

Regular Session, 2014

SENATE BILL NO. 630

BY SENATOR MARTINY

PUBLIC PRINTING. Provides for the qualification of a newspaper to publish official proceedings, legal notices, or advertisements in Orleans Parish or Jefferson Parish. (gov sig)

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 the parishes of Orleans and Jefferson; to provide
5 relative to qualifications of newspapers for such publications; to provide for
6 definitions; and to provide for related matters.

7 Notice of intention to introduce this Act has been published.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 43:142(B), 171(B), 200(3), and 201(D) are hereby amended and
10 reenacted and R.S. 43:202(D) is hereby enacted to read as follows:

11 §142. Qualifications of newspaper

12 * * *

13 B. The provisions of this Section relating to the five-year requirement shall
14 not contravene any contract existing between any governing body and a newspaper
15 on and prior to May 11, 1970; nor shall the five-year requirement herein be applied
16 in assessing the qualifications of a newspaper which was in existence on May 11,
17 1970; nor shall any provision of this Chapter prohibit a publication from becoming

1 an official journal in Jefferson Parish ~~when~~ if the publication is qualified to publish
2 judicial advertisements and legal notices in Jefferson Parish or Orleans Parish
3 or has actually published official proceedings within one year prior to June 1, 1986,
4 of any municipal corporation, parish council, police jury, or school board within
5 Jefferson Parish.

6 * * *

7 §171. Selection of newspaper

8 * * *

9 B. The provisions of this Section relating to the five-year requirement shall
10 not contravene any contract existing between any governing body and a newspaper
11 on and prior to May 11, 1970; nor shall the five-year requirement herein be applied
12 in assessing the qualifications of a newspaper which was in existence on May 11,
13 1970; nor shall any provision of this Chapter prohibit a publication from becoming
14 an official journal in Jefferson Parish or Orleans Parish ~~when~~ if the publication is
15 qualified to publish judicial advertisements and legal notices in Jefferson Parish
16 or Orleans Parish or has actually published official proceedings within one year
17 prior to June 1, 1986, of any municipal corporation, parish council, police jury, or
18 school board within Jefferson Parish or Orleans Parish.

19 * * *

20 §200. Definitions

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

23 * * *

24 (3)(a) "Newspaper" means a publication that during each year of the five-year
25 period prior to the first publication of any legal or official notice therein:

26 ~~(a)~~(i) Has been published at regular intervals of not less than weekly.

27 ~~(b)~~(ii) Has been originated and published for the dissemination of current
28 news and intelligence of varied, broad, and general public interest, including regular
29 news coverage of local public meetings and events, and is not devoted to the interests

1 of, or published for the entertainment or instruction of, or has a circulation restricted
2 to, any particular sect, denomination, labor or fraternal organization, or other special
3 group or class of citizens.

4 ~~(c)~~**(iii)** Has not been published primarily for advertising purposes and has not
5 contained more than seventy-five percent advertising in more than one-half of its
6 issues, excluding separate advertising supplements inserted into but separately
7 identifiable from any regular issue or issues.

8 ~~(d)~~**(iv)** Has maintained a general paid circulation to bona fide paying
9 subscribers within the area the publication is required.

10 **(b) For purposes of qualifications for publishing official proceedings,**
11 **legal notices, or advertisements in the parishes of Jefferson and Orleans, the**
12 **provisions of this Paragraph relating to a five-year requirement shall not apply**
13 **to a daily newspaper with a general paid circulation when the newspaper has**
14 **maintained a public business office in Orleans Parish for eight consecutive**
15 **months prior to January 1, 2014.**

16 * * *

17 §201. Judicial advertisements and legal notices; parishes outside parish of Orleans

18 * * *

19 D.**(1)** In Jefferson Parish, no provision of this Chapter shall prohibit a weekly
20 publication being selected to publish judicial advertisements and legal notices ~~when~~
21 **if** the publication has maintained a public business office for at least five consecutive
22 months in the parish prior to June 1, 2006, and maintained a total circulation of at
23 least twenty-five thousand for at least three consecutive years immediately prior to
24 being selected.

25 E.**(2)** **Notwithstanding any provision of this Section to the contrary, in**
26 **Jefferson Parish, a daily newspaper with a general paid circulation may be**
27 **selected to publish judicial advertisements and legal notices if the newspaper**
28 **has maintained a public business office in Orleans Parish for eight consecutive**
29 **months prior to January 1, 2014.**

official journal in Jefferson Parish when it is qualified to publish judicial advertisements and legal notices in Jefferson Parish or Orleans Parish.

Present law (R.S. 43:171) provides certain qualifications relative to selection of a newspaper as the official journal of levee, drainage, subdrainage, road, subroad, navigation, sewerage districts or by other political subdivisions including requirements that the paper have an office physically located in the parish and have maintained a general paid circulation for five consecutive years.

Proposed law provides that the five-year requirements and nothing in present law shall prohibit a publication from becoming an official journal in Jefferson Parish or Orleans Parish if it is qualified to publish judicial advertisements and legal notices in Jefferson Parish or Orleans Parish.

Present law (R.S. 43:200) provides in order to publish judicial advertisements and legal notices, a newspaper is to satisfy certain requirements during each year of the five-year period prior to the first publication of any advertisement or notice, including publication at regular intervals not less than weekly and a general paid circulation.

Proposed laws retains these provisions, but provides that in Jefferson Parish, a daily newspaper with a general paid circulation may be selected to publish judicial advertisements and legal notices if the newspaper has maintained a public business office in Orleans Parish for eight consecutive months prior to January 1, 2014.

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

Effective upon signature of the 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 Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

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