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

8043

2009-2010 Regular Sessions

I N A S S E M B L Y

May 1, 2009

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules and the public officers law, in relation to fees allowed to be charged for certain advertising

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

Section 1. Section 8007 of the civil practice law and rules, as amended by chapter 449 of the laws of 1991, is amended to read as follows:

S 8007. Printers. Except where otherwise prescribed by law, the proprietor of a newspaper is entitled for publishing a summons, notice, order or other advertisement, required to be published by law or by the order of any court, or of the clerk of a court, to twenty-nine cents per line of a column width not less than ten pica ems, provided that in computing such charge per line the line shall average at least five words for each insertion in newspapers having a circulation of less than two thousand five hundred; twenty-nine and one-half cents per line for newspapers having two thousand five hundred or more circulation and less than five thousand; thirty and one-half cents per line for newspapers having five thousand or more circulation and less than seven thousand five hundred; thirty-one and one-half cents per line for newspapers having seven thousand five hundred or more circulation and less than ten thousand; thirty-two and one-half cents per line for newspapers having ten thousand or more circulation and less than fifteen thousand; and three and one-half cents per line, in addition to the thirty-two and one-half cents for the initial fifteen thousand circulation, for each additional five thousand circulation up to thirty-five thousand circulation and one and one-half cents per line for each additional five thousand possessed by a newspaper. To all of the above rates nine cents per line shall be added to the initial insertion charge of each separate advertisement. To all of the above rates for the initial insertion

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

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eight cents per line shall also be added for tabular matter or intricate composition. In reckoning line charges allowance shall be made for date lines, paragraph endings, titles, signatures and similar short lines as full lines where the same are set to conform to the usual rules of composition. Display advertising shall be charged agate measurement (fourteen lines to each inch), ten to thirteen pica ems wide, depending on the makeup of the newspaper publishing such copy. This rate shall not apply to any newspaper printed, principally circulated or having its principal office in the counties of New York or Bronx within the first judicial district or in the county of Kings within the second judicial district OR IN THE COUNTY OF RICHMOND WITHIN THE THIRTEENTH JUDICIAL DISTRICT or in the county of Nassau within the tenth judicial district or in the county of Queens within the eleventh judicial district or in the county of Westchester within the ninth judicial district or in any city having a population of over one hundred seventy-five thousand inhabitants within the eighth judicial district, where the rate for such publication may be equal to but shall not exceed the regularly established classified advertising rate of such newspapers. Every newspaper making claim for compensation under the provisions of this section must be established at least one year and entered in the post office as second class matter.

S 2. Section 70-a of the public officers law, as amended by chapter 449 of the laws of 1991, is amended to read as follows:

S 70-a. Fees to be paid by public officers for public advertisements. The charge for the publication of concurrent resolutions, proposed constitutional amendments, propositions or questions to be submitted to the voters of the state, tax sales and official notices required to be published by state boards, commissions or officers in newspapers of the state, shall be paid from the treasury on the audit and warrant of the comptroller, after certification by the proper officer that such a publication has been regularly made as prescribed by law. The charge for the publication, if authorized by law, of digests of laws of a local nature in the newspaper designated to publish such digests shall be paid by the several counties of the state in which such laws may be published, upon like certification. The charge for the publication of concurrent resolutions, proposed constitutional amendments, propositions or questions to be submitted to the voters of the state or of any political subdivision thereof or therein, tax sales by the state or any county or municipality therein, and of all official notices and advertisements authorized or required by law to be published at the expense of the state or of a county, city, town, village, public authority, public benefit corporation or other political or civil subdivision of the state, shall be at the rate of twenty-nine cents per line of a column width not less than ten pica ems, provided that in computing such charge per line the line shall average at least five words for each insertion in newspapers having less than two thousand five hundred circulation; twenty-nine and one-half cents per line for newspapers having two thousand five hundred or more circulation and less than five thousand; thirty and one-half cents per line for newspapers having five thousand or more circulation and less than seven thousand and five hundred; thirty-one and one-half cents per line for newspapers having seven thousand five hundred or more circulation and less than ten thousand; thirty-two and one-half cents per line for newspapers having ten thousand or more circulation and less than fifteen thousand; and three and one-half cents per line in addition to the thirty-two and one-half cents for the initial fifteen thousand circulation, for each additional

five thousand circulation up to thirty-five thousand circulation and one and one-half cents per line for each additional five thousand possessed by such newspapers. To all of the above rates nine cents per line shall be added to the initial insertion charge of each separate advertisement. To all of the above rates for the initial insertion eight cents per line shall also be added for tabular matter or intricate composition. Display advertising shall be charged agate measurement, fourteen lines to each inch, ten to thirteen pica ems wide, depending on the makeup of the newspaper publishing such copy. Every newspaper printed, published or having its principal office outside of a city having a population of over three hundred fifty thousand inhabitants, as a condition precedent to designation as the official newspaper of any county, city, town, village or other political or civil subdivision of the state or for the making of claim for compensation under the foregoing provisions of this section, must be established at least one year and entered in the post office as second class matter.

This rate shall not apply to any newspaper printed, principally circulated or having its principal office in the counties of New York or Bronx within the first judicial district or in the county of Kings within the second judicial district OR IN THE COUNTY OF RICHMOND WITHIN THE THIRTEENTH JUDICIAL DISTRICT or in the county of Nassau within the tenth judicial district or in the county of Queens within the eleventh judicial district or in the county of Westchester within the ninth judicial district or in any city having a population of over one hundred seventy-five thousand inhabitants within the seventh and eighth judicial districts, where the rate for such publication may be equal to, but shall not exceed, the regularly established classified advertising rate of such newspapers. In reckoning line charges allowance shall be made for date lines, paragraph endings, titles, signatures, and similar short lines as full lines where the same are set to conform to the usual rules of composition. Every newspaper printed, published or having its principal office outside of a city having a population of over three hundred fifty thousand inhabitants designated for the publication of concurrent resolutions, proposed constitutional amendments, propositions or questions to be submitted to the voters of the state and making claim for compensation must be established at least one year, entered in the post office as second class matter and be printed and published in the town, village or city or its post office address and except newspapers designated, printed, published and having their principal offices in a city having a population of more than three hundred fifty thousand inhabitants, shall attach to such claim an affidavit of the circulation of such newspaper for the six months period ending March thirty-first or September thirtieth immediately preceding, which shall be used as the basis of circulation rating. Papers printed, published and having their principal offices outside a city having a population of more than three hundred fifty thousand inhabitants shall accept the minimum rate per line until such time as they establish to the satisfaction of the state comptroller sufficient circulation to entitle them to a higher rate. It shall be the duty of each board of supervisors in the several counties of the state, in making out the assessment rolls, to assess and levy on the taxable property of the county whose representatives they are, such sums as shall be sufficient to defray the expense of publishing the digest of laws of a local nature, if such publication be authorized, applicable only to the county affected, in the newspaper designated. Notwithstanding any provision of this section to the contrary, any 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, which has been designated for the publication of concurrent resolutions, proposed constitutional amendments, propositions or questions to be submitted to the voters of the state, may make claim for compensation pursuant to the provisions of this section.

S 3. This act shall take effect immediately.