
DIGEST

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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 60th 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 60th 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)