

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 1144 by Representative Leger

COURTS: Provides relative to courts in Orleans Parish

Synopsis of Senate Amendments

1. Deletes all provisions related to the civil and criminal district courts and the juvenile court of the parish of Orleans.
2. Adds a provision to change the requirement that the judicial interest rate for the calendar year following the calculation date shall be published in the December issue of one daily newspaper of general circulation to any newspaper of general circulation in certain cities with the notice in such newspapers to be published on two separate occasions, with at least one week between publications in the month of December.
3. Adds a provision to require that advertisements and legal notices made in relation to judicial proceedings, the sale of property under judicial process, or in any other legal proceeding in a parish which contains a municipality with a population of 300,000 or more, shall be published in a newspaper or publication that is domiciled in that parish, is published weekly in the English language, has maintained a total circulation of at least 30,000 for at least five consecutive years prior to being selected, and meets other requirements provided for in present law regarding judicial advertisements and legal notices. Further requires the newspaper or publication to be selected by the sheriff, constable, clerk, or other officer in June of each year, for a term of one year.
4. Adds a provision to require the total circulation of a newspaper or other publication selected to publish judicial advertisements to be proved not less than annually by an experienced publication auditing firm prior to the selection of the newspaper or other publication.
5. Adds a provision to require that when additional judicial advertisements are required to be inserted in an auxiliary journal in a parish of 300,000 or more, the journal has to have been published for at least 75 years prior to insertion of the advertisement or publication, have been previously selected for no less than five years as the journal for that parish, and not be eligible to be selected under the provisions of proposed law by the sheriff, constable, clerk or other officer.
6. Adds a provision to require that proposed law shall supersede and control to the extent of conflict with any other provisions of law.
7. Adds a provision to require, in the case of unknown property owners, in any parish which contains a municipality with a population of 300,000 or more that a notice be published twice during a period of fifteen days in a newspaper or other publication that is domiciled in that parish, is published weekly in the English language, has maintained a total circulation of at least 30,000 for at least five consecutive years prior to publishing the notice, and meets the requirements of present law related to judicial advertisements and legal notices.
8. Adds an emergency effective date.

Digest of Bill as Finally Passed by Senate

Present law requires the judicial rate for the calendar following the calculation date shall be published in the December issue of the Louisiana Bar Journal, the December issue of the Louisiana Register, and in one daily newspaper of general circulation in each of the cities of Alexandria, Baton Rouge, Lake Charles, Lafayette, Monroe, New Orleans, and Shreveport. Further provides that the notice in the daily newspapers shall be published on two separate occasions, with at least one week between publications in the month of December.

Proposed law retains present law except that it removes the requirement that the newspaper of general circulation be a daily newspaper.

Proposed law requires that advertisements and legal notices made in relation to judicial proceedings, the sale of property under judicial process, or in any other legal proceeding in a parish which contains a municipality with a population of 300,000 or more, as determined by the latest federal census, shall be published in a newspaper or publication that is domiciled in that parish, is published weekly in the English language, has maintained a total circulation of at least 30,000 for at least five consecutive years prior to being selected and meets other requirements provided for in present law regarding judicial advertisements and legal notices.

Proposed law requires the newspaper or publication to be selected in June of each year, for a term of one year by the sheriff, constable, clerk, or other officer, who is charged with the conduct of such sales requiring advertisement.

Proposed law requires that the total circulation of a newspaper or other publication selected to publish judicial advertisements to be proved not less than annually by an experienced publication auditing firm prior to the selection of the newspaper or other publication.

Proposed law requires that the audit reflect the total circulation of the newspaper or other publication, and a copy of the most recent audit to be submitted as an attachment to any proposal by a qualifying newspaper or other publication to publish judicial advertisements and legal notices.

Proposed law requires that when additional judicial advertisements are required to be inserted in an auxiliary journal in a parish of 300,000 or more, the journal has to have been published for at least 75 years prior to insertion of the advertisement or publication, have been previously selected for no less than five years as the journal for that parish, and not be eligible to be selected under the provisions of proposed law by the sheriff, constable, clerk or other officer of the parish to publish advertisements in relation to judicial proceedings, in the sale of property under judicial process or in any other legal proceedings of whatever kind.

Provides that provisions of proposed law shall supersede and control to the extent of conflict with any other provision of law.

Proposed law requires that, in the case of unknown property owners, in any parish which contains a municipality with a population of 300,000 or more that a notice be published twice during a period of 15 days in a newspaper or other publication that is domiciled in that parish, is published weekly in the English language, has maintained a total circulation of at least 30,000 for at least five consecutive years prior to publishing the notice, and meets the requirements of present law regarding judicial advertisements and legal notices.

(Amends R.S. 13:4202(B)(2) and R.S. 47:1966(A); Adds R.S. 43:201.1)