 follows:

3 35:1-2.2. Whenever, by law it is required that there be published by
 4 printing and publishing in a newspaper or newspapers ordinances, resolu-
 5 tions or notices or advertisements of any sort, kind or character by any
 6 county, city or other municipality or municipal corporation, or by any mu-
 7 nicipal board or official board, or body, or office, or officials, or by any per-
 8 son or corporation, such newspaper or newspapers must, in addition to any
 9 other qualification now required by law, meet the following qualifications,
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 23 publication resulting from loss, destruction, failure or unavailability of oper-

24 ating facilities, equipment or personnel from whatever cause, and any news-
25 paper so affected shall not be disqualified hereunder in the event that pub-
26 lication is resumed within one week after it again becomes possible.

1. 3. This act shall take effect immediately.

STATEMENT

The proposed amendment is similar to the legislation adopted in Pennsylvania affecting newspaper publication and heeds the warning set forth in the opinion of the Circuit Court of New Jersey in the case of *In re Bond Printing Co., Inc.*, 48 (2nd series) Atlantic Reporter 291 et seq.

“I can also conceive of other hardships which this legislation could impose on qualified newspapers throughout the State. For instance, a fire or other calamity could so thoroughly wipe out a newspaper plant that it would be necessary to establish a complete new set-up. It is conceivable that in some other municipality a new plant might be readily available, but the transfer of the publication office from one municipality to another would involve the loss of the newspaper’s status.”

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6 or body constituted and established for the performance of any State duty
7 or by any State official or office or commission, the newspaper or newspapers
8 selected for such publication must meet and satisfy the following qualifica-
9 tions, namely: said newspaper or newspapers shall be entirely printed in
10 the English language, shall be printed and published within the State of
11 New Jersey, shall be a newspaper of general circulation possessing an aver-
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24 ating facilities, equipment or personnel from whatever cause, and any news-
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ASSEMBLY, No. 406

STATE OF NEW JERSEY

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By Mr. JOYA

Referred to Committee on Revision and Amendment of Laws

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11 Jersey, shall be a newspaper of general paid circulation possessing an aver-
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16 United States. In case a newspaper cannot meet these qualifications, itself,
17 but has acquired another newspaper which meets these qualifications, the

18 acquiring newspaper shall be deemed to meet these qualifications if it is
19 published in the same municipality and entered in the same post office as
20 was the acquired newspaper. Continuous publication within the meaning of
21 this section shall not be deemed interrupted by any involuntary suspension
22 of publication for a period not exceeding six months resulting from loss,
23 destruction, mechanical or electrical failure of typesetting equipment or
24 printing presses or the unavailability, due to conditions beyond the control
25 of the publisher, of paper or other materials and supplies necessary for
26 operation, or resulting from a labor dispute with a recognized labor union,
27 and any newspaper so affected shall not be disqualified hereunder in the
28 event that publication is resumed within said period of six months.

1 2. Section 35:1-2.2 of the Revised Statutes is amended to read as
2 follows:

3 35:1-2.2. Whenever, by law it is required that there be published by
4 printing and publishing in a newspaper or newspapers ordinances, resolu-
5 tions or notices or advertisements of any sort, kind or character by any
6 county, city or other municipality or municipal corporation, or by any mu-
7 nicipal board or official board, or body, or office, or officials, or by any per-
8 son or corporation, such newspaper or newspapers must, in addition to any
9 other qualification now required by law, meet the following qualifications,
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12 sey, shall be a newspaper of general paid circulation possessing an average
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23 publication for a period, not exceeding six months resulting from loss,
24 destruction, mechanical or electrical failure of typesetting equipment or
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26 of the publisher, of paper or other materials and supplies necessary for
27 operation, or resulting from a labor dispute with a recognized labor union,
28 and any newspaper so affected shall not be disqualified hereunder in the
29 event that publication is resumed within said period of six months.

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