

CHAPTER 331

NEWSPAPERS

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NOTE: This chapter is repealed January 1, 1985, except as it applies to independent school districts. It is repealed July 1, 1985, as it applies to independent school districts. See Laws 1984, chapter 543, section 70.

331.01 NEWSPAPER.

The term "newspaper" includes any newspaper, circular, or other publication issued regularly or intermittently by the same parties or by parties one of whom has been associated with one or more publications of such newspaper or circular, whether the name of the publication be the same or different.

History: 1931 c 293 s 6 (7352-16)

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 1,200 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) In at least half of its issues each year, have 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 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;
- (7) Have complied with all the foregoing conditions of this subdivision for at least one year last past;
- (8) The newspaper must annually publish a sworn United States Post Office second-class statement of ownership and circulation or in the absence of a permit must annually publish a comparable statement of ownership and circulation covering a one year period ending not more than three months prior to publication verified by a recognized independent circulation auditing agency;

(9) The newspaper shall, between October 1 and December 31 of each year, submit to the secretary of state a sworn printers affidavit of publication accompanied by the published statement required by section 331.02, subdivision 1, clause (8), that it has complied with all of the requirements of this subdivision. A newspaper which files the affidavit shall be qualified as a legal newspaper for the calendar year following filing.

Subd. 1a. Fee. Every newspaper submitting the statement required by subdivision 1, clause (8) shall remit a \$25 filing fee to the secretary of state at the time of that submission.

Subd. 2. Requisites. Newspapers which have been qualified, on May 20, 1965, 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 May 20, 1965, 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 May 20, 1965, 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 May 20, 1965, any newspaper shall 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.

Subd. 3. Publication; suspension, change of date or place. Suspension of publication for a period of not more than three consecutive months resulting from the destruction of its known office of issue, equipment or other facility by the elements, unforeseen accident, or acts of God, or by reason of a labor dispute or financial difficulties, shall not affect the qualification of 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 thereof, or the temporary change in the known office of issue, disqualify 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 from one place to another within the same county shall not deprive any such publication of its standing as a 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.

Subd. 4. Declaratory judgment of legality. 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.

Subd. 5. Legal notices, how printed. All legal notices shall be printed in the English language.

Subd. 6. Military service of editor or publisher. Notwithstanding the provisions of subdivision 1, clause (5), a newspaper shall be declared an official and legal publication upon the filing of an affidavit with the county auditor showing that the newspaper was in existence but publication thereof was suspended before the completion of one full year because the editor or publisher was forced to enter active military service after December 7, 1941, and prior to December 31, 1946, under the Selective Service Act of 1940, and publication of the newspaper was resumed after honorable discharge of the editor or publisher.

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;

(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.

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 that office; maintained by the publisher or managing officer of the newspaper or a person or persons in his or its employ and subject to his direction and control during regular business hours; and, unless the newspaper is printed at that office, devoted exclusively during 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.

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.

History: 1939 c 128 s 1; 1947 c 239 s 1; 1951 c 385 s 1; 1955 c 134 s 1; 1965 c 474 s 1-7; 1971 c 241 s 1; 1973 c 123 art 5 s 7; 1975 c 155 s 1; 1980 c 471 s 1,2; 1980 c 618 s 20; 1983 c 301 s 189; 1984 c 439 s 1; 1984 c 618 s 36 (10935-1)

331.03 STATEMENT OF OWNERSHIP.

Each newspaper printed or published within the state, excepting legally qualified newspapers, shall register in the office of the county recorder a statement of the owners, printers, and publishers of the paper and the residence of each and, if the same shall be published by a corporation, the names and residences of the president, secretary, and editors thereof. The county recorder shall provide a suitable book in which to register the names as herein provided, and charge therefor a fee of 50 cents.

History: 1931 c 293 s 1,2; 1976 c 181 s 2 (7352-11, 7352-12)

331.04 SHALL PUBLISH NAMES.

No newspaper, except a legally qualified newspaper, shall be printed or published within the state without the names of the owners, publishers, and editors thereof stated and set forth therein.

History: 1931 c 293 s 3 (7352-13)

331.05 COURT TO DETERMINE OWNERSHIP.

In the event of the publication of any newspaper within the state without the names of the owners and publishers thereof fully set forth therein, the court or the jury may determine such ownership and publisher on evidence of the general or local reputation of that fact. Opinion evidence may be offered and considered by the court or jury in any case arising in connection with the ownership, printing, or publishing of any such publication or of any article published therein, either in a criminal action for libel by reason of such publication or in any civil action based thereon.

History: 1931 c 293 s 5 (7352-15)

331.06 AFFIDAVIT OF PUBLICATION.

No compensation shall be recoverable for publishing legal or official matter in any newspaper not so qualified, nor until there shall have been filed with the county auditor the affidavit of a person having knowledge of the facts, showing the name

and location of the newspaper and the existence of conditions constituting its qualifications as a legal newspaper as required and set forth in section 331.02. If the matter published relates to proceedings in another county, a like affidavit must be filed with its auditor. Such affidavit, if it states the required facts, shall be prima facie evidence thereof and of such qualification. No compensation shall be recoverable for publishing legal or official matter in any newspaper unless the bill for same is accompanied by an affidavit of the publisher, or printer in charge, of such newspaper having knowledge of the facts, setting forth the fact that such newspaper has complied with all the requirements that constitute a legal newspaper, and such affidavit must contain a printed copy of the lower case alphabet from A to Z, both inclusive, which copy of the alphabet must be acknowledged in the affidavit by the publisher, or printer in charge, having knowledge of the facts, as being the size and kind of type used in the composition and publication of the legal or official matter published in such newspaper for which such compensation is claimed; and the affidavit must set forth the dates of the month and year and the day of the week upon which such legal or official matter was published in such newspaper.

History: 1921 c 484 s 4 (10936)

331.07 MS 1969 [Repealed, Ex1971 c 48 s 13 subd 5]

331.07 TYPE.

Subdivision 1. **Measurement of type.** The basis of measurement of type used in the publication of notices and forms required by law to be published in a newspaper in this state shall be as follows:

- (1) One inch in length shall contain 72 points of type measurement;
- (2) Nonpareil or six-point type shall be 12 lines to the inch;
- (3) Brevier or eight-point type shall be nine lines to the inch;
- (4) Long primer or ten-point type shall be seven and two-tenths lines to the inch;
- (5) Agate type shall be 14 lines to the inch, and the length of the lower case alphabet from A to Z, both inclusive, set in compact form, shall be seven and one-half ems pica, a total of 90 points;
- (6) A standard line shall be 6-point Times Roman with a lower case alphabet of 90 points set on a 6-point slug without spacing between the lines, and 11 picas in length.

Subd. 2. **Difference in size of type used.** Nonstandard type faces and line lengths shall be allowed with adjustments in fees according to variations in type set and line length. When a publisher does not have, or elects not to use a 6-point body type, a larger body type may be used, in which case adjustments shall be made in line rate, proportionately decreasing for wider alphabets and for sizes of type over 6-point to produce the same net average compensation for the matter published. Such adjustments shall be evaluated by the commissioner of administration who shall certify the same to any newspaper, public official or other interested party upon request, and such certification shall be presumptive evidence of the correct adjustments.

History: Ex1971 c 48 s 13 subds 1,2

331.08 MS 1969 [Repealed, Ex1971 c 48 s 13 subd 5]

331.08 FEES FOR PUBLICATION OF LEGAL NOTICES.

The maximum fee for publication of a legal notice in any legal newspaper in this state shall be 25-1/2 cents in 1979 and 27 cents thereafter per standard line for the

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first insertion and 17 cents in 1979 and 18 cents thereafter per standard line for each subsequent insertion of a notice. The fees for the publication of the delinquent tax list shall be the same as now provided by section 279.07; provided that in all cases where a notice for publication contains tabular matter in whole or in part, or what is termed "price and one-half" or "double price" composition, an additional fee of 8-1/2 cents in 1979 and 9 cents thereafter per standard line shall be paid for all such price and one-half and double price composition matter for the first insertion of a notice; and in the publication of official ballots for elections in the counties and the state the same shall be measured as though the entire space occupied is that of solid brevier or eight-point type, and no additional fee shall be allowed on account of tabular matter.

History: *Ex1971 c 48 s 13 subd 3; 1974 c 38 s 2; 1979 c 252 s 1*

331.09 [Repealed, 1980 c 471 s 3]

331.10 VIOLATION A GROSS MISDEMEANOR.

In the event of any newspaper failing to file and register, as provided for in section 331.03, the party printing or publishing the same shall be guilty of a gross misdemeanor.

History: *1931 c 293 s 4 (7352-14)*

331.11 NEWSPAPERS LEGALIZED.

No newspaper in this state which conforms in all respects to the statutes defining a legal newspaper, with the exception that the same has not been published for the requisite length of time, shall be deprived of its standing as a legal newspaper at the time the same shall have been published for the requisite length of time; provided, it shall have, during such time, met the other requirements of a legal newspaper, by reason of a failure of publication for one week at some time after the commencement of the publication of such newspaper.

History: *1921 c 407 s 1 (10934)*

331.12-331.16 [Obsolete]

331.17 [Repealed, 1965 c 45 s 73]