

2020 Regular Session

HOUSE BILL NO. 314

BY REPRESENTATIVE SCHAMERHORN

OFFICIAL JOURNALS: Provides relative to the official journal of parishes, municipalities, school boards, and other political subdivisions

1 AN ACT

2 To enact Chapter 6 of Title 43 of the Louisiana Revised Statutes of 1950, comprised of R.S.
3 43:231.1 and 231.2, and to repeal Chapter 4 of Title 43 of the Louisiana Revised
4 Statutes of 1950, comprised of R.S. 43:140 through 181, relative to the official
5 journal of parishes, municipalities, school boards, and any other political
6 subdivision; to provide that the official website of any such political subdivision
7 shall be the official journal for the political subdivision; to provide relative to the
8 publication of the proceedings and financial statements of the political subdivisions;
9 to repeal provisions that require such political subdivisions to select a newspaper as
10 the official journal; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Chapter 6 of Title 43 of the Louisiana Revised Statutes of 1950, comprised
13 of R.S. 43:231.1 and 231.2, is hereby enacted to read as follows:

14 CHAPTER 6. OFFICIAL JOURNALS OF POLITICAL SUBDIVISIONS

15 §231.1. Official journal; parishes, municipalities, and school boards

16 A. Notwithstanding any other provision of law to the contrary, the official
17 website of a parish, municipality, or school board shall be the official journal for the
18 respective parish, municipality, or school board.

1 B.(1) All minutes, ordinances, resolutions, budgets, and other official
2 proceedings of the governing authority of the parish, municipality, or school board
3 shall be published in the official journal for the parish, municipality, or school board
4 respectively.

5 (2)(a) Each parish, municipality, or school board shall publish the official
6 proceedings of the governing authority in the official journal within ten days from
7 the date of any meeting.

8 (b) Not later than five days after the date on which the official proceedings
9 are published, the respective parish, municipality, or school board shall place a
10 notice in a newspaper of general circulation within the jurisdiction of the parish,
11 municipality, or school board to inform the public that the official proceedings have
12 been published. Any such notice shall state that the official proceedings have been
13 published on the official website and shall include the date of such publication.

14 (c) No parish, municipality, or school board is required to publish the notice
15 provided for in Subparagraph (b) of this Paragraph after January 1, 2022.

16 C. If the official of the parish, municipality, or school board who is
17 responsible for publishing the official proceedings or the notice willfully neglects or
18 fails to comply with the provisions of Subsection B of this Section, such official shall
19 be fined not less than twenty-five dollars nor more than five hundred dollars, or be
20 imprisoned for not less than ten days nor more than six months, or both.

21 D. If a parish, municipality, or school board has not established an official
22 website, or is unable to publish the official proceedings as required in this Section
23 due to technical difficulties, the parish, municipality, or school board shall publish
24 the official proceedings in a newspaper of general circulation within the jurisdiction
25 of the respective parish, municipality, or school board. A parish, municipality, or
26 school board shall publish the official proceedings in accordance with the publication
27 time period established in Paragraph (B)(2) of this Section.

28 E. Not later than thirty days after the effective date of this Section, each
29 parish, municipality, and school board shall provide the secretary of state with the

1 uniform resource locator of its official website. For purposes of meeting the
2 requirements of Article III, Section 13 of the Constitution of Louisiana, the uniform
3 resource locator shall be on file with the secretary of state as the official journal of
4 the respective parish, municipality, or school board.

5 F. Advertisements in relation to judicial proceedings shall continue to be
6 made in accordance with the provisions of Chapter 5 of this Title.

7 §231.2. Official journal; publication of proceedings and financial statements of the
8 governing authority of political subdivisions

9 A. Except as provided in R.S. 43:231.1, the official website of any levee,
10 drainage, subdrainage, road, subroad, navigation, and sewerage districts, or any other
11 political subdivision of the state shall be the official journal for the respective
12 political subdivision.

13 B.(1) Each political subdivision shall have the proceedings of its governing
14 board and such financial statements required by and furnished to the legislative
15 auditor published in the official journal for the respective political subdivision.

16 (2)(a) Each political subdivision shall publish the proceedings in the official
17 journal within ten days from the date of any meeting at which the proceedings were
18 had. The financial statements shall be published no later than ten days after such
19 statements have been furnished to the legislative auditor.

20 (b) Not later than five days after the date on which the proceedings and
21 financial statements have been published, the respective political subdivision shall
22 place a notice in a newspaper of general circulation within the jurisdiction of the
23 political subdivision to inform the public that the proceedings have been published
24 and the financial statements have been furnished. Any such notice shall state that the
25 proceedings and financial statements have been placed on the official website and
26 shall include the date of publication.

27 (c) No political subdivision is required to publish the notice provided for in
28 Subparagraph (b) of this Paragraph after January 1, 2022.

1 C. If the official of the political subdivision who is responsible for publishing
2 the proceedings, financial statements, or notice willfully neglects or fails to comply
3 with the provisions of Subsection B of this Section, such official shall be fined not
4 less than twenty-five dollars nor more than five hundred dollars, or be imprisoned
5 for not less than ten days nor more than six months, or both.

6 D. If a political subdivision has not established an official website, or is
7 unable to publish the proceedings or financial statements as required in this Section
8 due to technical difficulties, the political subdivision shall publish the proceedings
9 and financial statements in a newspaper of general circulation within the jurisdiction
10 of the political subdivision. The political subdivision shall publish the proceedings
11 and financial statements in accordance with the publication time period established
12 in Paragraph (B)(2) of this Section.

13 E. Not later than thirty days after the effective date of this Section, each
14 political subdivision shall provide the secretary of state with the uniform resource
15 locator of its official website. For purposes of meeting the requirements of Article
16 III, Section 13 of the Constitution of Louisiana, the uniform resource locator shall
17 be on file with the secretary of state as the official journal of the political
18 subdivision.

19 F. Advertisements in relation to judicial proceedings shall continue to be
20 made in accordance with the provisions of Chapter 5 of this Title.

21 Section 2. Chapter 4 of Title 43 of the Louisiana Revised Statutes of 1950,
22 comprised of R.S. 43:140 through 181, is hereby repealed in its entirety.

23 Section 3. This Act shall become effective on July 1, 2020.

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 314 Original

2020 Regular Session

Schamerhorn

Abstract: Provides that the official website of a parish, municipality, school board, or other political subdivision shall be the official journal for the political subdivision.

Present law requires police juries, city and parish councils, municipal corporations, and school boards in all the parishes, except Orleans, to select, at their first meeting in June of each year, a newspaper as official journal for their respective parishes, towns, or cities for a term of one year.

Present law further authorizes the governing authority of any parish which is divided by the Mississippi River and has a population of not less than 100,000 to select two official journals for their respective parishes, one of which shall be located on one bank of the river and the other which shall be located on the opposite bank thereof. Provides that no act performed pursuant to present law shall be considered invalid because of any such parish having designated two such official journals.

Present law provides further with respect to official journals and requirements therefor. Requires publication of minutes, ordinances, resolutions, budgets, and official proceedings in the official journal.

Proposed law repeals present law and instead provides that the official website of a parish, municipality, or school board shall be the official journal for the respective parish, municipality, or school board. Requires all minutes, ordinances, resolutions, budgets, and other official proceedings of the governing authority of the parish, municipality, or school board to be published in the official journal within 10 days from the date of any meeting.

Proposed law further requires each parish, municipality, or school board, within five days of the publication of the proceedings, to place a notice in a newspaper of general circulation within its jurisdiction to inform the public that the proceedings have been published. Provides that the notice must state that the official proceedings have been published on the official website and must include the date of publication. Provides that no parish, municipality, or school board is required to publish the notice after Jan. 1, 2022.

Proposed law provides that if the official of the parish, municipality, or school board responsible for publishing the proceedings or notice willfully neglects or fails to comply with the provisions of proposed law, the official shall be fined not less than \$25 nor more than \$500 or be imprisoned for not less than 10 days nor more than six months, or both.

Proposed law requires each parish, municipality, or school board to provide the secretary of state with the uniform resource locator (URL) of its official website no later than 30 days after the effective date of proposed law. Provides that for purposes of complying with the constitutional requirements regarding the publication of a notice to introduce a local bill, the URL shall be on file with the secretary of state as the official journal of the parish and any municipality or school board within such parish.

Proposed law requires a parish, municipality, or school board to publish the official proceedings in a newspaper of general circulation in its jurisdiction if it does not have an official website or is unable to publish the official proceedings due to technical difficulties. Requires the parish, municipality, or school board to publish the official proceedings in accordance with the publication time period established in proposed law.

Present law requires levee, drainage, subdrainage, road, subroad, navigation, and sewerage districts, or other political subdivisions of the state and parishes to have the proceedings of their board and such financial statements required by and furnished to the legislative auditor published in a newspaper in the parish. Provides further relative to the selection of such newspaper.

Proposed law repeals present law and instead provides that the official website of the respective political subdivision shall be the official journal for each such political subdivision. Requires each such political subdivision to have the proceedings of its board and such financial statements required by and furnished to the legislative auditor published in the official journal of the respective political subdivision. Requires each political subdivision to publish the proceedings within 10 days from the date of any meeting. Further requires that the financial statements be published no later than 10 days after the statements have been furnished to the legislative auditor.

Proposed law further requires each political subdivision, within five days of the publication of the proceedings and financial statements, to place a notice in a newspaper of general circulation within its jurisdiction to inform the public that the proceedings have been published and the financial statements have been furnished. Provides that the notice must state that the proceedings and financial statements have been published on the official website and must include the date of publication. Provides that no political subdivision is required to publish the notice after Jan. 1, 2022.

Proposed law provides that if the official of the political subdivision responsible for publishing the proceedings, financial statements, or notice willfully neglects or fails to comply with the provisions of proposed law, the official shall be fined not less than \$25 nor more than \$500 or be imprisoned for not less than 10 days nor more than six months, or both.

Proposed law requires each political subdivision to provide the secretary of state with the URL of its official website no later than 30 days after the effective date of proposed law. Provides that for purposes of complying with the constitutional requirements regarding the publication of a notice to introduce a local bill, the URL shall be on file with the secretary of state as the official journal of the parish and any municipality or school board within such parish.

Proposed law requires a political subdivision to publish the proceedings and financial statements in a newspaper of general circulation of the parish if it does not have an official website or is unable to publish the proceedings or financial statements due to technical difficulties. Requires the political subdivision to publish the proceedings and financial statements in accordance with the publication time period established in proposed law.

Present law authorizes political subdivisions to select auxiliary journals and to publish certain notices and publications therein. Proposed law repeals present law.

Present law requires all parishes of the state, when advertisements or publication of notices are required to be made in relation to judicial proceedings, or in the sale of property under judicial process, or in any other legal proceedings of any kind, to publish them in an English language newspaper published in an office physically located in the parish in which the proceedings are carried on. Provides further relative to the selection of the newspaper.

Proposed law retains present law.

Effective July 1, 2020.

(Adds R.S. 43:231.1 and 231.2; Repeals R.S. 43:140-181)