

Regular Session, 2014

HOUSE BILL NO. 806

BY REPRESENTATIVE IVEY

OFFICIAL JOURNALS: Provides relative to the official journal of the state

1 AN ACT

2 To amend and reenact R.S. 43:24(C), to enact R.S. 43:71 through 74, and to repeal R.S.  
3 43:81 through 90, relative to official journals; to provide relative to matters to be  
4 published in the official journal of the state; to provide relative to requirements for  
5 being the newspaper version of the official journal of the state; to establish a website  
6 as the official journal of the state and to provide requirements for such website; to  
7 provide for a replacement official journal in the event of extenuating circumstances;  
8 to provide for certain duties and powers of the secretary of state relative to official  
9 journals; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 43:24(C) is hereby amended and reenacted and R.S. 43:71 through  
12 74 are hereby enacted to read as follows:

13 §24. Acts; numbering; printing; publication

14 \* \* \*

15 C. The secretary of state shall take all necessary actions to cause the acts and  
16 joint resolutions of the legislature to be made accessible on the Internet website or  
17 portal of the Official Journal of the State within the time limits established by ~~R.S.~~  
18 ~~43:81.~~ R.S. 43:72.

19 \* \* \*

## 1 CHAPTER 2. STATE OFFICIAL JOURNAL

2 §71. Official journal of state

3 The printing of advertisements, public notices, proclamations and the  
4 promulgation of all laws and joint resolutions of the legislature, and all public  
5 notices and advertising to be done by the legislature, or the executive or other  
6 departments and institutions of the state government, shall be published on a website  
7 to be known and designated as the "Official Journal of the State".

8 §72. Qualifications and requirements9 A. The official journal of the state shall:

10 (1) Be the official, public website of the Department of State and maintained  
11 by the secretary of state or his designee.

12 (2) Have the capacity to archive all matters which it is required to publish  
13 for a minimum period of one year.

14 (3) Contain a link or links on its home page to all classes of matter required  
15 by law to be published in the official journal of the state.

16 B. Except as otherwise provided in Subsection C of this Section, all matters  
17 required by law to be published in the official journal of the state shall be:

18 (1) Accessible to the public for twenty-four hours per date of publication.

19 (2) Archived.

20 (3) Accessible to the public for a minimum of thirty days from the last date  
21 of publication.

22 C. All laws and joint resolutions shall be accessible to the public prior to the  
23 sixtieth day after final adjournment of the session in which they were enacted and  
24 shall remain accessible for at least one year. Any act that contains an effective date  
25 prior to the sixtieth day after final adjournment shall be accessible prior to the  
26 effective date contained therein, if possible, or if not possible, as soon as possible  
27 after such effective date.

1        §73. Force majeure; interim official journal

2            A. In the event of extraordinary circumstances outside the control of the host  
3        provider, including Acts of God, which circumstances impact the accessibility of the  
4        website, the secretary of state may contract with a newspaper as the interim official  
5        journal of the state to publish required matters until the website can be made  
6        accessible again.

7            B. Such newspaper shall meet the following qualifications:

8            (1) It shall possess the second class mailing privilege.

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

10          (3) It shall have been so published for at least six days per week for a period  
11        of not less than two years prior to the time that it is awarded the contract as the  
12        interim official journal of the state, as provided in this Section.

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

15          C. If no newspaper meets the qualifications set forth in Subsection B of this  
16        Section at the time an interim official journal is needed, or if a newspaper meeting  
17        the qualifications set forth in Subsection B of this Section breaches its contract to  
18        publish documents for the official journal, then a newspaper published in the city of  
19        New Orleans, Louisiana, meeting the qualifications in Paragraphs (B)(1), (3), and (4)  
20        of this Section may be selected.

21          D. Should any of the matter required to be printed in the official journal of  
22        the state have begun a period of publication in the official journal prior to the  
23        occurrence of the force majeure, the publishing of the same matter for the remaining  
24        number of times prescribed by law by the newspaper employed as the interim official  
25        journal of the state shall serve as a complete publication without the necessity of  
26        fully re-publishing such matter.

27        §74. Publication

28          A. The secretary of state shall publish all matters received for publication  
29        within seven business days of receipt.

1           B. The secretary of state may promulgate rules and regulations relative to  
2           acceptable submission formats, timing of submissions for publication, and other  
3           necessary matters.

4           C. The secretary of state may establish and charge a reasonable, nominal fee  
5           for the publication of matters on the official journal website.

6           D. As used in this chapter, the terms "publish" and "publication" refer to the  
7           matter being made public on the official journal website.

8           Section 2. R.S. 43:81 through 90 are hereby repealed in their entirety.

9           Section 3. R.S. 43:71 through 74 as enacted by this Act shall constitute Chapter 2  
10          of Title 43 of the Louisiana Revised Statutes of 1950, entitled "State Official Journal".

11          Section 4. The provisions of Sections 1, 2, and 3 of this Act shall become effective  
12          on July 1, 2015. Prior to such effective date, the secretary of state, shall make all  
13          preparations necessary to take over publication of the official journal as provided in this Act.

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

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#### 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)]

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Ivey

HB No. 806

**Abstract:** Removes existing requirements for selection of a newspaper meeting specified requirements as the Official Journal of the State. Establishes a website as the Official Journal of the State. Provides, in extraordinary events or circumstances, the secretary of state may contract with a newspaper to publish items required to be published in Official Journal. Provides for requirements.

Present law (R.S. 43:81 through 90) establishes the Official Journal of the State as a newspaper meeting certain criteria contained in present law. Requires the Official Journal of the State to publish 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. Further provides for contracts to be the printer of the Official Journal of the State, and provides terms and conditions for such contracts. Provides for breach of such contract and for the appointment of a surrogate official journal in the case of the failure of the official journal to meet its contractual and statutory obligations. Further provides duties of the secretary of state and clerks of court relative to Acts of the legislature published in the Official Journal of the State.

Proposed law repeals present law in its entirety.

Proposed law instead establishes a website as the Official Journal of the State. Provides that such website shall publish all 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 state governments. Provides that such website shall be maintained by the secretary of state and shall have the capability to archive for at least one year all matters it is required to publish under proposed law.

Proposed law establishes requirements for the website which shall be the new Official Journal of the State. Requires the website to make all matters published in the journal by law accessible for a minimum of 24 hours for each date of publication. Further requires such matters to be archived and to remain accessible to the public for at least 30 days from the last date of publication. Requires the website to have a link or links on its home page to all matters which it is required by law to publish. Proposed law retains a present law provision that requires all laws and joint resolutions to be accessible to the public prior to the 60<sup>th</sup> day after final adjournment of the session in which they were enacted and to remain accessible for at least one year. Specifies that any act that contains an effective date prior to the 60<sup>th</sup> day after final adjournment shall be accessible prior to the effective date contained therein, if possible, or if not possible, as soon as possible.

Proposed law further provides for extraordinary events or circumstances which may effect the accessibility of the website. Specifies that in the event of extraordinary circumstances effecting the accessibility of the website, the secretary of state may contract with a newspaper to publish items required to be published in the official journal.

Proposed law further provides the following requirements for such a newspaper:

- (1) It shall possess a second class mailing privilege.
- (2) It shall be published in the city of Baton Rouge, La.
- (3) It shall have been so published for at least six days per week for a period of not less than two years prior to the date of the contract.
- (4) It shall have an audited paid daily circulation of not less than 10,000 for at least one year prior to the date of the contract.

Proposed law provides that if no newspaper meets such qualifications, then a newspaper meeting the same requirements but published in New Orleans instead of Baton Rouge may be designated as the interim official journal.

Proposed law provides that if any matter has begun publication on the website, and extenuating circumstances as provided in proposed law intervene to interrupt further publication online, then such publication may be completed in the newspaper provided for in proposed law and shall serve as complete publication of the matter so published.

Proposed law provides a definition of "publish" and "publication" to mean when the matter in question becomes public on the official journal website. Provides that all matters to be published shall be published within seven business days of receipt. Authorizes the secretary

of state to promulgate rules and regulations necessary for overseeing the publication of the official journal, such as timing of submissions, acceptable submission formats, and other matters and to establish and charge a reasonable, nominal fee for such publication.

Specifies that proposed law relative to the Official Journal of the State shall become effective on July 1, 2015, and otherwise proposed law is effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 43:24(C); Adds R.S. 43:71-74; Repeals R.S. 43:81-90)