

2024 Regular Session

ACT No. 464

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

BY REPRESENTATIVE CARLSON

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.
- 20 (2) It shall be published in ~~the city of Baton Rouge~~, and have a general
21 circulation in Louisiana.
- 22 (3) It shall have been so published ~~for at least six days~~ once per week for a
23 period of not less than two years prior to the time that it is awarded the contract as
24 the Official Journal of the State, as provided herein.

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

3 * * *

4 §81.1. Cost of publication

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

10 * * *

11 §140. Definitions

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

14 * * *

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

18 * * *

19 §140.1. Exception due to certain publishing requirements

20 A newspaper that meets the requirements of this Part but would be precluded
21 from selection as an official journal because specific notice publication requirements
22 require a more frequent publishing schedule than the newspaper's established
23 schedule may be selected as an official journal if the newspaper can publish the
24 notice in a time period that is not more than five days longer than the period
25 otherwise required by law. If such a newspaper is selected, any notice publication
26 that could not be completed timely because of the newspaper's publishing schedule
27 but that is completed within five days after the required period is deemed to be in
28 compliance with the applicable publishing requirements.

1 §140.2. News deserts

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 * * *

8 §142. Qualifications of newspaper

9 ~~A.~~ The newspaper:

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

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

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

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

19 ~~B. The provisions of this Section relating to the five-year requirement shall~~
20 ~~not contravene any contract existing between any governing body and a newspaper~~
21 ~~on and prior to May 11, 1970; nor shall the five-year requirement herein be applied~~
22 ~~in assessing the qualifications of a newspaper which was in existence on May 11,~~
23 ~~1970; nor shall any provision of this Chapter prohibit a publication from becoming~~
24 ~~an official journal in Jefferson Parish if the publication is qualified to publish judicial~~
25 ~~advertisements and legal notices in Jefferson or Orleans Parish or has actually~~
26 ~~published official proceedings within one year prior to June 1, 1986, of any~~
27 ~~municipal corporation, parish council, police jury, or school board within Jefferson~~
28 ~~Parish.~~

29 * * *

1 §147.3. Cost of publication

2 The official journal of a political subdivision shall include a statement of the
3 cost charged to the political subdivision for publication with any proceeding, notice,
4 or other information it publishes for the political subdivision pursuant to a legal
5 requirement that the information be published. The official journal shall not charge
6 the political subdivision for printing this statement of cost.

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
30 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 §171.2. News deserts

7 A. Notwithstanding the provisions of R.S. 43:171(A), the provisions of this
8 Section are applicable to a political subdivision in a parish that meets the following
9 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 of greater than two hundred
16 thousand persons, all as determined by the most recent federal decennial census.

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

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

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

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

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

26 * * *

27 §175. Cost of publication

28 The official journal of a political subdivision shall include a statement of the
29 cost charged to the political subdivision for publication with any proceeding,
30 financial statement, notice, or other information it publishes for the political

1 subdivision pursuant to a legal requirement that the information be published. The
 2 official journal shall not charge the political subdivision for printing this statement
 3 of cost.

4 Section 2. R.S. 43:171(B) is hereby repealed in its entirety.

5 Section 3. The provisions of R.S. 43:81.1, 147.3, and 175 as enacted by this Act are
 6 applicable to information published on or after January 1, 2025.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____