

## Advertisement of Judicial and Legal Proceedings

Existing law requires that advertisements in relation to judicial or legal proceedings be published in a newspaper meeting specified criteria.

Existing law, applicable to Orleans Parish, requires that the newspaper is published in English, in an office physically located in the parish, and has been published as a daily paper for at least five years.

Existing law, applicable in a parish with a municipality having a population of at least 300,000 (currently Orleans Parish only), requires that the newspaper is domiciled in the parish, is published at least weekly, and has maintained a total circulation of at least 30,000 for at least five consecutive years.

Existing law, applicable to Jefferson Parish, requires that the newspaper is published in English, in an office that has been physically located in the parish for five years, has not missed during that period as many as three consecutive issues unless caused by fire, flood, strike, or natural disaster, has maintained a general paid circulation in the parish for five consecutive years, and has been entered in a U.S. post office in that parish under a periodical permit in that parish for a period of five consecutive years.

Existing law, applicable to Jefferson Parish, provides certain exceptions to these requirements. A newspaper that is published weekly and has maintained a public business office for at least five consecutive months in the parish prior to June 1, 2006, and maintained a total circulation of at least 25,000 for at least three consecutive years is exempt from existing law. A newspaper which meets one of the following criteria is exempt from the five-year requirements:

- (1) It was in existence on May 11, 1970.
- (2) It published official proceedings within one year prior to June 1, 1986 of any municipality in the parish, the parish council, or parish school board.

New law provides that notwithstanding existing law, 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, may be selected to publish advertisements in relation to judicial or legal proceedings in Orleans and Jefferson parishes.

Existing law defines "newspaper" for purposes of such laws as a publication that during each year of the five-year period prior to the first publication of any legal or official notice 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.

New 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 existing 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.

Existing law, applicable to Jefferson Parish, requires that the total circulation of every publication or newspaper shall be proved not less than annually by an experienced publication auditing firm prior to the selection of the publication or newspaper. Requires

that the audit reflect the circulation of the publication or newspaper by parish and be submitted as an attachment to any proposal by a publication or newspaper to publish judicial advertisements and legal notices in Jefferson Parish.

#### Selection of Official Journal

Existing law requires each parish, municipality, and school board, the parish of Orleans excepted, to select a newspaper as its official journal, in which it shall publish its minutes, ordinances, resolutions, budgets, and other official proceedings. Requires each other political subdivision to select a newspaper as its official journal, in which it shall publish its proceedings and financial statements required by and furnished to the legislative auditor. Establishes criteria that a newspaper must meet in order to be eligible to be selected as the official journal of a political subdivision.

Existing law includes the following criteria applicable to newspapers in Orleans and Jefferson Parishes: for at least five years, it has been published in an office physically located in the parish, has not missed as many as three consecutive issues unless caused by fire, flood, strike, or other natural disaster, has maintained a general paid circulation in the parish, and is entered in a U.S. post office in that parish under a periodical permit. However, existing law provides certain exceptions to these five-year requirements, which include a newspaper which meets any of the following criteria:

- (1) It was in existence on May 11, 1970.
- (2) It published official proceedings within one year prior to June 1, 1986 of any municipality in the parish, the parish council, or parish school board (this exception does not apply to the school board in Orleans).

New law adds additional exceptions to the five-year requirements. 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 (this exception does apply to the school board in Orleans).

Effective upon signature of governor (May 22, 2014).

(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))