

Regular Session, 2014

HOUSE BILL NO. 725

BY REPRESENTATIVE IVEY

OFFICIAL JOURNALS: Provides relative to official journals of parishes, municipalities, and school boards

1 AN ACT

2 To amend and reenact R.S. 43:141, 145, and 150 and to enact R.S. 43:142.1, relative to
3 official journals of parishes, municipalities, and school boards; to authorize such a
4 political subdivision to select its website as its official journal; to provide
5 requirements applicable to the use of a website as a publishing medium; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 43:141, 145, and 150 are hereby amended and reenacted and R.S.
9 43:142.1 is hereby enacted to read as follows:

10 §141. Official journal to be selected by ~~police juries, city and parish councils,~~
11 ~~municipal corporations,~~ parish and municipal governing authorities and
12 school boards

13 A. The ~~police juries, city and parish councils, municipal corporations,~~ parish
14 and municipal governing authorities and school boards in all the parishes, the parish
15 of Orleans excepted, ~~at their first meeting in June of each year,~~ shall select either a
16 newspaper or its official website as its official journal ~~for their respective parishes,~~
17 ~~towns, or cities~~ for a term of one year. The governing authority or school board shall
18 make its selection at its first meeting in June of each year.

19 B. In any parish which is divided by the Mississippi River and has a
20 population of not less than one hundred thousand and which has not selected its

1 website as its official journal pursuant to Subsection A of this Section, the governing
 2 ~~body shall have the authority to~~ authority or school board may select two newspaper
 3 edition official journals for their respective parishes, one of which shall be located
 4 on one bank of the river and the other which shall be located on the opposite bank
 5 thereof and no act heretofore performed shall be considered invalid because of any
 6 such parish having heretofore designated two such official journals.

7 * * *

8 §142.1. Requirements of websites

9 If a parish, municipality, or school board selects its official website as its
 10 official journal pursuant to R.S. 43:141:

11 (1) The website shall provide a direct and prominently indicated link from
 12 its home page to pages containing public notices and other material required to be
 13 published in the official journal.

14 (2) All material required by the Constitution of Louisiana or by law to be
 15 published shall be made available on the website in accordance with the applicable
 16 constitutional provision or law. For each required day of publication, the material
 17 shall be accessible for at least one consecutive twenty-four-hour period; such a
 18 publication period shall be fully circumscribed within applicable publishing
 19 deadlines. All such published material shall be archived and remain accessible to the
 20 public for at least ninety days after the last date of publication.

21 (3) The governing authority or school board shall make available, to any
 22 person requesting it, a report generated by the computer from which the website is
 23 made available to the public. The report shall indicate times and dates of postings
 24 and other information that offers prima facie proof of when particular material was
 25 accessible by the general public on the website.

26 * * *

27 §145. Municipalities to select newspaper located within their boundaries

28 ~~Municipal corporations shall select an~~ If a municipality elects to use a
 29 newspaper as its official journal, it shall select a newspaper published in an office

1 physically located within ~~their~~ its municipal boundaries if a newspaper as defined in
2 R.S. 43:140(3) is published therein. If no qualified newspaper is published within
3 the municipal boundaries, a newspaper published in the parish of the ~~municipal~~
4 ~~corporation~~ municipality which meets the requirements of a newspaper as defined
5 in R.S. 43:140(3) shall be selected.

6 * * *

7 §150. Official journal; notification of secretary of state

8 A. Prior to January 1, 1985, and at least Within thirty days after effecting any
9 change in its official journal, each parish, municipality, and school board shall file
10 one of the following with the secretary of ~~state~~ state:

11 (1) If changing to a newspaper as the official journal or changing the
12 newspaper that will serve as the official journal, the name and physical address of
13 ~~its official~~ the journal, the effective date of the selection, and the period for which
14 the selection is effective.

15 (2) If changing to a website as the official journal, the Uniform Resource
16 Locator for the political subdivision's official website, the effective date of the
17 selection, and the period for which the selection is effective.

18 B. For purposes of meeting the requirements of Article III, Section 13 of the
19 Constitution of Louisiana, the official journal on file with the secretary of state shall
20 be the official journal of the parish, municipality, or school board.

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)]

Ivey

HB No. 725

Abstract: Authorizes parishes, municipalities, and school boards to use their official websites as their official journals.

Present law requires each parish, municipality, and school board, Orleans Parish excepted, to select a newspaper as its official journal. Further provides criteria that a newspaper must meet to be an official journal and requirements for selecting a journal and provides for payment for printing required matters in such journal. Proposed law retains present law.

Proposed law authorizes each parish, municipality, or school board to select its official website as its official journal. Proposed law requires annual selection of an official journal, whether a newspaper or a website, by its first meeting in June each year as provided in present law.

Proposed law provides that if an official website is selected as the official journal of a parish, municipality, or school board:

- (1) The website must provide a direct and prominently indicated link from its home page to pages containing public notices and other material required to be published.
- (2) All material required to be published must be made available on the website in accordance with applicable law. For each required day of publication, the material must be accessible for at least one consecutive 24-hour period, which shall be fully circumscribed within applicable publishing deadlines. All such published material must be archived and remain accessible to the public for at least 90 days after the last date of publication.
- (3) The governing authority or school board must make available a report generated by the computer from which the website is made available to the public. The report must indicate times and dates of postings and other information that offers presumptive proof of when particular material was accessible by the general public on the website.

Proposed law provides that if the official website is selected as the official journal, then the parish, municipality, or school board selecting the website must submit the URL of the website along with the effective date of the selection and the period for which the selection is effective to the secretary of state.

Present law provides that for the purposes of meeting the publication requirements of La. Const. Art. III, Sec. 13, the official journal on file with the secretary of state shall be the official journal of the parish, municipality, or school board. Proposed law retains present law.

(Amends R.S. 43:141, 145, and 150; Adds R.S. 43:142.1)