

1999 WL 791715 (Miss.A.G.)

Office of the Attorney General  
State of Mississippi

Opinion No. 1999-0289

July 23, 1999

Re: Newspaper publication of notices

Mr. Frank D. Edens

Dear Mr. Edens:

Attorney General Mike Moore has received your recent letter on behalf of the City of Flowood and has assigned it to me for research and reply. Your letter states:

This letter is written on behalf of the City of Flowood. Flowood is located in Rankin County, Mississippi. For quite some time there was only one paper published in the County, the Rankin County News, with principal offices located in Brandon, Mississippi.

Several years ago a new paper began publication in the County named the Rankin Record. The City is familiar with the guidelines of [Miss. Code Ann. 13-3-31 \(1972\)](#) for determination of whether a newspaper is qualified to publish notices for the City as well as [Miss. Code Ann. 21-39-3 \(1972\)](#) which requires that bids be taken if more than one paper is qualified.

The issue of concern is the physical location within the municipality of the principal public business office of the newspaper. In 1998, Flowood annexed additional property and the offices of the Rankin Record are located within this area.

From the facts presented, we understand your question to be: Where there are two newspapers qualified to publish legal notices for a municipality, but only one of those newspapers is "located" within the municipality - that is, its principal business office is physically situated within the municipal corporate limits, does that newspaper have preference in publishing the legal notices of the municipality in which it is located?

As you note, [Miss. Code Ann. Section 13-3-31](#) sets forth the qualifications for a newspaper to publish legal notices within a political subdivision. That section, in relevant part, describes a qualified newspaper as one which:

(e) Is issued from a known office of publication, which shall be the principal public business office of the newspaper and need not be the place at which the newspaper's printing presses are physically located. A newspaper shall be deemed to be "published" at the place where its known office of publication is located.

We have previously opined that all the qualifications of [Section 13-3-31](#) are equally important and that a newspaper must meet all the statutory qualifications to be qualified to publish legal notices. *MS AG Op., Haque* (May 22, 1990). With respect to whether a newspaper located within a municipality should be given preference in publishing the legal notices of the municipality, we note that the various code sections requiring publication of legal notices expressly refer to publication in a newspaper "published in the municipality." By way of example,

each municipality is required to publish its complete annual budget “in a newspaper published in such municipality. . . .” [Miss. Code Ann. Sec. 21-35-5](#). See also, Secs. 21-17-9, 21-17-11, 21-41-51, and 17-1-15. Reading these sections in *pari materia* with [Section 13-3-31](#), this office is of the opinion that as between qualified newspapers, a newspaper with a known office of publication within the municipality must be selected to publish the legal notices of that municipality.

Sincerely,

\*2 Mike Moore  
Attorney General

By: Patricia F. Aston  
Special Assistant Attorney General

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