

Regular Session, 2010

SENATE BILL NO. 709

BY SENATOR WALSWORTH

LEGIS POWERS/FUNCTIONS. Provides relative to acts of the legislature. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 43:19, 24(B) and (C), 81, 82, and 87(A), and to enact R.S.  
3 43:24(D) and (E), relative to the publication of acts of the legislature; to provide  
4 relative to the Official Journal of the State; to provide relative to printing contracts;  
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 43:19, 24(B) and (C), 81, 82, and 87(A) are hereby amended and  
8 reenacted and R.S. 43:24(D) and (E) are hereby enacted to read as follows:

9 §19. Laws to be printed in book form; style of printing; number of copies

10 The acts of the legislature shall be published in book form, in the English  
11 language, with a list of the acts, the dates of their promulgation and an index thereto.  
12 Below each act shall be printed the date of approval by the governor, if approved, or  
13 by the legislature in the case of vetoed bills becoming law upon reconsideration by  
14 the legislature, ~~and also the date of the publication thereof in the official journal of~~  
15 ~~the state.~~ The number of copies printed shall be at the discretion of the secretary of  
16 state but shall not exceed one thousand five hundred copies. The copies shall be  
17 delivered to the secretary of state as soon as possible after the adjournment of the

1 legislature.

2 \* \* \*

3 §24. Acts; numbering; **printing**; publication

4 \* \* \*

5 B. The secretary of state shall, upon request, deliver copies of the acts, in  
6 numerical order by act number, to the person, firm, or corporation to whom the  
7 contract for printing acts was awarded. **The acts shall be printed in numerical**  
8 **order by act number.** He ~~The secretary of state~~ shall also deliver **a report**  
9 **detailing the act numbers, in numerical order by act number, bill numbers,**  
10 **primary authors, and brief titles of the acts of the legislature** ~~copies of the acts~~  
11 ~~in the same order to the state printer of the Official Journal of the State for~~  
12 ~~publication in the official journal. The acts shall be published in numerical order by~~  
13 ~~act number. The secretary of state shall endorse in the register required in~~  
14 ~~Subsection A above the date and time of delivery of the acts for publication in the~~  
15 ~~official journal and for printing of the acts.~~

16 C. The secretary of state shall take all necessary actions to cause the **report**  
17 **detailing the act numbers, bill numbers, primary authors, and brief titles of the**  
18 ~~acts and joint resolutions~~ of the legislature to be printed in the Official Journal of the  
19 State ~~within the time limits established by R.S. 43:87.~~ He shall also take all  
20 necessary actions to cause the date of such publication in the official journal to be  
21 printed below each act in the acts published as provided in R.S. 43:19 **prior to the**  
22 **sixtieth day after final adjournment of the session in which the acts were**  
23 **enacted.**

24 **D. For purposes of this Section, all of the official journals on file with the**  
25 **secretary of state pursuant to R.S. 43:150 and all of the auxiliary official**  
26 **journals selected pursuant to R.S. 43:181 shall collectively be considered the**  
27 **Official Journal of the State.**

28 **E. The contract price for publishing the report detailing the act numbers,**  
29 **bill numbers, primary authors, and brief titles of the acts of the legislature by**

1 **each of the official journals on file with the secretary of state pursuant to R.S.**  
 2 **43:150 and each of the auxiliary official journals selected pursuant to R.S.**  
 3 **43:181 comprising the Official Journal of the State shall be one dollar and sixty-**  
 4 **eight cents per act.**

5 \* \* \*

6 §81. Official journal of state

7 **A.** The printing of **all** advertisements, public notices, proclamations and the  
 8 promulgation of all ~~laws and~~ joint resolutions of the legislature, and all public  
 9 notices and advertising to be done by the legislature, or the executive or other  
 10 departments and institutions of the state government, shall be published in a daily  
 11 newspaper to be known and designated as the "Official Journal of the State", which  
 12 newspaper shall have and possess the following qualifications, ~~viz:~~

13 (1) It shall possess the ~~second-class~~ **periodicals** mailing privilege.

14 (2) It shall be published in the city of Baton Rouge, Louisiana.

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

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

20 (5) The publisher thereof shall possess the capability and shall agree to  
 21 publish all ~~acts and~~ joint resolutions of the legislature within the time limits  
 22 established by R.S. 43:87.

23 **B. Only for purposes of meeting the requirements of Article III, Section**  
 24 **19 of the Constitution of Louisiana and R.S. 43:24(B), all of the official journals**  
 25 **on file with the secretary of state pursuant to R.S. 43:150 and all of the auxiliary**  
 26 **official journals selected pursuant to R.S. 43:181 shall collectively be considered**  
 27 **the Official Journal of the State, which official journals and auxiliary official**  
 28 **journals shall possess the capability and shall agree to publish the report**  
 29 **detailing the act numbers, bill numbers, primary authors, and brief titles of the**

1 acts of the legislature provided in R.S. 43:24.

2 §82. Contract to be let by bids; duration of contract

3 The contract for printing by the "State Printer of the Official Journal of the  
4 State" shall be let to the lowest bidder possessing the qualifications enumerated in  
5 R.S. 43:81(A) ~~hereof~~, and shall run for a period of two years beginning July first and  
6 ending June thirtieth; ~~provided, that the first contract which shall be awarded under~~  
7 ~~the provisions of this Chapter shall be effective on July 1, 1956.~~

8 \* \* \*

9 §87. Matters to be printed; distribution of copies of journal

10 A. ~~The state printer~~ **State Printer** of the ~~official journal of the state~~ **Official**  
11 **Journal of the State** shall print in full in the official journal of the state all ~~laws and~~  
12 joint resolutions of the legislature. All ~~acts, including~~ joint resolutions; shall be  
13 published in the ~~official journal of the state~~ **Official Journal of the State** prior to  
14 the sixtieth day after final adjournment of the session in which they were enacted.  
15 ~~Any act which contains an effective date prior to the sixtieth day after final~~  
16 ~~adjournment shall be printed prior to the effective date contained therein, if possible,~~  
17 ~~or, if not possible, as soon as possible after said effective date.~~ The state printer of  
18 ~~the official journal of the state~~ **State Printer of the Official Journal of the State**  
19 shall deliver, to the secretary of state upon his order, copies of the official journal of  
20 the state containing any of the ~~laws or~~ joint resolutions of the legislature of the state  
21 which shall be hereafter enacted, immediately after the same shall have been  
22 published therein, and as soon as practicable thereafter the secretary of state shall  
23 cause the official journal **and copies of the acts** to be sent to the clerks of the courts,  
24 and it shall be their duty to carefully preserve the same until they shall have received  
25 the copies of the laws **and joint resolutions** in book form, and the ~~state printer of the~~  
26 ~~official journal of the state~~ **State Printer of the Official Journal of the State** shall  
27 not receive more than six dollars per hundred for copies of the matter printed in the  
28 ~~official journal of the state~~ **Official Journal of the State.**

29 \* \* \*

1           Section 2. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alden A. Clement, Jr.

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#### DIGEST

Walsworth (SB 709)

Present law provides that acts of the legislature are to be published in book form, in the English language, with a list of the acts, the dates of their promulgation and an index thereto, and that below each act is to be printed the date of approval by the governor, if approved, or by the legislature in the case of vetoed bills becoming law upon reconsideration by the legislature, and also the date of the publication thereof in the official journal of the state.

Proposed law deletes the provision of present law requiring the printing of the the date of the publication of acts of the legislature in the official journal of the state, and otherwise retains present law.

Present law provides that the secretary of state must, upon request, deliver copies of the acts of the legislature, in numerical order by act number, to the person, firm, or corporation to whom the contract for printing acts was awarded, and he must also deliver copies of the acts in the same order to the state printer of the Official Journal of the State for publication in the official journal. Present law provides that the acts are to be published in numerical order by act number. Present law provides that the secretary of state is to endorse in the register required in present law the date and time of delivery of the acts for publication in the official journal and for printing of the acts. Present law provides that the secretary of state is to take all necessary actions to cause the acts and joint resolutions of the legislature to be printed in the Official Journal of the State within the time limits established by present law and is to take all necessary actions to cause the date of such publication in the official journal to be printed below each act in the acts published in accordance with present law.

Proposed law provides that the secretary of state is to deliver a report detailing the acts by act numbers, bill numbers, primary authors and brief titles to the Official Journal of the State for publication, rather than providing copies of the acts as provided for in present law. Proposed law further provides that the secretary of state must take all necessary actions to cause this report to be published in the Official Journal of the State prior to the 60<sup>th</sup> day after final adjournment in the session in which the acts were enacted.

Proposed law deletes the provision of present law requiring the secretary of state to endorse in the register the date and time of delivery of the acts for publication in the official journal and for printing of the acts.

Proposed law provides that for purposes of proposed law, all of the official journals on file with the secretary of state pursuant to present law and all of the auxiliary official journals selected pursuant to present law are to be collectively considered the Official Journal of the State.

Proposed law provides that the price for publishing the report detailing the act numbers, bill numbers, primary authors and brief titles of the acts of the legislature by each of the official

journals on file with the secretary of state pursuant to present law and each of the auxiliary official journals selected pursuant to present law comprising the Official Journal of the State must be equal to \$1.68.

Proposed law otherwise retains present law.

Present law provides that the printing of advertisements, public notices, proclamations and the promulgation of all laws and joint resolutions of the legislature, and all public notices and advertising to be done by the legislature, or the executive or other departments and institutions of the state government, is to be published in a daily newspaper to be known and designated as the "Official Journal of the State," which newspaper is to have and possess the following qualifications:

- (1) It must possess the second class mailing privilege.
- (2) It must be published in the city of Baton Rouge, Louisiana.
- (3) It must have been so published for at least six days per week for a period of not less than two years prior to the time that it is awarded the contract as the Official Journal of the State.
- (4) It must have an audited paid daily circulation of not less than 10,000 for at least one year prior to the time it is awarded the contract.
- (5) The publisher must possess the capability and shall agree to publish all acts and joint resolutions of the legislature within the time limits established by present law.

Proposed law provides that the official journal must possess the periodicals mailing privilege rather than the second class mailing privilege.

Proposed law provides that only for purposes of meeting the requirements of present constitution and proposed law, all of the official journals on file with the secretary of state pursuant to present law and all the auxiliary journals selected pursuant to present law collectively are to be considered the Official Journal of the State, which official journals must possess the capability and agree to publish the report provided by the secretary of state detailing the act numbers, bill numbers, primary authors and brief titles of acts as provided for in proposed law.

Proposed law otherwise retains present law.

Present law provides that the contract for printing by the "State Printer of the Official Journal of the State" is to be let to the lowest bidder possessing the qualifications enumerated in present law and must run for a period of two years beginning July 1<sup>st</sup> and ending June 30<sup>th</sup>.

Proposed law retains present law.

Present law provides that the division of administration, office of the governor, must give notice of the letting of the contract by having an invitation for bids inserted in three or more of the leading newspapers published in the state, for three weeks prior thereto, and all printing as provided for in present law is to be let in one contract.

Present law provides that the state printer of the Official Journal of the State must print in full in the Official Journal of the State all laws and joint resolutions of the legislature. Present law provides that all acts, including joint resolutions, are to be published in the Official Journal of the State prior to the 60<sup>th</sup> day after final adjournment of the session in which they were enacted. Present law provides that any act that contains an effective date prior to the 60<sup>th</sup> day after final adjournment is to be printed prior to the effective date contained therein, if possible, or, if not possible, as soon as possible after said effective date.

Proposed law retains present law as to joint resolutions of the legislature and deletes references to acts of the legislature, which are otherwise provided for by proposed law.

Present law provides that the state printer of the Official Journal of the State is to deliver, to the secretary of state upon his order, copies of the Official Journal of the State containing any of the laws or joint resolutions of the legislature of the state which will be hereafter enacted, immediately after the same have been published therein, and as soon as practicable thereafter the secretary of state will cause the official journal to be sent to the clerks of the courts, and it is their duty to carefully preserve the same until they have received the copies of the laws in book form, and the state printer of the official journal of the state cannot receive more than \$6.00 per 100 for copies of the matter printed in the Official Journal of the State.

Proposed law retains present law and further provides that the secretary of state is to send copies of the acts to the clerks of the courts, along with the copies of the official journal provided for in present law.

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

(Amends R.S. 43:19, 24(B) and (C), 81, 82, and 87(A); adds R.S. 43:24(D) and (E))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill.

1. Changes provisions of proposed law from relative to act numbers, bill numbers, author, brief titles, and effective dates to make it relative to act numbers, bill numbers, primary authors and brief titles.
2. Adds that the price for publishing the report detailing the act numbers, bill numbers, primary authors and brief titles of the acts of the legislature by each of the official journals and auxiliary official journals must be equal to \$1.68.