

Regular Session, 2014

HOUSE BILL NO. 699

BY REPRESENTATIVE CROMER

OFFICIAL JOURNALS: Relative to the qualifications a newspaper must meet in order to be selected to publish the official proceedings, legal notices, and advertisements of a political subdivision

1 AN ACT

2 To amend and reenact R.S. 43:140(3)(d), 142(A), 171(A)(2), 200(3)(d), 201(B), and 202(A)
3 and to repeal R.S. 43:140(1), (2), and (4) and 200(1), (2), and (4), relative to
4 qualifications for newspaper publication of official proceedings, legal notices, and
5 advertisements of political subdivisions; to provide relative to definitions; to provide
6 relative to required permits and circulation; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 43:140(3)(d), 142(A), 171(A)(2), 200(3)(d), 201(B), and 202(A) are
9 hereby amended and reenacted to read as follows:

10 §140. Definitions

11 As used in this Chapter, the following terms shall have the meanings ascribed
12 to them in this Section:

13 * * *

14 (3) "Newspaper" shall mean a publication that during each year of the five-
15 year period prior to the first publication of any legal or official notice therein:

16 * * *

17 (d) Has maintained a general ~~paid~~ circulation to ~~bona fide paying subscribers~~
18 within the area the publication is required.

19 * * *

1 §142. Qualifications of newspaper

2 A. The newspaper:

3 (1) Shall have been published in an office physically located in the parish in
4 which the body is located for a period of five years preceding the selection;

5 (2) Shall not have missed during that period as many as three consecutive
6 issues unless caused by fire, flood, strike, or natural disaster;

7 (3) Shall have maintained a general ~~paid~~ circulation in the parish in which
8 the body is located for five consecutive years prior to the selection; ~~and~~

9 ~~(4) Shall have been entered in a U.S. post office in that parish under a~~
10 ~~periodical permit in that parish for a period of five consecutive years prior to the~~
11 ~~selection.~~

12 * * *

13 §171. Selection of newspaper

14 A.

15 * * *

16 (2) The newspaper:

17 (a) Shall have been published in an office physically located in the political
18 subdivision for at least five years prior to its selection;

19 (b) Shall not have missed during that period as many as three consecutive
20 issues unless caused by fire, flood, strike, or natural disaster;

21 (c) Shall have maintained a general ~~paid~~ circulation in the district or political
22 subdivision for five consecutive years prior to the selection; ~~and~~

23 ~~(d) Shall have been entered in a U.S. post office in that district or political~~
24 ~~subdivision under a periodical permit in that district or political subdivision for a~~
25 ~~period of five consecutive years prior to selection.~~

26 * * *

1 §200. Definitions

2 As used in this Chapter, the following terms shall have the meanings ascribed
3 to them in this Section:

4 * * *

5 (3) "Newspaper" means a publication that during each year of the five year
6 period prior to the first publication of any legal or official notice therein:

7 * * *

8 (d) Has maintained a general ~~paid~~ circulation to ~~bona fide paying subscribers~~
9 within the area the publication is required.

10 * * *

11 §201. Judicial advertisements and legal notices; parishes outside parish of Orleans

12 * * *

13 B. The newspaper:

14 (1) Shall have been published in an office physically located in the parish in
15 which the body is located for a period of five years preceding the selection; ;

16 (2) Shall not have missed during that period as many as three consecutive
17 issues unless caused by fire, flood, strike, or natural disaster; ;

18 (3) Shall have maintained a general ~~paid~~ circulation in the parish in which
19 the body is located for five consecutive years prior to the selection; and ~~;~~

20 ~~(4) Shall have been entered in a U.S. post office in that parish under a~~
21 ~~periodical permit in that parish for a period of five consecutive years prior to the~~
22 ~~selection.~~

23 * * *

24 §202. Judicial advertisements in parish of Orleans

25 A. In the parish of Orleans, when advertisements are required to be made in
26 relation to judicial proceedings, or in the sale of property under judicial process, or
27 in any other legal proceedings of whatever kind, the advertisement shall be inserted
28 in a daily newspaper published in an office physically located in the parish of
29 Orleans and published in the English language, and which has been published as a

1 daily paper for at least five years prior to the insertion of the advertisement or
 2 publication. The newspaper shall be selected by the sheriff, constable, clerk, or other
 3 officer, as the case may be, who is charged with the conduct of the sale. The
 4 responsible official selecting the newspaper to publish judicial advertisements and
 5 legal notices shall make his selection in June of each year for a term of one year.
 6 The newspaper selected shall meet the requirements of a newspaper as defined in
 7 R.S. 43:200(3) and shall have been entered in a U.S. post office in Orleans Parish
 8 under a periodical permit for a period of five years preceding its selection to publish
 9 legal advertisements and legal notices.

* * *

10
 11 Section 2. R.S. 43:140(1), (2), and (4) and 200(1), (2), and (4) are hereby repealed
 12 in their entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Cromer

HB No. 699

Abstract: Relative to criteria for selection of a newspaper as the official journal of a political subdivision or for publication of legal advertisements and notices, removes requirements relative to paid circulation and periodical permits for such newspapers.

Official Journal

Present law establishes criteria that newspapers must meet in order to be eligible to be selected as an official journal of a political subdivision.

Present law (R.S. 43:140) defines terms for the law providing for selection of an official journal of a parish, municipality, or school board.

Defines "newspaper" as a publication that during each year of the preceeding five-year period prior to selection as official journal met all of the following criteria:

- (1) Was published at least weekly.
- (2) Originated and was published for the purpose of delivering news of general public interest and is not devoted to the interests or entertainment of any one particular group or class.
- (3) In more than half of its issues, contained less than 75% advertising.
- (4) Maintained a general paid circulation to paying subscribers within the publication area required.

Proposed law removes the requirements of paid circulation and paying subscribers. Further repeals definitions related to such paid circulations and paying subscriber requirements.

Present law (R.S. 43:171) provides that only a newspaper that meets the following criteria may be selected as an official journal by other political subdivisions:

- (1) Must have been published in an office physically located in the political subdivision for at least five years prior to its selection.
- (2) During that five-year period, may not have missed three or more consecutive issues unless caused by fire, flood, strike, or natural disaster.
- (3) Must have maintained a general paid circulation in the political subdivision for five consecutive years prior to the selection.
- (4) Must have possessed a valid periodical permit from the U.S. Postal Service for a period of five consecutive years prior to selection.

Proposed law removes the requirement that the general circulation be paid. Further removes the requirement that the newspaper possess a valid periodical permit.

Judicial Advertisements and Legal Notices

Present law (R.S. 43:200, et. seq) requires parishes to select a newspaper to run judicial advertisements and legal notices.

Present law establishes definitions for the provisions relating to selection of such newspaper. Provides an identical definition of "newspaper" as that used for selection of an official journal. Proposed law removes the requirements of paid circulation and paying subscribers. Further repeals definitions related to such paid circulations and paying subscriber requirements.

Present law provides that the definition of "newspaper" applies to all parishes. Proposed law retains present law.

Present law relative to all parishes except Orleans (R.S. 43:201) provides that only a newspaper that meets the following criteria may be selected to run judicial advertisements and legal notices:

- (1) Must have been published in an office physically located in the parish for at least five years prior to its selection.
- (2) During that five-year period, may not have missed three or more consecutive issues unless caused by fire, flood, strike, or natural disaster.
- (3) Must have maintained a general paid circulation in the parish for five consecutive years prior to the selection.
- (4) Must have possessed a valid periodical permit from the U.S. Postal Service for a period of five consecutive years prior to selection.

Proposed law removes the requirement that the general circulation be paid. Further removes the requirement that the newspaper possess a valid periodical permit.

Present law relative to Orleans parish (R.S. 43:202) provides that only a newspaper that meets the following criteria may be selected:

- (1) Must be published in an office physically located in Orleans Parish.

- (2) Must be published in English.
- (3) Must have been published as a daily paper for at least five years prior to selection.
- (4) Must have possessed a valid periodical permit from the U.S. Postal Service for a period of five consecutive years prior to selection.

Proposed law removes the requirement that the newspaper possess a valid periodical permit.

(Amends R.S. 43:140(3)(d), 142(A), 171(A)(2), 200(3)(d), 201(B), and 202(A); Repeals R.S. 43:140(1), (2), and (4) and 200(1), (2), and (4))