

35:1-2.2

LEGISLATIVE HISTORY CHECKLIST

NJSA 35:1-2.2 [Official advertising (Legal notices) --  
Qualified newspapers]

LAWS OF 1979 CHAPTER 84

Bill No. A87

Sponsor(s) Di Francesco and Maguire

Date Introduced Pre-filed

Committee: Assembly Municipal Gov't.

Senate County & Municipal Gov't.

Amended during passage XXX Assembly Committee  
No Substitute enacted

Date of Passage: Assembly December 4, 1978

Senate February 20, 1979

Date of approval May 7, 1979

Following statements are attached if available:

Sponsor statement Yes XX

Committee Statement: Assembly Yes XX

Senate XXX No

Fiscal Note XXX No

Veto message XXX No

Message on signing XXX No

Following were printed:

Reports XXX No

Hearings XXX No

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CHAPTER 84 LAWS OF N. J. 1979  
APPROVED 5-7-79  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 87**

**STATE OF NEW JERSEY**

ADOPTED NOVEMBER 20, 1978

AN ACT concerning newspapers and amending R. S. 35:1-2.2.

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

1 1. R. S. 35:1-2.2 is amended to read as follows:

2 35:1-2.2. Whenever, by law, it is required that there be published  
3 by printing and publishing in a newspaper or newspapers ordi-  
4 nances, resolutions or notices or advertisements of any sort, kind  
5 or character by any county, city or other municipality or municipal  
6 corporation, or by any municipal board or official board, or body,  
7 or office, or officials, or by any person or corporation, such news-  
8 paper or newspapers must, in addition to any other qualification  
9 now required by law, meet the following qualifications, namely:  
10 said newspaper or newspapers shall be entirely printed in the  
11 English language, shall be printed and published within the State  
12 of New Jersey, shall be a newspaper of general paid circulation  
13 possessing an average news content of not less than 35%, shall  
14 have been published continuously in the municipality where its  
15 publication office is situate for not less than 2 years and shall have  
16 been entered for 2 years as second-class mail matter under the  
17 postal laws and regulations of the United States. In case a news-  
18 paper cannot meet these qualifications itself but has acquired  
19 another newspaper which meets these qualifications, the acquiring  
20 newspaper shall be deemed to meet these qualifications if it is  
21 published in the same municipality and entered in the same post  
22 office as was the acquired newspaper. Continuous publication  
23 within the meaning of this section shall not be deemed interrupted  
24 by any involuntary suspension of publication for a period not  
25 exceeding 6 months resulting from loss, destruction, mechanical or  
26 electrical failure of typesetting equipment or printing presses or  
27 the unavailability, due to conditions beyond the control of the pub-  
28 lisher, of paper or other materials and supplies necessary for  
29 operation, or resulting from a labor dispute with a recognized

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.**

30 labor union, and any newspaper so affected shall not be disqualified  
31 hereunder in the event that publication is resumed within said  
32 period of 6 months.

33 For the purposes of this section and for the purpose of qualify-  
34 ing for legal advertisements generally, any newspaper which for  
35 not less than 2 years shall have been continuously printed in a  
36 building located within two municipalities and which for not less  
37 than 2 years shall have continuously maintained its editorial and  
38 business offices in said building shall be deemed to have been pub-  
39 lished continuously in each of said municipalities during that  
40 period and its publication office shall be deemed to have been  
41 situate in each municipality during that period.

42 In the event any newspaper which shall have been qualified to  
43 publish legal advertisements shall move its publication office to any  
44 municipality in the same county or in an adjacent county in this  
45 State and which shall otherwise continue to meet the qualifications  
46 of this section, it shall **【continue to】** be qualified to publish legal  
47 advertisements which it was qualified to publish prior to moving  
48 said publication office for a period of 2 years after the date of the  
49 moving of its publication office *or such period as said newspaper*  
50 *shall have the highest paid circulation of any newspaper within*  
51 *the county or municipality which shall use said newspaper for legal*  
52 *advertisements.*

1 2. This act shall take effect immediately.

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ASSEMBLY, No. 87

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1978 SESSION

By Assemblymen DiFRANCESCO and MAGUIRE

AN ACT to amend "An act relating to publication of notices or advertisements by counties and municipalities, and supplementing chapter 1 of Title 35 of the Revised Statutes," approved July 9, 1968 (P. L. 1968, c. 133).

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

1 1. Section 1 of P. L. 1968, c. 133, (C. 35:1-2.2a) is amended to  
2 read as follows:

3 1. Notwithstanding any other provision of law whenever, by  
4 law, it is required that there be published by printing and publish-  
5 ing in a newspaper, which meets the qualifications set forth in  
6 Revised Statutes 35:1-2.2, ordinances, resolutions or notices or  
7 advertisements of any sort, kind or character by any county, or by  
8 any city or other municipality or municipal corporation, or by any  
9 municipal board or official board, or body, or office, or officials, or  
10 by any person or corporation of such county, such notice or ad-  
11 vertisement may be published in a newspaper published in such  
12 county or municipality, as may be required by the statute pre-  
13 scribing the method of publication, except that there shall hereafter  
14 be no requirement that the newspaper be printed *or published* in  
15 any such county or municipality provided that the said newspaper  
16 is printed in the State of New Jersey *and provided further that*  
17 *said newspaper is published in a county adjoining the county*  
18 *wherein it is to be used for such advertising and that said news-*  
19 *paper has the highest paid circulation within the county or munici-*  
20 *pality wherein it is to be used.*

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to amend present law so that a county or municipality may place official advertising in an otherwise-

qualified newspaper which is published in the county adjacent to the county in which it is to be used for such advertising. The amendatory language further provides that the newspaper, in order to qualify, must have the highest paid circulation of any newspaper circulating in the county or municipality wherein it is to be used for official advertising.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 87**

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**STATE OF NEW JERSEY**

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DATED: NOVEMBER 20, 1978

This bill permits a newspaper, after it moves its place of publication, to publish legal advertisements for the county or municipality where it had been previously qualified to publish legal advertisements provided:

- a. The new site of publication is within the county where it was previously qualified to publish or in a county adjacent to the county where it was previously qualified to publish; and,
- b. The paper maintains the highest paid circulation of any newspaper within the county or municipality where it had been previously used for purposes of legal advertising.

This bill, a committee substitute for Assembly Bill No. 87, substantially accomplishes the same purpose as Assembly Bill No. 87 without the technical problems raised by that bill.

Under R. S. 35:1-2.2, the newspaper cited above could continue to publish for 2 years after the date of moving its office, whether or not it continued to be the major newspaper in the municipality or county where it was once located.

This bill applies particularly to the *Courier-News*, once published in the city of Plainfield, Middlesex county (and still the major New Jersey newspaper for that city), now published in Bridgewater, Somerset county.