

Regular Session, 2014

HOUSE BILL NO. 785

BY REPRESENTATIVE ABRAMSON

OFFICIAL JOURNALS: Provides relative to the qualification of a newspaper to publish official proceedings, legal notices, or advertisements in Orleans or Jefferson Parish

1 AN ACT

2 To amend and reenact R.S. 43:142(B), 171(B), 200(3), and 201(D), to enact R.S. 43:202(D),
3 and to repeal R.S. 43:201(E), relative to the publication of official proceedings, legal
4 notices, and advertisements in Jefferson and Orleans Parishes; to provide relative to
5 qualifications of newspapers for such publication; to provide for definitions; and to
6 provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 of the Constitution of
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 43:142(B), 171(B), 200(3), and 201(D) are hereby amended and
12 reenacted and R.S. 43:202(D) is hereby enacted to read as follows:

13 §142. Qualifications of newspaper

14 * * *

15 B. The provisions of this Section relating to the five-year requirement shall
16 not contravene any contract existing between any governing body and a newspaper
17 on and prior to May 11, 1970; nor shall the five-year requirement herein be applied
18 in assessing the qualifications of a newspaper which was in existence on May 11,
19 1970; nor shall any provision of this Chapter prohibit a publication from becoming
20 an official journal in Jefferson Parish ~~when~~ if the publication is qualified to publish

1 judicial advertisements and legal notices in Jefferson or Orleans Parish or has
2 actually published official proceedings within one year prior to June 1, 1986, of any
3 municipal corporation, parish council, police jury, or school board within Jefferson
4 Parish.

5 * * *

6 §171. Selection of newspaper

7 * * *

8 B. The provisions of this Section relating to the five-year requirement shall
9 not contravene any contract existing between any governing body and a newspaper
10 on and prior to May 11, 1970; nor shall the five-year requirement herein be applied
11 in assessing the qualifications of a newspaper which was in existence on May 11,
12 1970; nor shall any provision of this Chapter prohibit a publication from becoming
13 an official journal in Jefferson or Orleans Parish ~~when~~ if the publication is qualified
14 to publish judicial advertisements and legal notices in Jefferson or Orleans Parish or
15 has actually published official proceedings within one year prior to June 1, 1986, of
16 any municipal corporation, parish council, police jury, or school board within
17 Jefferson or Orleans Parish.

18 * * *

19 §200. Definitions

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

22 * * *

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

25 (a)(i) Has been published at regular intervals of not less than weekly.

26 (b)(ii) Has been originated and published for the dissemination of current
27 news and intelligence of varied, broad, and general public interest, including regular
28 news coverage of local public meetings and events, and is not devoted to the interests
29 of, or published for the entertainment or instruction of, or has a circulation restricted

1 to, any particular sect, denomination, labor or fraternal organization, or other special
2 group or class of citizens.

3 ~~(c)~~(iii) Has not been published primarily for advertising purposes and has not
4 contained more than seventy-five percent advertising in more than one-half of its
5 issues, excluding separate advertising supplements inserted into but separately
6 identifiable from any regular issue or issues.

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

9 (b) The provisions of this Paragraph relating to a five year requirement shall
10 not apply to a daily newspaper with a general paid circulation when such newspaper
11 has maintained a public business office in Orleans Parish for eight consecutive
12 months prior to January 1, 2014.

13 * * *
14 §201. Judicial advertisements and legal notices; parishes outside parish of Orleans
15 * * *

16 D.(1) In Jefferson Parish, no provision of this Chapter shall prohibit a
17 weekly publication being selected to publish judicial advertisements and legal
18 notices ~~when~~ if the publication has maintained a public business office for at least
19 five consecutive months in the parish prior to June 1, 2006, and maintained a total
20 circulation of at least twenty-five thousand for at least three consecutive years
21 immediately prior to being selected.

22 ~~E.~~(2) Notwithstanding any provision of this Section, in Jefferson Parish a
23 daily newspaper with a general paid circulation may be selected to publish judicial
24 advertisements and legal notices if such newspaper has maintained a public business
25 office in Orleans Parish for eight consecutive months prior to January 1, 2014.

26 (3) In Jefferson Parish, the total circulation of every publication or
27 newspaper shall be proved not less than annually by an experienced publication
28 auditing firm prior to the selection of the publication or newspaper under this
29 Section. The audit shall reflect the circulation of the publication or newspaper by

1 parish, and shall be submitted as an attachment to any proposal by a publication or
2 newspaper to publish judicial advertisements and legal notices in Jefferson Parish.

3 * * *

4 §202. Judicial advertisements in parish of Orleans

5 * * *

6 D. Notwithstanding any provision of this Section, in Orleans Parish a daily
7 newspaper with a general paid circulation may be selected to publish judicial
8 advertisements and legal notices if such newspaper has maintained a public business
9 office in Orleans Parish for eight consecutive months prior to January 1, 2014.

10 Section 2. R.S. 43:201(E) is hereby repealed in its 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)]

Abramson

HB No. 785

Abstract: Authorizes a newspaper with general paid circulation and a public business office in Orleans Parish to qualify to publish legal notices and advertisements in Jefferson and Orleans Parishes and further authorizes any publication that qualifies to publish such notices and advertisements to be selected as the official journal of a political subdivision in Jefferson or Orleans Parish.

Judicial Advertisements and Legal Notices

Present law (R.S. 43:200, et seq) requires the selection of newspaper in each parish to run judicial advertisements and legal notices. Proposed law retains present law.

Present law defines "newspaper" for purposes of such laws as a publication that during each year of the five-year period prior to its selection meets all of the following criteria:

- (1) Has been published at regular intervals of not less than 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 provides that the five-year requirement in present law shall not apply to a daily newspaper with a general paid circulation if such newspaper has maintained a public business office in Orleans Parish for eight consecutive months prior to Jan. 1, 2014.

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.

Present law provides an exception for Jefferson Parish for a weekly publication when such publication has maintained a public business office in the parish for at least five consecutive months prior to June 1, 2006, and maintained a total circulation of at least 25,000 for three consecutive years immediately prior to selection. Proposed law retains present law.

Proposed law provides an additional exception to present law for Jefferson Parish and authorizes the selection of a daily newspaper with a general paid circulation to run judicial advertisements and legal notices in such parish if such newspaper has maintained a public business office in Orleans Parish for eight consecutive months prior to Jan. 1, 2014.

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 provides an exception to present law and authorizes the selection of a daily newspaper with a general paid circulation to run judicial advertisements and legal notices in Orleans Parish if such newspaper has maintained a public business office in such parish for eight consecutive months prior to Jan. 1, 2014.

Selection of Official Journal

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

Present law defines "newspaper" for the purposes of selection of an official journal the same way the term is defined for selection of judicial advertisements and legal notices. Proposed law retains present law.

Present law requires that only a newspaper that meets the following criteria may be selected as an official journal by a political subdivision:

- (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.

Present law further provides exceptions to these requirements. For the official journal of a parish, municipality, or school board, authorizes the selection of a publication as the official journal in Jefferson Parish when the publication has published official proceedings of a political subdivision in such parish within one year prior to June 1, 1986. For the official journal of any other political subdivision, authorizes the selection of a publication as the official journal in Jefferson or Orleans Parish when such publication has published official proceedings of a parish, municipality, or school board in either parish within one year prior to June 1, 1986.

Proposed law retains present law and adds additional exceptions. Authorizes the selection of a publication as the official journal of any political subdivision if such publication is qualified to publish judicial advertisements and legal notices in Jefferson or Orleans Parish.

(Amends R.S. 43:142(B), 171(B), 200(3), and 201(D); Adds R.S. 43:202(D); Repeals R.S. 43:201(E))