

2015 Regular Session

HOUSE BILL NO. 130

BY REPRESENTATIVE CROMER

OFFICIAL JOURNALS: Provides relative to the qualification of a newspaper to publish official proceedings, legal notices, or advertisements in St. Tammany Parish

1 AN ACT

2 To amend and reenact R.S. 43:140(1) and (2), 142(A)(4), 171(A)(2)(d), 200(1) and (2), and  
3 201(B)(4), relative to St. Tammany Parish; to provide relative to the official journal  
4 of the parish and all political subdivisions in the parish; to provide relative to the  
5 criteria for selection of the official journal; to provide relative to the publication of  
6 official proceedings, legal notices, and advertisements in the parish; to provide  
7 relative to qualifications of newspapers for such publication; to provide for  
8 definitions; and to provide for related matters.

9 Notice of intention to introduce this Act has been published  
10 as provided by Article III, Section 13 of the Constitution of  
11 Louisiana.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 43:140(1) and (2), 142(A)(4), 171(A)(2)(d), 200(1) and (2), and  
14 201(B)(4) are hereby amended and reenacted to read as follows:

15 §140. Definitions

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

18 (1)(a) "Bona fide paying subscribers" shall mean persons who have  
19 subscribed at a subscription rate which is not nominal, whether by mail  
20 subscriptions, purchases through dealers and carriers, street vendors and counter

1 sellers, or any combination thereof, but shall not include free circulation, sales at  
2 token or nominal subscription price, and sales in bulk for purposes other than for  
3 resale for individual subscribers.

4 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,  
5 in the parish of St. Tammany "bona fide paying subscribers" shall include persons  
6 who have subscribed at a subscription rate which is nominal, whether by mail  
7 subscriptions, purchases through dealers and carriers, street vendors and counter  
8 sellers, or any combination thereof, and shall include free circulation, sales at a token  
9 or nominal subscription price, and sales in bulk for purposes other than for resale to  
10 individual subscribers.

11 (2)(a) "General paid circulation" shall not include publications when one-  
12 half or more of all copies circulated are provided free of charge to the ultimate  
13 recipients; or are paid for at nominal rates by the ultimate recipients.

14 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,  
15 in the parish of St. Tammany "general paid circulation" shall include publications of  
16 which one-half or more of all copies circulated are provided free of charge to the  
17 ultimate recipients or are paid for at nominal rates by the ultimate recipients.

18 \* \* \*

19 §142. Qualifications of newspaper

20 A. The newspaper:

21 \* \* \*

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

25 (b) The provisions of Subparagraph (a) of this Paragraph do not apply to  
26 newspapers in the parish of St. Tammany if one-half or more of all copies circulated  
27 are provided free of charge to ultimate recipients or are paid for at nominal rates by  
28 ultimate recipients.

29 \* \* \*

1 §171. Selection of newspaper

2 A.

3 \* \* \*

4 (2) The newspaper:

5 \* \* \*

6 (d)(i) Shall have been entered in a U.S. post office in that district or political  
7 subdivision under a periodical permit in that district or political subdivision for a  
8 period of five consecutive years prior to selection.

9 (ii) The provisions of Item (i) of this Subparagraph do not apply to  
10 newspapers in the parish of St. Tammany if one-half or more of all copies circulated  
11 are provided free of charge to ultimate recipients or are paid for at nominal rates by  
12 ultimate recipients.

13 \* \* \*

14 §200. Definitions

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

17 (1)(a) "Bona fide paying subscribers" means persons who have subscribed  
18 at a subscription rate which is not nominal, whether by mail subscriptions, purchases  
19 through dealers and carriers, street vendors and counter sellers, or any combination  
20 thereof, but shall not include free circulation, sales at token or nominal subscription  
21 price, and sales in bulk for purposes other than for resale for individual subscribers.

22 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,  
23 in the parish of St. Tammany "bona fide paying subscribers" shall include persons  
24 who have subscribed at a subscription rate which is nominal, whether by mail  
25 subscriptions, purchases through dealers and carriers, street vendors and counter  
26 sellers, or any combination thereof, and shall include free circulation, sales at a token  
27 or nominal subscription price, and sales in bulk for purposes other than for resale to  
28 individual subscribers.

1 (2)(a) "General paid circulation" shall not include publications when one-  
2 half or more of all copies circulated are provided free of charge to the ultimate  
3 recipients; or are paid for at nominal rates by the ultimate recipients.

4 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,  
5 in the parish of St. Tammany "general paid circulation" shall include publications of  
6 which one-half or more of all copies circulated are provided free of charge to the  
7 ultimate recipients or are paid for at nominal rates by the ultimate recipients.

8 \* \* \*

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

10 \* \* \*

11 B. The newspaper:

12 \* \* \*

13 (4)(a) Shall have been entered in a U.S. post office in that parish under a  
14 periodical permit in that parish for a period of five consecutive years prior to the  
15 selection.

16 (b) The provisions of Subparagraph (a) of this Paragraph do not apply to  
17 newspapers in the parish of St. Tammany of which one-half or more of all copies  
18 circulated are provided free of charge to ultimate recipients or are paid for at nominal  
19 rates by ultimate recipients.

20 \* \* \*

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 130 Original

2015 Regular Session

Cromer

**Abstract:** Relative to St. Tammany Parish, authorizes a newspaper that provides copies at a nominal subscription rate or free of charge to qualify to be selected as the official journal of the parish and all political subdivisions in the parish and to publish official proceedings, legal notices, and advertisements within the parish.

Selection of Official Journal

Present law establishes criteria that a newspaper must meet in order to be eligible to be selected as the official journal of a political subdivision.

Present law defines the following terms for purposes of such laws:

- (1) "Bona fide paying subscribers" means persons who have subscribed at a subscription rate which is not nominal and does not include free circulation, sales at token or nominal subscription price, and sales in bulk for purposes other than for resale for individual subscribers.
- (2) "General paid circulation" does not include publications when one-half or more of all copies circulated are provided free of charge to the ultimate recipient, or are paid for at nominal rates by the ultimate recipients.
- (3) "Newspaper" means a publication that during each year of the five-year period prior to its selection meets all of the following criteria:
  - (a) Has been published at regular intervals of not less than weekly.
  - (b) Originated and was published for the purpose of delivering news of general public interest and is not devoted to the interests or entertainment of any one particular group or class.
  - (c) In more than half of its issues, contained less than 75% advertising.
  - (d) Maintained a general paid circulation to paying subscribers within the publication area required.
- (4) "Nominal rate(s)" means a price which is so small or slight that it is not considered real or substantial in comparison with what might reasonably be expected.

Proposed law retains present law but provides exceptions for St. Tammany Parish. Provides that in the parish "bona fide paying subscribers" include persons who have subscribed at a subscription rate which is nominal and does include free circulation, sales at token or nominal subscription price, and sales in bulk for purposes other than for resale to individual subscribers. Further provides that "general paid circulation" includes publications of which one-half or more of all copies circulated are provided free of charge to the ultimate recipients or are paid for at nominal rates by the ultimate recipients.

Present law requires that only a newspaper that meets the following criteria may be selected as an official journal by a political subdivision:

- (1) Must have been published in an office physically located in the political subdivision for at least five years prior to its selection.
- (2) During that five-year period, may not have missed three or more consecutive issues unless caused by fire, flood, strike, or natural disaster.
- (3) Must have maintained a general paid circulation in the political subdivision for five consecutive years prior to the selection.
- (4) Must have possessed a valid periodical permit from the U.S. Postal Service for a period of five consecutive years prior to selection.

Present law provides exceptions to these requirements for the parishes of Jefferson and Orleans.

Proposed law retains present law and provides an additional exception for St. Tammany Parish. Provides that newspapers in the parish do not need to possess a valid periodical permit from the U.S. Postal Service if one-half or more of all copies circulated are free of charge or paid for at a nominal rate.

## Judicial Advertisements and Legal Notices

Present law (R.S. 43:200 et seq.) requires the selection of a newspaper in each parish to run judicial advertisements and legal notices. Proposed law retains present law.

Present law defines "bona fide paying subscribers", "general paid circulation", "newspaper", and "nominal rate(s)" for the purposes of such laws the same way the terms are defined for selection of official journals.

Proposed law retains present law but provides an exception for St. Tammany Parish. Provides that the terms "bona fide paying subscribers" and "general paid circulation" have the same meaning as provided in proposed law for the selection of the official journal in the parish.

Present law, relative to all parishes except Orleans (R.S. 43:201), provides that only a newspaper that meets the following criteria may be selected to run judicial advertisements and legal notices:

- (1) Must have been published in an office physically located in the parish for at least five years prior to its selection.
- (2) During that five-year period, may not have missed three or more consecutive issues unless caused by fire, flood, strike, or natural disaster.
- (3) Must have maintained a general paid circulation in the parish for five consecutive years prior to the selection.
- (4) Must have possessed a valid periodical permit from the U.S. Postal Service for a period of five consecutive years prior to selection.

Present law provides an exception for Jefferson Parish.

Proposed law retains present law and adds an exception for St. Tammany Parish. Provides that newspapers in the parish do not need to possess a valid periodical permit from the U.S. Postal Service if one-half or more of all copies circulated are free of charge or paid for at a nominal rate.

(Amends R.S. 43:140(1) and (2), 142(A)(4), 171(A)(2)(d), 200(1) and (2), and 201(B)(4))