

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 135*

Short Title: Fast-Track Technical Amendments.

(Public)

Sponsors: Representative Culpepper.

Referred to: Judiciary II.

February 13, 1997

A BILL TO BE ENTITLED

1 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TWO SECTIONS OF THE
2 GENERAL STATUTES IN NEED OF PROMPT CORRECTIONS AS
3 RECOMMENDED BY THE GENERAL STATUTES COMMISSION.
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 1-597 reads as rewritten:

7 "**§ 1-597. Regulations for newspaper publication of legal notices, advertisements,**
8 **etc.**

9 Whenever a notice or any other paper, document or legal advertisement of any kind or
10 description shall be authorized or required by any of the laws of the State of North
11 Carolina, heretofore or hereafter enacted, or by any order or judgment of any court of this
12 State to be published or advertised in a newspaper, such publication, advertisement or
13 notice shall be of no force and effect unless it shall be published in a newspaper with a
14 general circulation to actual paid subscribers which newspaper at the time of such
15 publication, advertisement or notice, shall have been admitted to the United States mails
16 as ~~second-class matter in the Periodicals class~~ in the county or political subdivision where
17 such publication, advertisement or notice is required to be published, and which shall
18 have been regularly and continuously issued in the county in which the publication,
19 advertisement or notice is authorized or required to be published, at least one day in each
20 calendar week for at least 25 of the 26 consecutive weeks immediately preceding the date

1 of the first publication of such advertisement, publication or notice; provided that in the
2 event that a newspaper otherwise meeting the qualifications and having the
3 characteristics prescribed by G.S. 1-597 to 1-599, should fail for a period not exceeding
4 four weeks in any calendar year to publish one or more of its issues such newspaper shall
5 nevertheless be deemed to have complied with the requirements of regularity and
6 continuity of publication prescribed herein. Provided further, that where any city or town
7 is located in two or more adjoining counties, any newspaper published in such city or
8 town shall, for the purposes of G.S. 1-597 to 1-599, be deemed to be admitted to the
9 mails, issued and published in all such counties in which such town or city of publication
10 is located, and every publication, advertisement or notice required to be published in any
11 such city or town or in any of the counties where such city or town is located shall be
12 valid if published in a newspaper published, issued and admitted to the mails anywhere
13 within any such city or town, regardless of whether the newspaper's plant or the post
14 office where the newspaper is admitted to the mails is in such county or not, if the
15 newspaper otherwise meets the qualifications and requirements of G.S. 1-597 to 1-599.
16 This provision shall be retroactive to May 1, 1940, and all publications, advertisements
17 and notices published in accordance with this provision since May 1, 1940, are hereby
18 validated.

19 Notwithstanding the provisions of G.S. 1-599, whenever a notice or any other paper,
20 document or legal advertisement of any kind or description shall be authorized or
21 required by any of the laws of the State of North Carolina, heretofore or hereafter
22 enacted, or by any order or judgment of any court of this State to be published or
23 advertised in a newspaper qualified for legal advertising in a county and there is no
24 newspaper qualified for legal advertising as defined in this section in such county, then it
25 shall be deemed sufficient compliance with such laws, order or judgment by publication
26 of such notice or any other such paper, document or legal advertisement of any kind or
27 description in a newspaper published in an adjoining county or in a county within the
28 same district court district as defined in G.S. 7A-133 or superior court district or set of
29 districts as defined in G.S. 7A-41.1, as the case may be; provided, if the clerk of the
30 superior court finds as a fact that such newspaper otherwise meets the requirements of
31 this section and has a general circulation in such county where no newspaper is published
32 meeting the requirements of this section.

33 Section 2. The prefatory language of subsection (b) of Section 20.14B of
34 Chapter 18 of the 1995 Session Laws, Second Extra Session 1996, reads as rewritten:

35 "(b) G.S. ~~143-34.6~~14-34.6 reads as rewritten:"

36 Section 3. This act is effective when it becomes law.