
DIGEST

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Arnold

HB No. 787

Abstract: Authorizes a newspaper with general paid circulation and a public business office in Orleans Parish to qualify to publish legal notices and advertisements in Jefferson and Orleans parishes and further authorizes any publication that qualifies to publish such notices and advertisements to be selected as the official journal of a political subdivision in Jefferson or Orleans Parish.

Judicial Advertisements and Legal Notices

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

Present law defines "newspaper" for purposes of such laws as a publication that during each year of the five-year period prior to its selection meets all of the following criteria:

- (1) Has been published at regular intervals of not less than weekly.
- (2) 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.
- (3) In more than half of its issues, contained less than 75% advertising.
- (4) Maintained a general paid circulation to paying subscribers within the publication area required.

Proposed law provides that, for purposes of qualifications for publishing official proceedings, legal notices, or advertisements in the parishes of Jefferson and Orleans, the five-year requirement in present law shall not apply to a daily newspaper with a general paid circulation if such newspaper has maintained a public business office in Orleans Parish for eight consecutive months prior to Jan. 1, 2014.

Present law provides that the definition of "newspaper" applies to all parishes. Proposed law retains present law.

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 for a weekly publication when such publication has maintained a public business office in the parish for at least five consecutive months prior to June 1, 2006, and maintained a total circulation of at least 25,000 for three consecutive years immediately prior to selection. Proposed law retains present law.

Proposed law provides an additional exception to present law for Jefferson Parish and authorizes the selection of a daily newspaper with a general paid circulation to run judicial advertisements and legal notices in such parish if such newspaper has maintained a public business office in Orleans Parish for eight consecutive months prior to Jan. 1, 2014.

Present law relative to Orleans Parish (R.S. 43:202) provides that only a newspaper that meets the following criteria may be selected:

- (1) Must be published in an office physically located in Orleans Parish.
- (2) Must be published in English.
- (3) Must have been published as a daily paper for at least five years prior to 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.

Proposed law provides an exception to present law and authorizes the selection of a daily newspaper with a general paid circulation to run judicial advertisements and legal notices in Orleans Parish if such newspaper has maintained a public business office in such parish for eight consecutive months prior to Jan. 1, 2014.

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 "newspaper" for the purposes of selection of an official journal the same way

the term is defined for selection of judicial advertisements and legal notices. Proposed law retains present law.

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 further provides exceptions to these requirements. Generally, in Jefferson and Orleans parishes, authorizes the selection of a publication as the official journal if the publication has published official proceedings of a political subdivision in such parish within one year prior to June 1, 1986.

Proposed law retains present law and adds additional exceptions. Authorizes the selection of a publication as the official journal of any political subdivision in Jefferson or Orleans Parish if such publication is qualified to publish judicial advertisements and legal notices in Jefferson or Orleans Parish.

Effective upon signature of 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))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill.

1. Specifies that the proposed law exception to the five-year requirement applies for purposes of qualifications for publishing official proceedings, legal notices, or advertisements only in the parishes of Jefferson and Orleans.
2. Adds provision that makes bill effective upon signature of governor or lapse of time for gubernatorial action.