

Regular Session, 2010

SENATE BILL NO. 751

BY SENATORS MURRAY, PETERSON, HEITMEIER, DUPLESSIS AND MORRELL  
AND REPRESENTATIVES BROSSETT, HENDERSON, ARNOLD,  
LORUSSO, ABRAMSON, LEGER, HINES AND STIAES

MUNICIPALITIES. Provides relative to judicial advertisements and local notices in Orleans Parish. (gov sig)

1 AN ACT  
2 To amend and reenact R.S. 43:202(A), relative to judicial and legal advertisements in  
3 Orleans Parish; to authorize judicial advertisements in specified weekly news  
4 publications; to provide for public bid; to provide for requirements for the weekly  
5 news publication; and to provide for related matters.

6 Notice of intention to introduce this Act has been published.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 43:202(A) is hereby amended and reenacted to read as follows:

9 §202. Judicial advertisements in parish of Orleans

10 A.(1) In the parish of Orleans, when advertisements are required to be made  
11 in relation to judicial proceedings, or in the sale of property under judicial process,  
12 or in any other legal proceedings of whatever kind, the advertisement shall be  
13 inserted in a daily newspaper **or weekly news publication** published in an office  
14 physically located in the parish of Orleans and published in the English language,  
15 and which has been published as a daily paper **or weekly news publication** for at  
16 least five years prior to the insertion of the advertisement or publication. The  
17 newspaper **or weekly news publication** shall be selected by the sheriff, constable,

1 clerk, or other officer, as the case may be, who is charged with the conduct of the  
2 sale. The responsible official selecting the newspaper or weekly news publication  
3 to publish judicial advertisements and legal notices shall make his selection in June  
4 of each year for a term of one year. ~~The~~ **If a daily** newspaper is selected, it shall  
5 meet the requirements of a newspaper as defined in R.S. 43:200(3) and shall have  
6 been entered in a ~~U.S. post office~~ **United States Post Office** in Orleans Parish under  
7 a periodical permit for a period of five years preceding its selection to publish legal  
8 advertisements and legal notices. **If a weekly news publication is selected under**  
9 **this Subsection, it shall meet the requirements of a news publication as defined**  
10 **in R.S. 43:301(24) and it shall have maintained a total circulation of at least**  
11 **twenty-five thousand in the parishes of Orleans and all immediately adjacent**  
12 **parishes for at least eight consecutive years immediately prior to being selected.**  
13 **The total circulation of the weekly news publication shall be proved not less**  
14 **than annually by a nationally recognized news publication auditing firm prior**  
15 **to the selection of the news publication as provided for in this Section. The**  
16 **audits shall reflect the circulation of the news publication by parish, and the**  
17 **most recent audit shall be submitted as an attachment to any proposal by a**  
18 **news publication to publish judicial advertisements and legal notices in the**  
19 **parish of Orleans.**

20 **(2) There shall be an annual public bid to select the newspaper or**  
21 **publication for advertisements required to be made pursuant to Paragraph (1)**  
22 **of this Subsection.**

23 \* \* \*

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

---

The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by Michelle Ducharme.

---

#### DIGEST

Murray (SB 751)

Present law provides that in Orleans Parish, advertisements required to be made in relation to judicial proceedings, or in the sale of property under judicial process, or in any other legal proceedings of whatever kind, the advertisement shall be inserted in a daily newspaper published in an office physically located in the parish of Orleans, published in the English language, and which has been published as a daily paper for at least five years prior to the insertion of the advertisement or publication.

Proposed law retains present law but also authorizes the advertisement to be in a weekly news publication.

Present law requires the newspaper to meet requirements of a defined newspaper and to have a periodical permit from the U.S. Post Office in Orleans Parish for a period of five years preceding its selection to publish legal advertisements and legal notices.

Proposed law requires a weekly news publication to have maintained a total circulation of at least 25,000 in the parishes of Orleans and all immediately adjacent parishes for at least eight consecutive years immediately prior to being selected and requires the total circulation of the weekly news publication be proved not less than annually by a nationally recognized news publication auditing firm prior to the selection of the publication.

Proposed law requires the audit to reflect the circulation of the news publication by parish and the most recent audit shall be submitted as an attachment to any proposal by a news publication to publish judicial advertisements and legal notices in Orleans Parish.

Proposed law requires there be an annual public bid to select the newspaper or publication for certain judicial advertisements.

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

(Amends R.S. 43:202(A))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill.

1. Requires there be an annual public bid to select the newspaper or publication for certain judicial advertisements.