Regular Session, 2014

HOUSE BILL NO. 787

BY REPRESENTATIVES ARNOLD, ABRAMSON, ADAMS, BADON, BILLIOT, WESLEY BISHOP, BROSSETT, BURRELL, DOVE, FOIL, GAROFALO, HAZEL, HENRY, JOHNSON, KLECKLEY, LEOPOLD, LOPINTO, LORUSSO, MACK, MORENO, PIERRE, STOKES, TALBOT, WILLMOTT, AND WOODRUFF

1	AN ACT
2	To amend and reenact R.S. 43:142(B), 171(B), 200(3), and 201(D), to enact R.S. 43:202(D),
3	and to repeal R.S. 43:201(E), relative to the publication of official proceedings, legal
4	notices, and advertisements in Jefferson and Orleans parishes; to provide relative to
5	qualifications of newspapers for such publication; to provide for definitions; to
6	provide for an effective date; and to provide for related matters.
7	Notice of intention to introduce this Act has been published
8	as provided by Article III, Section 13 of the Constitution of
9	Louisiana.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 43:142(B), 171(B), 200(3), and 201(D) are hereby amended and
12	reenacted and R.S. 43:202(D) is hereby enacted to read as follows:
13	§142. Qualifications of newspaper
14	* * *
15	B. The provisions of this Section relating to the five-year requirement shall
16	not contravene any contract existing between any governing body and a newspaper
17	on and prior to May 11, 1970; nor shall the five-year requirement herein be applied
18	in assessing the qualifications of a newspaper which was in existence on May 11,
19	1970; nor shall any provision of this Chapter prohibit a publication from becoming
20	an official journal in Jefferson Parish when if the publication is qualified to publish
21	judicial advertisements and legal notices in Jefferson or Orleans Parish or has
22	actually published official proceedings within one year prior to June 1, 1986, of any

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ENROLLED

1	municipal corporation, parish council, police jury, or school board within Jefferson
2	Parish.
3	* * *
4	§171. Selection of newspaper
5	* * *
6	B. The provisions of this Section relating to the five-year requirement shall
7	not contravene any contract existing between any governing body and a newspaper
8	on and prior to May 11, 1970; nor shall the five-year requirement herein be applied
9	in assessing the qualifications of a newspaper which was in existence on May 11,
10	1970; nor shall any provision of this Chapter prohibit a publication from becoming
11	an official journal in Jefferson or Orleans Parish when if the publication is qualified
12	to publish judicial advertisements and legal notices in Jefferson or Orleans Parish or
13	has actually published official proceedings within one year prior to June 1, 1986, of
14	any municipal corporation, parish council, police jury, or school board within
15	Jefferson or Orleans Parish.
16	* * *
10	
17	§200. Definitions
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17 18 19 20	§200. Definitions As used in this Chapter, the following terms shall have the meanings ascribed to them in this Section: * * *
17 18 19 20 21	§200. Definitions As used in this Chapter, the following terms shall have the meanings ascribed to them in this Section: * * * * (3)(a) "Newspaper" means a publication that during each year of the five
 17 18 19 20 21 22 	§200. Definitions As used in this Chapter, the following terms shall have the meanings ascribed to them in this Section:
 17 18 19 20 21 22 23 	§200. Definitions As used in this Chapter, the following terms shall have the meanings ascribed to them in this Section: * * * (3)(a) "Newspaper" means a publication that during each year of the five year period prior to the first publication of any legal or official notice therein: (a)(i) Has been published at regular intervals of not less than weekly.
 17 18 19 20 21 22 23 24 	§200. Definitions As used in this Chapter, the following terms shall have the meanings ascribed to them in this Section:
 17 18 19 20 21 22 23 24 25 	§200. Definitions As used in this Chapter, the following terms shall have the meanings ascribed to them in this Section: * * (3)(a) "Newspaper" means a publication that during each year of the five year period prior to the first publication of any legal or official notice therein: (a)(i) Has been published at regular intervals of not less than weekly. (b)(ii) Has been originated and published for the dissemination of current news and intelligence of varied, broad, and general public interest, including regular
 17 18 19 20 21 22 23 24 25 26 	 \$200. Definitions As used in this Chapter, the following terms shall have the meanings ascribed to them in this Section: * * * (3)(a) "Newspaper" means a publication that during each year of the five year period prior to the first publication of any legal or official notice therein: (a)(i) Has been published at regular intervals of not less than weekly. (b)(ii) Has been originated and published for the dissemination of current news and intelligence of varied, broad, and general public interest, including regular news coverage of local public meetings and events, and is not devoted to the interests

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1	(c)(iii) Has not been published primarily for advertising purposes and has not
2	contained more than seventy-five percent advertising in more than one-half of its
3	issues, excluding separate advertising supplements inserted into but separately
4	identifiable from any regular issue or issues.
5	(d)(iv) Has maintained a general paid circulation to bona fide paying
6	subscribers within the area the publication is required.
7	(b) For purposes of qualifications for publishing official proceedings, legal
8	notices, or advertisements in the parishes of Jefferson and Orleans, the provisions of
9	this Paragraph relating to a five-year requirement shall not apply to a daily
10	newspaper with a general paid circulation when such newspaper has maintained a
11	public business office in Orleans Parish for eight consecutive months prior to
12	January 1, 2014.
13	* * *
14	§201. Judicial advertisements and legal notices; parishes outside parish of Orleans
15	* * *
16	D.(1) In Jefferson Parish, no provision of this Chapter shall prohibit a
17	weekly publication being selected to publish judicial advertisements and legal
18	notices when if the publication has maintained a public business office for at least
19	five consecutive months in the parish prior to June 1, 2006, and maintained a total
20	circulation of at least twenty-five thousand for at least three consecutive years
21	immediately prior to being selected.
22	E.(2) Notwithstanding any provision of this Section, in Jefferson Parish a
23	daily newspaper with a general paid circulation may be selected to publish judicial
24	advertisements and legal notices if such newspaper has maintained a public business
25	office in Orleans Parish for eight consecutive months prior to January 1, 2014.
26	(3) In Jefferson Parish, the total circulation of every publication or
27	newspaper shall be proved not less than annually by an experienced publication
28	auditing firm prior to the selection of the publication or newspaper under this
29	Section. The audit shall reflect the circulation of the publication or newspaper by

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1	parish, and shall be submitted as an attachment to any proposal by a publication or
2	newspaper to publish judicial advertisements and legal notices in Jefferson Parish.
3	* * *
4	§202. Judicial advertisements in parish of Orleans
5	* * *
6	D. Notwithstanding any provision of this Section, in Orleans Parish a daily
7	newspaper with a general paid circulation may be selected to publish judicial
8	advertisements and legal notices if such newspaper has maintained a public business
9	office in Orleans Parish for eight consecutive months prior to January 1, 2014.
10	Section 2. R.S. 43:201(E) is hereby repealed in its entirety.
11	Section 3. This Act shall become effective upon signature by the governor or, if not
12	signed by the governor, upon expiration of the time for bills to become law without signature
13	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
14	vetoed by the governor and subsequently approved by the legislature, this Act shall become
15	effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____