S T A T E  O F  N E W  Y O R K

1157

2009-2010 Regular Sessions

I N  A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. SAYWARD, DUPREY -- Multi-Sponsored by -- M. of A. CROUCH, GIGLIO, TOWNSEND -- read once and referred to the Committee on Judiciary

AN ACT to amend the limited liability company law and the general construction law, in relation to the definition of "newspaper"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 102 of the limited liability company law is amended by adding a new subdivision (ii) to read as follows:

(II) "NEWSPAPER" MEANS ANY NEWSPAPER OF GENERAL CIRCULATION WHICH IS PRINTED AND DISTRIBUTED ON A DAILY OR WEEKLY BASIS AND HAS BEEN IN BUSINESS FOR AT LEAST ONE YEAR IMMEDIATELY PRECEDING ANY PUBLICATION ADVERTISEMENT, AND WHICH CONTAINS NEWS, ARTICLES OF OPINION, FEATURES, ADVERTISING AND ANY OTHER MATTER REGARDED AS CURRENT INTEREST.

S 2. Subdivision a of section 60 of the general construction law, as separately amended by chapters 724 and 725 of the laws of 1975, is amended to read as follows:

a. In any case in which notice of any fact is required by law to be published or advertised in a newspaper, the term "newspaper" shall mean a paper of general circulation which is printed and distributed ordinarily not less frequently than once a week, and has been so for at least one year immediately preceding such publication or advertisement, and which contains news, articles of opinion (as editorials), features, advertising, or other matter regarded as of current interest, [has a paid circulation] and (except for such a paper which has been printed and distributed not less frequently than once a week for a period of ten years prior to January one, nineteen hundred seventy-five) has been entered at United States post-office as second-class matter. A publication which is distributed or made available primarily for advertising purposes to the public generally without consideration being paid there-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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for shall not be deemed to be a "newspaper" for the purpose of publication or advertisement of such notice required by law. Notwithstanding any provision of this subdivision to the contrary, a publication which was designated and publishing notice as an official newspaper prior to the year nineteen hundred forty and continued to be so designated and publishing for at least thirty years after such year shall be deemed to be a newspaper within the meaning of this subdivision.

S 3. This act shall take effect immediately.