
DIGEST

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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 not 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))