

2023 Regular Session

HOUSE BILL NO. 650 (Substitute for House Bill No. 507 by Representative Edmonds)

BY REPRESENTATIVE EDMONDS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PRINTING: Provides relative to compensation and other requirements for official journals of parishes, municipalities and school boards

1 AN ACT

2 To amend and reenact R.S. 43:140(3)(introductory paragraph) and 147(A) and (B), to enact
3 R.S. 43:141.1, 143.1, 147.1, and 147.2, and to repeal R.S. 43:147 and 147.2, relative
4 to official journals of parishes, municipalities, and school boards; to provide relative
5 to the publication of public notices and proceedings of such political subdivisions;
6 to provide with respect to compensation for printing; to provide relative to billing
7 and verification with respect to publication; to require that official journals have
8 websites and post proceedings and public notices on those websites; to require
9 publication of proceedings and notices on a collective website; and to provide for
10 related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 43:140(3)(introductory paragraph) and 147(A) and (B) and hereby
13 amended and reenacted and R.S. 43:141.1, 143.1, 147.1, and 147.2 are hereby enacted to
14 read as follows:

15 §140. Definitions

16 As used in this Chapter, the following terms shall have the meanings ascribed
17 to them in this Section:

18 * * *

1 (3) "Newspaper" shall mean a publication that complies with the requirement
 2 of R.S. 43:141.1(A) and during each year of the five-year period prior to the first
 3 publication of any legal or official notice therein:

4 * * *

5 §141.1. Requirement for website

6 A. Every official journal selected pursuant to this Part shall have a website
 7 and shall post all official proceedings and public notices that it publishes on that
 8 website and on a collective website in which a majority of the state's official journals
 9 participate.

10 B. Parish and municipal governing authorities and school boards may
 11 publish on their respective websites a copy of the official proceedings and public
 12 notices that they are required to publish in their official journals.

13 * * *

14 §143.1. Publications; errors and omissions; billing; retention period

15 A. Except where constitutionally infirm, any fault in the publication of any
 16 official proceeding or public notice to be published in the official journal that is not
 17 due to the negligence of the public body shall not affect the validity of the
 18 publication of the proceeding or notice.

19 B.(1) An official journal that publishes official proceedings and public
 20 notices shall, within thirty days after such a publication, submit a bill for the
 21 publication with a copy of the original published proceeding or notice and a verified
 22 statement that does both of the following:

23 (a) States the rate charged to the political subdivision for the publication.

24 (b) Certifies the number and dates of publication.

25 (2) No compensation for such publishing is payable unless the bill is
 26 accompanied by the verified statement required in this Subsection.

27 C.(1) Official proceedings and public notices shall be retained by the
 28 Louisiana Public Notice program promulgated by the Louisiana Press Association
 29 for a minimum period of three years.

1 (2) Official proceedings and public notices shall be retained by the political
2 subdivision in accordance with R.S. 44:36.

3 (3) The official journal shall transmit a copy of all official proceedings and
4 public notices to the state archivist pursuant to the archivist's specific retention
5 schedule, but not less than annually.

6 * * *

7 §147. Compensation for printing

8 A. ~~The police juries, municipal corporations, and school boards throughout~~
9 ~~the state, may, at their option, have their official proceedings and public notices~~
10 ~~published by contract, which contract may not provide for a cost in excess of the~~
11 ~~maximum amounts hereinafter provided for. Payment may be made monthly or~~
12 ~~quarterly at the option of the police jury, municipal corporation, or school board,~~
13 ~~unless otherwise provided in any contract entered into for the publication of official~~
14 ~~proceedings.~~ The parish and municipal governing authorities and school boards of
15 this state may have their official proceedings and public notices published by
16 contract, compensation for which shall not exceed the amounts provided by this
17 Section unless agreed by both parties in writing. Payment may be made monthly or
18 quarterly at the option of the governing authority or school board.

19 B. ~~When the publication of proceedings is not done by contract providing for~~
20 ~~a lesser amount,~~ the cost of advertisement in all parishes which do not contain a city
21 of over one hundred thousand population shall not exceed the rate of six dollars per
22 square of one hundred words or a fraction thereof. When the insertion contains
23 material to be set in tabular form, the tabulated matter shall be computed on the basis
24 of the number of words of straight matter which would occupy identical space.

25 * * *

26 §147.1. Compensation for printing; per character

27 A. The parish and municipal governing authorities and school boards of this
28 state may have their official proceedings and public notices published by contract,
29 compensation for which shall not exceed the amounts provided by this Section unless

1 agreed to by both parties in writing. Payment may be made monthly or quarterly at
2 the option of the governing authority or school board.

3 B.(1) In all parishes that do not contain a city with a population of more than
4 one hundred thousand, the cost of publishing official proceedings and public notices
5 shall not exceed the rate of one and one-half cents per character. When the insertion
6 contains material to be set in tabular form or is submitted prebuilt, the rate will be
7 computed at two dollars seventy-six cents per square inch based on six-point type
8 and six-point font. If the notice is set in larger type or font, the rate shall be prorated.
9 Regardless of the size of type the notice is set in, the rates specified in this Paragraph
10 are based on a printable space of one-inch-high and one-inch-wide column. If the
11 page width is either wider or narrower for a single column, the rate per column shall
12 be prorated.

13 (2) In all parishes that contain a city with a population of more than one
14 hundred thousand, the cost of publishing official proceedings and public notices shall
15 not exceed the rate of two cents per character. When the insertion contains material
16 to be set in tabular form or is submitted prebuilt, the rate will be computed at three
17 dollars ninety-six cents per square inch based on six-point type and six-point font.
18 If the notice is set in larger type or font, the rate shall be prorated. Regardless of the
19 size of type the notice is set in, the rates specified in this Paragraph are based on a
20 printable space of one-inch-high and one-inch-wide column. If the page width is
21 either wider or narrower for a single column, the rate per column shall be prorated.

22 (3) For purposes of this Subsection, "character" means an alphanumeric
23 character and any punctuation or other character, all of which have been requested
24 by the public body, and shall not include letting, kerning, or spacing unless
25 additional letting, kerning, or spacing is ordered by the public body at a cost agreed
26 to in writing.

27 C. The charge for publication of official proceedings and public notices on
28 the website of either the official journal or a public notice website in which official
29 journals participate shall be subsumed within the applicable publication rate.

1 §147.2. Compensation for printing; January 1, 2024, through December 31, 2026

2 A. Notwithstanding the provisions of R.S. 43:147.1, from January 1, 2024,
3 through December 31, 2026, any qualified newspaper may submit a bid using the
4 provisions of R.S. 43:147 or the provisions of R.S. 43:147.1, or both, at the
5 newspaper's option, and any such bid may be accepted by the governing authority.

6 B. Notwithstanding any other provision to the contrary, beginning January 1,
7 2027, qualified newspapers shall submit to parish and municipal governing
8 authorities and school boards, upon the request of any such body, bids for official
9 proceeding and public notice by online publication pursuant to R.S. 43:147.1, unless
10 the governing body requests otherwise.

11 C. Any online publication pursuant to this Section shall include, at no
12 additional charge unless agreed by the parties, a printed advertisement that describes
13 the subject matter of the publication by the parish or municipal governing authority
14 or school board and directs readers to the location of the full online publication on
15 the website of the official journal or on a public notice internet website in which a
16 majority of the state's official journals participate.

17 Section 2. R.S. 43:147 and 147.2 are hereby repealed in their entirety.

18 Section 3. The provisions of R.S. 43:141.1 as enacted by this Act shall be
19 implemented not later than January 1, 2024.

20 Section 4.(A) Sections 1 and 3 and this Section of this Act shall become effective
21 on August 1, 2023.

22 (B) Section 2 of this Act shall become effective on July 1, 2027.

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 650 Reengrossed

2023 Regular Session

Edmonds

Abstract: Requires official journals of parishes, municipalities, and school boards to have websites and to place official proceedings and public notices on their websites and provides relative to costs and billing for publication.

Present law requires parishes, municipalities, and school boards to select a newspaper as their official journal and to publish their minutes, ordinances, resolutions, budgets and other official proceedings in their official journal.

Present law provides that such publication may be made under contract and sets maximum rates that the official journal may charge for publication. Provides that payment may be made monthly or quarterly. Proposed law retains present law.

Present law provides for maximum rates an official journal may charge generally as follows:

- (1) \$6 per square of 100 words in parishes that do not contain a city with a population of over 100,000.
- (2) \$.33 per agate line in parishes that contain a city with a population of more than 100,000, but not one with more than 300,000.
- (3) \$.37 per agate line in parishes that contain a city with a population of more than 300,000.

Proposed law provides for maximum rates based on price per character, unless the parties agree to a higher rate. Provides that "character" does not include spaces, letting, or kerning. Provides that the maximum rate is 2 cents per character if the parish has a municipality with a population of more than 100,000 and 1.5 cents if the parish does not have such a municipality. Provides for costs of specialized printing.

Proposed law provides for a transitional period between Jan. 1, 2024, and Dec. 31, 2026, during which parishes, municipalities, and school boards have the option of using either the present law or proposed law billing method (or both). Provides that as of Jan. 1, 2027, proposed law shall be the only billing method allowed.

Proposed law provides additionally relative to the publication of official proceedings and public notices by official journals as follows:

- (1) Requires official journals to have a website and post the local government's proceedings and notices on that website and on a collective website in which a majority of the state's official journals participate.
- (2) Requires an official journal to, within 30 days of publication, submit a bill for the publication with a copy of the published proceedings or notice and a verified statement that states the rate charged for the publication and certifies the number and dates of publication.
- (3) Requires that proceedings and notices be retained by the La. Public Notice program promulgated by the La. Press Assoc. for a minimum of three years.
- (4) Provides that a fault in publication that is not due to the negligence of the public body shall not affect the validity of the publication.

(Amends R.S. 43:140(3)(intro. para.) and 147(A) and (B); Adds R.S. 43:141.1, 143.1, 147.1, and 147.2; Repeals R.S. 43:147 and 147.2)