

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)(introductory paragraph), 140(3), 142, and 171(A)(2)
3 and (3), to enact R.S. 43:82.1, 140.1, 140.2, 171.1, and 171.2, and to repeal R.S.
4 43:171(B), relative to public printing; to authorize the use of a state register website
5 as the official journal of the state; to provide relative to the qualifications for a
6 newspaper to be selected as an official journal of a political subdivision; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 43:81(A)(introductory paragraph), 140(3), 142, and 171(A)(2) and
10 (3) are hereby amended and reenacted and R.S. 43:82.1, 140.1, 140.2, 171.1, and 171.2 are
11 hereby enacted to read as follows:

12 §81. Official journal of state

13 A. The printing of advertisements, public notices, proclamations, and all
14 public notices and advertising to be done by the legislature, or the executive or other
15 departments and institutions of the state government, shall be published on a website
16 in accordance with R.S. 43:82.1 or in a daily newspaper, which is to be known and
17 designated as the "Official Journal of the State"; ~~which~~ . If the official journal of the
18 state is a newspaper, the newspaper shall have and possess the following
19 qualifications:

20 * * *

1 §82.1. Commissioner of administration; designation of a website as the official
2 journal

3 A. In lieu of selecting a newspaper as the official journal of the state, the
4 commissioner of administration may select the state register's website or a website
5 designated by the state register as the state's official journal.

6 B. If selected, the state register shall provide a unique location on a publicly
7 available website for meeting all publication requirements provided by law for state
8 entities.

9 C. The term of such a selection is two years and shall begin on July first and
10 end of June thirtieth. During the term, the provisions of this Chapter that pertain
11 specifically to newspapers are not applicable to the official journal of the state.

12 D. Publication on a website in accordance with this Section constitutes
13 publication in the state's official journal only and does not serve as satisfaction of
14 any requirement for additional publication in a local official journal or in any other
15 place.

16 * * *

17 §140. Definitions

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

20 * * *

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

24 * * *

25 §140.1. Exception due to certain publishing requirements

26 A newspaper that meets the requirements of this Part but would be precluded
27 from selection as an official journal because specific notice publication requirements
28 require a more frequent publishing schedule than the newspaper's established
29 schedule may be selected as an official journal if the newspaper can publish the

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

6 §140.2. News deserts

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

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

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

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

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

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

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

27 (c) Has not been published primarily for advertising purposes and has not
28 contained more than seventy-five percent advertising in more than one-half of its

1 issues, excluding separate advertising supplements inserted into but separately
2 identifiable from any regular issue or issues.

3 (d) Has maintained a general paid circulation to bona fide paying subscribers
4 within the area the publication is required.

5 (2) In such a parish, to be selected as an official journal the newspaper:

6 (a) Shall have been published in an office physically located in the parish in
7 which the body is located for one year preceding the selection.

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

10 (c) Shall have maintained a general paid circulation in the parish in which
11 the body is located for one year prior to the selection.

12 (d) Shall have been entered in a U.S. post office in the state of Louisiana
13 under a periodical permit in the state for one year prior to the selection.

14 * * *

15 §142. Qualifications of newspaper

16 ~~A.~~ The newspaper:

17 (1) Shall have been published in an office physically located in the parish in
18 which the body is located for a period of ~~five~~ two years preceding the selection.

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

21 (3) Shall have maintained a general paid circulation in the parish in which
22 the body is located for ~~five~~ two consecutive years prior to the selection.

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

26 ~~B. The provisions of this Section relating to the five-year requirement shall~~
27 ~~not contravene any contract existing between any governing body and a newspaper~~
28 ~~on and prior to May 11, 1970; nor shall the five-year requirement herein be applied~~
29 ~~in assessing the qualifications of a newspaper which was in existence on May 11,~~

1 ~~1970; nor shall any provision of this Chapter prohibit a publication from becoming~~
2 ~~an official journal in Jefferson Parish if the publication is qualified to publish judicial~~
3 ~~advertisements and legal notices in Jefferson or Orleans Parish or has actually~~
4 ~~published official proceedings within one year prior to June 1, 1986, of any~~
5 ~~municipal corporation, parish council, police jury, or school board within Jefferson~~
6 ~~Parish.~~

7 * * *

8 §171. Selection of newspaper

9 A.

10 * * *

11 (2) The newspaper:

12 (a) Shall have been published in an office physically located in the political
13 subdivision for at least ~~five~~ two years prior to its selection.

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

16 (c) Shall have maintained a general paid circulation in the district or political
17 subdivision for ~~five~~ two consecutive years prior to the selection.

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

21 (3) If there is no newspaper published in the district or political subdivision,
22 a newspaper published in the parish in which the board is domiciled for ~~five~~ two
23 consecutive years prior to selection shall be selected provided that it meets the other
24 qualifications contained in this Section.

25 * * *

26 §171.1. Exception due to certain publishing requirements

27 A newspaper that meets the requirements of this Part but would be precluded
28 from selection as an official journal because specific notice publication requirements
29 require a more frequent publishing schedule than the newspaper's established

1 schedule may be selected as an official journal if the newspaper can publish the
2 notice in a time period that is not more than five days longer than the period
3 otherwise required by law. If such a newspaper is selected, any notice publication
4 that could not be completed timely because of the newspaper's publishing schedule
5 but that is completed within five days after the required period is deemed to be in
6 compliance with the applicable publishing requirements.

7 §171.2. News deserts

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

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

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

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

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

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

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

23 (3) Shall have maintained a general paid circulation in the parish in which
24 the body is located for one year prior to the selection.

25 (4) Shall have been entered in a U.S. post office in the state of Louisiana
26 under a periodical permit in the state for one year prior to the selection.

27 Section 2. R.S. 43:171(B) 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)]

HB 977 Engrossed

2024 Regular Session

Carlson

Abstract: Provides relative to official journals for the state and local governments.

Present law requires the state to select a newspaper as its official journal and to print advertisements, public notices, and proclamations of the legislature or the executive branch in the official journal. Requires that all laws and joint resolutions be accessible through the official journal.

Proposed law authorizes the commissioner of education to select the state register's website or a website designated by the state register as the official journal of the state. Requires the state register to provide a unique location on a publicly available website for publishing materials pursuant to present law.

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.

(Amends R.S. 43:81(A)(intro. para.), 140(3), 142, and 171(A)(2) and (3); Adds R.S. 43:82.1, 140.1, 140.2, 171.1, and 171.2; Repeals R.S. 43:171(B))