

Regular Session, 2014

SENATE BILL NO. 630

BY SENATOR MARTINY

PUBLIC PRINTING. Provides for the qualification of a newspaper to publish official proceedings, legal notices, or advertisements in Orleans Parish or Jefferson Parish. (gov sig)

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AN ACT

To amend and reenact R.S. 43:142(B), 171(B), 200(3), and 201(D), to enact R.S. 43:202(D), and to repeal R.S. 43:201(E), relative to the publication of official proceedings, legal notices, and advertisements in the parishes of Orleans and Jefferson; to provide relative to qualifications of newspapers for such publications; to provide for definitions; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 43:142(B), 171(B), 200(3), and 201(D) are hereby amended and reenacted and R.S. 43:202(D) is hereby enacted to read as follows:

§142. Qualifications of newspaper

\* \* \*

B. The provisions of this Section relating to the five-year requirement shall not contravene any contract existing between any governing body and a newspaper on and prior to May 11, 1970; nor shall the five-year requirement herein be applied in assessing the qualifications of a newspaper which was in existence on May 11, 1970; nor shall any provision of this Chapter prohibit a publication from becoming

1 an official journal in Jefferson Parish ~~when~~ **if** the publication **is qualified to publish**  
 2 **judicial advertisements and legal notices in Jefferson Parish or Orleans Parish**  
 3 **or** has actually published official proceedings within one year prior to June 1, 1986,  
 4 of any municipal corporation, parish council, police jury, or school board within  
 5 Jefferson Parish.

6 \* \* \*

7 §171. Selection of newspaper

8 \* \* \*

9 B. The provisions of this Section relating to the five-year requirement shall  
 10 not contravene any contract existing between any governing body and a newspaper  
 11 on and prior to May 11, 1970; nor shall the five-year requirement herein be applied  
 12 in assessing the qualifications of a newspaper which was in existence on May 11,  
 13 1970; nor shall any provision of this Chapter prohibit a publication from becoming  
 14 an official journal in Jefferson **Parish** or Orleans Parish ~~when~~ **if** the publication **is**  
 15 **qualified to publish judicial advertisements and legal notices in Jefferson Parish**  
 16 **or Orleans Parish or** has actually published official proceedings within one year  
 17 prior to June 1, 1986, of any municipal corporation, parish council, police jury, or  
 18 school board within Jefferson **Parish** or Orleans Parish.

19 \* \* \*

20 §200. Definitions

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

23 \* \* \*

24 (3)~~(a)~~ **(i)** "Newspaper" means a publication that during each year of the five-year  
 25 period prior to the first publication of any legal or official notice therein:

26 ~~(a)~~**(i)** Has been published at regular intervals of not less than weekly.

27 ~~(b)~~**(ii)** Has been originated and published for the dissemination of current  
 28 news and intelligence of varied, broad, and general public interest, including regular  
 29 news coverage of local public meetings and events, and is not devoted to the interests

1 of, or published for the entertainment or instruction of, or has a circulation restricted  
2 to, any particular sect, denomination, labor or fraternal organization, or other special  
3 group or class of citizens.

4 ~~(c)~~**(iii)** Has not been published primarily for advertising purposes and has not  
5 contained more than seventy-five percent advertising in more than one-half of its  
6 issues, excluding separate advertising supplements inserted into but separately  
7 identifiable from any regular issue or issues.

8 ~~(d)~~**(iv)** Has maintained a general paid circulation to bona fide paying  
9 subscribers within the area the publication is required.

10 **(b) The provisions of this Paragraph relating to a five-year requirement**  
11 **shall not apply to a daily newspaper with a general paid circulation when the**  
12 **newspaper has maintained a public business office in Orleans Parish for eight**  
13 **consecutive months prior to January 1, 2014.**

14 \* \* \*

15 §201. Judicial advertisements and legal notices; parishes outside parish of Orleans

16 \* \* \*

17 D.**(1)** In Jefferson Parish, no provision of this Chapter shall prohibit a weekly  
18 publication being selected to publish judicial advertisements and legal notices ~~when~~  
19 **if** the publication has maintained a public business office for at least five consecutive  
20 months in the parish prior to June 1, 2006, and maintained a total circulation of at  
21 least twenty-five thousand for at least three consecutive years immediately prior to  
22 being selected.

23 ~~E.~~**(2)** **Notwithstanding any provision of this Section to the contrary, in**  
24 **Jefferson Parish, a daily newspaper with a general paid circulation may be**  
25 **selected to publish judicial advertisements and legal notices if the newspaper**  
26 **has maintained a public business office in Orleans Parish for eight consecutive**  
27 **months prior to January 1, 2014.**

28 **(3)** In Jefferson Parish, the total circulation of every publication or newspaper  
29 shall be proved not less than annually by an experienced publication auditing firm

1 prior to the selection of the publication or newspaper under this Section. The audit  
2 shall reflect the circulation of the publication or newspaper by parish, and shall be  
3 submitted as an attachment to any proposal by a publication or newspaper to publish  
4 judicial advertisements and legal notices in Jefferson Parish.

5 \* \* \*

6 §202. Judicial advertisements in parish of Orleans

7 \* \* \*

8 **D. Notwithstanding any provision of this Section to the contrary, in**  
9 **Orleans Parish, a daily newspaper with a general paid circulation may be**  
10 **selected to publish judicial advertisements and legal notices if the newspaper**  
11 **has maintained a public business office in Orleans Parish for eight consecutive**  
12 **months prior to January 1, 2014.**

13 Section 2. R.S. 43:201(E) is hereby repealed.

14 Section 3. This Act shall become effective upon signature by the governor or, if not  
15 signed by the governor, upon expiration of the time for bills to become law without signature  
16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
17 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
18 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Thomas L. Tyler.

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DIGEST

Martiny (SB 630)

Present law (R.S. 43:142) provides certain qualifications for a newspaper in order to be selected as an official journal of a parish, municipality, or school board including a requirement that the paper have an office physically located in the parish and have maintained a general paid circulation for five consecutive years.

Present law provides that present law does not prohibit a publication from becoming an official journal in Jefferson Parish when the publication has actually published official proceedings within one year prior to June 1, 1986, of any municipal corporation, parish council, police jury, or school board within Jefferson Parish. Proposed law retains these provisions but provides that present law also does not prohibit a publication from being the official journal in Jefferson Parish when it is qualified to publish judicial advertisements and legal notices in Jefferson Parish or Orleans Parish.

Present law (R.S. 43:171) provides certain qualifications relative to selection of a newspaper as the official journal of levee, drainage, subdrainage, road, subroad, navigation, sewerage

districts or by other political subdivisions including requirements that the paper have an office physically located in the parish and have maintained a general paid circulation for five consecutive years.

Proposed law provides that the five-year requirements and nothing in present law shall prohibit a publication from becoming an official journal in Jefferson Parish or Orleans Parish if it is qualified to publish judicial advertisements and legal notices in Jefferson Parish or Orleans Parish.

Present law (R.S. 43:200) provides in order to publish judicial advertisements and legal notices, a newspaper is to satisfy certain requirements during each year of the five-year period prior to the first publication of any advertisement or notice, including publication at regular intervals not less than weekly and a general paid circulation.

Proposed laws retains these provisions, but provides that in Jefferson Parish, a daily newspaper with a general paid circulation may be selected to publish judicial advertisements and legal notices if the newspaper has maintained a public business office in Orleans Parish for eight consecutive months prior to January 1, 2014.

Proposed law provides that, as to judicial advertisements in Orleans Parish, a daily newspaper with a general paid circulation may be selected to publish judicial advertisements and legal notices if the newspaper has maintained a public business office in Orleans Parish for eight consecutive months prior to January 1, 2014.

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

(Amends R.S. 43:142(B), 171(B), 200(3), and 201(D); adds R.S. 43:202(D); repeals R.S. 43:201(E))