

HB 2833

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SENATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



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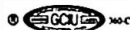
HOUSE BILL No. 2833

(By Delegate Kiss, et al.)



Passed March 11, 1995

In Effect from Passage



ENROLLED

H. B. 2833

(BY DELEGATES KISS, FARRIS, LEACH, MEZZATESTA,
BROWNING AND MILLER)

[Passed March 11, 1995; in effect from passage.]

AN ACT to amend and reenact section three, article three, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to newspapers and legal advertisements; rates which a qualified newspaper may charge for legal advertising; establishing the amount of rate increases allowed to be charged for legal advertising for the years one thousand nine hundred ninety-five through one thousand nine hundred ninety-six; requiring affidavits and notice of legal advertising rates; and effective dates of rates.

Be it enacted by the Legislature of West Virginia:

That section three, article three, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. NEWSPAPERS AND LEGAL ADVERTISEMENTS.

§59-3-3. Rates for legal advertisements; computation; filing affidavits with secretary of state.

1 (a) The rates which a publisher or proprietor of a
2 qualified newspaper in West Virginia may charge and
3 receive for a single or first publication of any legal adver-
4 tisement set solid shall depend upon the bona fide circula-
5 tion of such newspaper, as follows:

6 (1) Two cents per word if the qualified newspaper has

7 a bona fide circulation of less than one thousand, except
8 as provided in subdivision (1) subsection (a) of this sec-
9 tion;

10 (2) Five cents per word if the qualified newspaper has
11 a bona fide circulation of one thousand to ten thousand;

12 (3) Six and one-fourth cents per word if the qualified
13 newspaper has a bona fide circulation of more than ten
14 thousand but less than forty thousand; or

15 (4) Seven and one-fourth cents per word if the quali-
16 fied newspaper has a bona fide circulation of forty thou-
17 sand or more: *Provided*, That on the first day of July in
18 the year one thousand nine hundred ninety-five and on
19 the first day of July in the year one thousand nine hun-
20 dred ninety-six, the allowable rate per word in each of the
21 classifications of qualified newspapers with reference to
22 circulation as set forth in this subsection shall, for each
23 classification, increase one cent per word over the prior
24 year's rate. It is the intent of the Legislature to reconsider
25 the issue of publication rates for legal advertisement in the
26 year one thousand nine hundred ninety-seven.

27 (b) In computing the number of words in a legal ad-
28 vertisement, not set solid, the basis shall be upon the size
29 of type in which legal advertising is set by the qualified
30 newspaper making the publication, and shall be computed
31 at the legal rate as though the matter was solid type, that is
32 to say, on the basis of eighty-four words to the single
33 column inch in six point type, and fifty-four words to the
34 single column inch in eight point type, and any other size
35 type in proportion.

36 (c) In determining the cost of a legal advertisement
37 which is to appear more than once in the same qualified
38 newspaper, the cost for the first publication shall be com-
39 puted as specified in subsections (a) and (b) of this sec-
40 tion, and the cost of the second and each subsequent pub-
41 lication shall be seventy-five percent of the cost of the first
42 publication computed as aforesaid.

43 (d) The average bona fide circulation stated by each
44 qualified newspaper in the statement filed by such newspa-

45 per with the United States post office department in No-
46 vember, one thousand nine hundred ninety-four shall
47 control the rate of circulation classification of such quali-
48 fied newspaper for the period commencing the first day of
49 July, one thousand nine hundred ninety-five, until the first
50 day of July, one thousand nine hundred ninety-six. On or
51 before the first day of November, one thousand nine hun-
52 dred nine hundred ninety-five, the publisher or proprietor
53 of each newspaper desiring to publish any legal advertise-
54 ment during the ensuing one year time period commenc-
55 ing the first day of July, one thousand nine hundred
56 ninety-six, shall file with the secretary of state an affidavit
57 stating the average bona fide circulation of such newspa-
58 per during the preceding twelve month time period ending
59 the thirtieth day of June immediately preceding the No-
60 vember in which the affidavit is filed, and sufficient facts
61 shall be set forth in the affidavit to show whether such
62 newspaper is a qualified newspaper. The average bona
63 fide circulation stated in such affidavit by each qualified
64 newspaper shall control the rate circulation classification
65 for the ensuing twelve month period commencing the first
66 day of July, one thousand nine hundred ninety-six. The
67 publisher or proprietor of each newspaper desiring to
68 publish any legal advertisement during the ensuing twelve
69 month period commencing the first day of July, shall file
70 an affidavit as aforesaid on or before the first day of No-
71 vember of each succeeding year, and such affidavit shall
72 control the rate circulation classification of such newspa-
73 per, if it is a qualified newspaper, for the ensuing twelve
74 month period commencing the first day of July. Any
75 qualified newspaper for which the required affidavit is not
76 filed on or before the first day of March of any calendar
77 year after the year one thousand nine hundred ninety-six,
78 shall be conclusively presumed to have for the ensuing
79 twelve month period commencing the first day of July of
80 such year, a bona fide circulation of less than one thou-
81 sand. At the time a publisher or proprietor of a qualified
82 newspaper files an affidavit with the secretary of state, as
83 aforesaid, such publisher or proprietor shall notify the
84 clerk of the county commission and the board of educa-
85 tion of the county in which such qualified newspaper is
86 published of the circulation classification of such qualified

87 newspaper and of the applicable rate for publishing legal
88 advertisements in such qualified newspaper during the
89 ensuing twelve month period commencing the first day of
90 July. If the qualified newspaper is published in a munici-
91 pality, the publisher or proprietor shall at the same time
92 also furnish the same notification to the clerk or recorder
93 of such municipality.

94 (e) The rate charged for political advertising appear-
95 ing in a newspaper at any time or times during the time
96 period commencing thirty days prior to any primary or
97 general election and ending the day following such elec-
98 tion may not exceed one hundred five percent of the low-
99 est commercial rate charged by the newspaper in which
100 such political advertising appears.

101 (f) Nothing contained herein may prohibit qualified
102 newspapers from charging less than the specified rates for
103 any legal advertisement.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Schooner
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect from passage.

Darrell E. White
Clerk of the Senate

Donald L. Kapp
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Paul Abner
Speaker of the House of Delegates

The within _____ this the _____

day of _____, 1995.

Governor



PRESENTED TO THE

GOVERNOR

Date 3/31/95

Time 2:43 pm