

2000 WL 1918854 (Miss.A.G.)

Office of the Attorney General  
State of Mississippi

Opinion No. 2000-0731

December 15, 2000

Re: Requirements of Section 13-3-31 for Publication of Legal Notices

Mr. Kenneth Stockton

Dear Mr. Stockton:

Attorney General Mike Moore has received your recent letter on behalf of the City of Hernando and has asked me to respond. Your letter states:

As a matter of brief historical background, the City of Hernando has had for well over 100 years a newspaper located in the town of Hernando and which newspaper is currently known as THE DESOTO TIMES TODAY. The newspaper had previously been called THE DESOTO TIMES and prior to that had various other names, with the significance being that it has maintained an office here in Hernando for many years and as a matter of fact, THE DESOTO TIMES TODAY claims to have been established in the year 1839. There also exists within DeSoto County, Mississippi, a newspaper currently known as THE DESOTO COUNTY TRIBUNE and which newspaper is headquartered in the City of Olive Branch, DeSoto County, Mississippi, and which has a circulation throughout the county just as THE DESOTO TIMES TODAY does. Since being purchased by PH Publishing LLC in 1997, THE DESOTO TIMES, which has now changed its name to THE DESOTO TIMES TODAY, has continued to maintain an office here in Hernando; however, it has moved the majority of its operation to the City of Southaven. As for THE DESOTO County TRIBUNE, its office address has not changed.

The purpose of this letter is to request your assistance in determining, in accordance with [Section 13-3-31, of the Mississippi Code of 1972](#) Annotated, as Amended, as to whether or not the City of Hernando, Mississippi, should continue to advertise solely in THE DESOTO TIMES TODAY or should the City of Hernando be required to request competitive bids from both THE DESOTO TIMES TODAY and THE DESOTO COUNTY TRIBUNE, in accordance with [Section 21-39-3 of the Mississippi Code of 1972](#) Annotated, as amended. We would also ask that you please consider this question in light of the fact that THE COMMERCIAL APPEAL, a newspaper which is published primarily in Memphis, Tennessee, but which now has a DeSoto County Edition. Accordingly, should they also be considered when letting the contract out for bid?

I believe that our question can be answered if it can be determined whether or not THE DESOTO TIMES TODAY can have a principal place of business in more than one location. The statute does not address that point and although there are several opinions on this subject matter I have not found one exactly on point.

This office has previously opined that a newspaper, to meet the statutory requirements of [Section 13-3-31](#), must maintain a known office of publication within the corporate limits of a municipality, even if the printing presses

are not physically located within the municipality. MS AG Op., Carroll (January 20, 1989). We have also stated that all of the qualifications of [Section 13-3-31](#) are equally important and that a newspaper must meet all the qualifications to be qualified to publish legal notices. MS AG Op., Dickerson (December 3, 1999); MS AG Op., Edens (July 23, 1999); MS AG Op., Haque (May 22, 1990). [Miss. Code Ann. Section 13-3-31\(1\)\(e\)\(Supp. 2000\)](#) provides that publication must be made in a newspaper which:

\*2 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.

The statute provides that a newspaper is deemed to be "published" at the principal public business office of the publisher, not at the place where the newspaper is printed. A newspaper may have a principal public business office in more than one location, and it appears from the facts stated in your letter that THE DESOTO TIMES TODAY has a principal place of business in the City of Hernando and the City of Southaven. As you know, we do not by official opinion make factual determinations as to whether a particular newspaper meets all of the requirements for a paper to publish legal notices. MS AG Op., Dickerson (December 3, 1999). If we may be of any further assistance, please let us know.

Very truly yours,  
Mike Moore  
Attorney General

By: Alice Wise  
Special Assistant Attorney General

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