HLS 12RS-1266 ORIGINAL

Regular Session, 2012

HOUSE BILL NO. 943

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BY REPRESENTATIVE GAROFALO

OFFICIAL JOURNALS: Provides relative to the official journal in certain political subdivisions

AN ACT

2	To amend and reenact R.S. 43:140(3), relative to official journals of political subdivisions;
3	to provide for a revised definition of newspaper; to provide for requirements; to
4	provide an effective date; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 43:140(3) is hereby amended and reenacted to read as follows:
7	§140. Definitions
8	As used in this Chapter, the following terms shall have the meanings ascribed
9	to them in this Section:
0	* * *
1	(3)(a) "Newspaper" shall mean a publication that during each year of the
12	five-year period prior to the first publication of any legal or official notice therein:
13	(a) (i) Has been published at regular intervals of not less than weekly.
14	(b) (ii) Has been originated and published for the dissemination of current
15	news and intelligence of varied, broad, and general public interest, including regular
16	news coverage of local public meetings and events, and is not devoted to the interests
17	of, or published for the entertainment or instruction of, or has a circulation restricted
18	to, any particular sect, denomination, labor or fraternal organization, or other special
19	group or class of citizens.

1	(c) (iii) Has not been published primarily for advertising purposes and has
2	not contained more than seventy-five percent advertising in more than one-half of
3	its issues, excluding separate advertising supplements inserted into but separately
4	identifiable from any regular issue or issues.
5	(d) (iv) Has maintained a general paid circulation to bona fide paying
6	subscribers within the area the publication is required.
7	(b) "Newspaper" shall also mean a paper operating for more than six months
8	in any parish having a population between thirty-five thousand seven hundred
9	persons and thirty-nine thousand persons according to the latest federal decennial
10	census if the publication also meets the criteria in Items (i) through (iii) of
11	Subparagraph (a) of this Paragraph regardless of whether such paper has obtained a
12	periodical permit from a U.S. Post Office in the parish.
13	* * *
14	Section 2. This Act shall become effective upon signature by the governor or, if not
15	signed by the governor, upon expiration of the time for bills to become law without signature
16	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
17	vetoed by the governor and subsequently approved by the legislature, this Act shall become
18	effective on the day following such approval.

## **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)]

Garofalo HB No. 943

**Abstract:** To provide an alternative definition of "newspaper" for purposes of official journals of political subdivisions for parishes with populations between 35,700 and 39,000 persons according to the latest federal decennial census.

<u>Present law</u> (R.S. 43:140 et seq.) establish criteria and requirements for "official journals" of parishes, municipalities, and school boards. <u>Proposed law</u> retains <u>present law</u>.

<u>Present law</u> defines the term "newspaper" as used in <u>present law</u> to mean any paper that meets the following criteria:

- (1) Has been published for 5 consecutive years prior to being selected as the official journal.
- (2) Has been published at regularly and at least weekly.
- (3) Its purpose is to cover news and intelligence of "varied, broad, and general public interest" and is not published merely for entertainment or published for a selective audience.
- (4) Has not been published primarily for advertising purposes and has not contained more than seventy-five percent advertising in more than one-half of its issues.
- (5) Has maintained a general paid circulation to bona fide paying subscribers within the parish, municipality, or school board district boundaries.

<u>Proposed law</u> that in any parish having a population between 35,700 persons and 39,000 persons according to the latest federal decennial census, the term "newspaper" as used in <u>present law</u> shall also mean a paper that meets the following criteria:

- (1) Has been published for at least 6 months (instead of the 5 years required in <u>present law</u>).
- (2) Has been published at regularly and at least weekly.
- (3) Its purpose is to cover news and intelligence of "varied, broad, and general public interest" and is not published merely for entertainment or published for a selective audience.
- (4) Has not been published primarily for advertising purposes and has not contained more than seventy-five percent advertising in more than one-half of its issues.
- (5) Is not required to have a periodical permit issued by a U.S. Post Office in the parish.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 43:140(3))