Regular Session, 2014

HOUSE BILL NO. 787

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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

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 notices, and advertisements in Jefferson and Orleans parishes; to provide relative to 4 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 B. The provisions of this Section relating to the five-year requirement shall 15 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

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judicial advertisements and legal notices in Jefferson or Orleans Parish or has

actually published official proceedings within one year prior to June 1, 1986, of any

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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| municipal corporation, parish council, police jury, or school board within Jefferson |
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| Parish. |

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§171. Selection of newspaper

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

* * *

§200. Definitions

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

20 * * *

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

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| 1 | (e)(iii) Has not been published primarily for advertising purposes and has not |
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| 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 | <u>January 1, 2014.</u> |
| 13 | * * * |
| 14 | §201. Judicial advertisements and legal notices; parishes outside parish of Orleans |
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| 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 judicia |
| 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 of |
| 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 |

HB NO. 787 **ENROLLED** 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: ____