

2024 Regular Session

HOUSE BILL NO. 977 (Substitute for House Bill No. 680 by Representative Carlson)

BY REPRESENTATIVE CARLSON

PUBLIC PRINTING: Provides for official journals for the state and political subdivisions and for publishing legal notices

1 AN ACT

2 To amend and reenact R.S. 43:81(A), 140(3)(introductory paragraph), 142, and 171(A)(2)
3 and (3), to enact R.S. 43:81.1, 140.1, 140.2, 147.3, 171.1, 171.2, and 175, and to
4 repeal R.S. 43:171(B), relative to public printing; to provide relative to the
5 qualifications for a newspaper to be selected as an official journal of the state or a
6 political subdivision; to provide exceptions to publication requirements in certain
7 circumstances; to require publication of cost information; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 43:81(A), 140(3)(introductory paragraph), 142, and 171(A)(2) and
11 (3) are hereby amended and reenacted and R.S. 43:81.1, 140.1, 140.2, 147.3, 171.1, 171.2,
12 and 175 are hereby enacted to read as follows:

13 §81. Official journal of state

14 A. The printing of advertisements, public notices, proclamations, and all
15 public notices and advertising to be done by the legislature, or the executive or other
16 departments and institutions of the state government, shall be published in a daily
17 newspaper to be known and designated as the "Official Journal of the State", which
18 newspaper shall have and possess the following qualifications:

- 19 (1) It shall possess the periodicals class mailing privilege.

1 (2) It shall be published in ~~the city of Baton Rouge,~~ and have a general
2 circulation in Louisiana.

3 (3) It shall have been so published ~~for at least six days~~ once per week for a
4 period of not less than two years prior to the time that it is awarded the contract as
5 the Official Journal of the State, as provided herein.

6 ~~(4) It shall have an audited paid daily circulation of not less than ten~~
7 ~~thousand for at least one year prior to the time it is awarded the contract.~~

8 * * *

9 §81.1. Cost of publication

10 The Official Journal of the State shall include a statement of the cost charged
11 to the state agency for publication with any notice, advertisement, proclamation, or
12 other information it publishes for a state agency pursuant to a legal requirement that
13 the information be published. The official journal shall not charge the agency for
14 printing this statement of cost.

15 * * *

16 §140. Definitions

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

19 * * *

20 (3) "Newspaper" shall mean a publication that complies with the requirement
21 of R.S. 43:141.1(A) and during each year of the ~~five-year~~ two-year period prior to
22 the first publication of any legal or official notice therein:

23 * * *

24 §140.1. Exception due to certain publishing requirements

25 A newspaper that meets the requirements of this Part but would be precluded
26 from selection as an official journal because specific notice publication requirements
27 require a more frequent publishing schedule than the newspaper's established
28 schedule may be selected as an official journal if the newspaper can publish the
29 notice in a time period that is not more than five days longer than the period

1 otherwise required by law. If such a newspaper is selected, any notice publication
2 that could not be completed timely because of the newspaper's publishing schedule
3 but that is completed within five days after the required period is deemed to be in
4 compliance with the applicable publishing requirements.

5 §140.2. News deserts

6 A. Notwithstanding the provisions of R.S. 43:140(3) and 142, the provisions
7 of this Section are applicable to a parish or a political subdivision in a parish that
8 meets all of the following criteria:

9 (1) There is not a newspaper that is eligible to be selected as an official
10 journal.

11 (2) The population of the parish is fewer than two hundred thousand persons
12 as determined by the most recent federal decennial census.

13 (3) If the population of the parish is greater than one hundred thousand
14 persons, it is not adjacent to a parish with a population greater than two hundred
15 thousand persons, all as determined by the most recent federal decennial census.

16 B.(1) In such a parish, "newspaper" shall mean a publication that complies
17 with the requirement of R.S. 43:141.1(A) and during the year prior to the first
18 publication of any legal or official notice therein:

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

20 (b) Has been originated and published for the dissemination of current news
21 and intelligence of varied, broad, and general public interest, including regular news
22 coverage of local public meetings and events, and is not devoted to the interests of,
23 or published for the entertainment or instruction of, or has a circulation restricted to,
24 any particular sect, denomination, labor or fraternal organization, or other special
25 group or class of citizens.

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

1 ~~advertisements and legal notices in Jefferson or Orleans Parish or has actually~~
2 ~~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 §147.3. Cost of publication

7 The official journal of a political subdivision shall include a statement of the
8 cost charged to the political subdivision for publication with any proceeding, notice,
9 or other information it publishes for the political subdivision pursuant to a legal
10 requirement that the information be published. The official journal shall not charge
11 the political subdivision for printing this statement of cost.

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~~ two 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~~ two consecutive years prior to the selection.

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

26 (3) If there is no newspaper published in the district or political subdivision,
27 a newspaper published in the parish in which the board is domiciled for ~~five~~ two

1 consecutive years prior to selection shall be selected provided that it meets the other
2 qualifications contained in this Section.

3 * * *

4 §171.1. Exception due to certain publishing requirements

5 A newspaper that meets the requirements of this Part but would be precluded
6 from selection as an official journal because specific notice publication requirements
7 require a more frequent publishing schedule than the newspaper's established
8 schedule may be selected as an official journal if the newspaper can publish the
9 notice in a time period that is not more than five days longer than the period
10 otherwise required by law. If such a newspaper is selected, any notice publication
11 that could not be completed timely because of the newspaper's publishing schedule
12 but that is completed within five days after the required period is deemed to be in
13 compliance with the applicable publishing requirements.

14 §171.2. News deserts

15 A. Notwithstanding the provisions of R.S. 43:171(A), the provisions of this
16 Section are applicable to a political subdivision in a parish that meets the following
17 criteria:

18 (1) There is not a newspaper that is eligible to be selected as an official
19 journal.

20 (2) The population of the parish is fewer than two hundred thousand persons
21 as determined by the most recent federal decennial census.

22 (3) If the population of the parish is greater than one hundred thousand
23 persons, it is not adjacent to a parish with a population of greater than two hundred
24 thousand persons, all as determined by the most recent federal decennial census.

25 B. In such a parish, to be selected as an official journal the newspaper:

26 (1) Shall have been published in an office physically located in the parish in
27 which the body is located for one year preceding the selection.

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

- (3) Present law requires that the newspaper has been published for at least six days per week for not less than two years. Proposed law requires publication at least once per week for not less than two years.
- (4) Present law requires that the newspaper has an audited paid daily circulation of not less than 10,000 for at least one year. Proposed law removes this requirement.

Present law requires parishes, municipalities, school boards, and other political subdivisions to select a newspaper as an official journal and to publish various official proceedings and financial information in the official journal.

Present law provides that a newspaper shall meet specified criteria to qualify for selection as an official journal of a political subdivision.

Proposed law modifies such criteria as follows:

- (1) Present law provides that the newspaper shall have been published in an office physically located in the parish for five years prior to selection. Proposed law shortens this period to two years.
- (2) Present law provides that the newspaper shall have been entered in a U.S. post office in that parish under a periodical permit in that parish for five consecutive years prior to selection. Proposed law shortens this period to two years and provides that such entry may be pursuant to a permit from anywhere in the state.
- (3) Present law, applicable to parishes, municipalities, and school boards, requires that the newspaper: has been published at regular intervals of not less than weekly, has been published for the dissemination of current news and intelligence of varied, broad, and general public interest, has not been published primarily for advertising purposes, has maintained a general paid circulation to bona fide paying subscribers within the area the publication is required.

Present law further requires that the newspaper has met these publishing requirements during each year of the five-year period prior to its first publication of a legal or official notice. Proposed law shortens this period to two years.

- (4) Proposed law authorizes selection of a newspaper that would be precluded from selection as an official journal solely because specific notice publication requirements require a more frequent publishing schedule than the newspaper's actual schedule *if* the newspaper can publish the notice in a time period that is not more than five days longer than the period otherwise required by law. Provides that if such a newspaper is selected, any publication that is completed within the five additional days is deemed to be in compliance with the applicable publishing requirements.
- (5) Proposed law provides that in certain parishes the period during which a newspaper shall have met the applicable publishing requirements to qualify as an official journal is one year.

Proposed law requires that each official journal, for the state or a political subdivision, include a statement of the cost charged to the state agency or subdivision for publication with any information it publishes pursuant to a legal requirement. Prohibits the official journal from charging the agency or political subdivision for printing this statement of cost.

(Amends R.S. 43:81(A), 140(3)(intro. para.), 142, and 171(A)(2) and (3); Adds R.S. 43:81.1, 140.1, 140.2, 147.3, 171.1, 171.2, and 175; Repeals R.S. 43:171(B))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove proposed law authorizing the state to use the state register's website as its official journal.
2. Modify the criteria a newspaper must meet to be eligible for selection as the official journal of the state.
3. Add provisions requiring inclusion of a cost of publication statement with all required publications in official journals.