
DIGEST

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HB 314 Original

2020 Regular Session

Schamerhorn

Abstract: Provides that the official website of a parish, municipality, school board, or other political subdivision shall be the official journal for the political subdivision.

Present law requires police juries, city and parish councils, municipal corporations, and school boards in all the parishes, except Orleans, to select, at their first meeting in June of each year, a newspaper as official journal for their respective parishes, towns, or cities for a term of one year.

Present law further authorizes the governing authority of any parish which is divided by the Mississippi River and has a population of not less than 100,000 to select two official journals for their respective parishes, one of which shall be located on one bank of the river and the other which shall be located on the opposite bank thereof. Provides that no act performed pursuant to present law shall be considered invalid because of any such parish having designated two such official journals.

Present law provides further with respect to official journals and requirements therefor. Requires publication of minutes, ordinances, resolutions, budgets, and official proceedings in the official journal.

Proposed law repeals present law and instead provides that the official website of a parish, municipality, or school board shall be the official journal for the respective parish, municipality, or school board. Requires all minutes, ordinances, resolutions, budgets, and other official proceedings of the governing authority of the parish, municipality, or school board to be published in the official journal within 10 days from the date of any meeting.

Proposed law further requires each parish, municipality, or school board, within five days of the publication of the proceedings, to place a notice in a newspaper of general circulation within its jurisdiction to inform the public that the proceedings have been published. Provides that the notice must state that the official proceedings have been published on the official website and must include the date of publication. Provides that no parish, municipality, or school board is required to publish the notice after Jan. 1, 2022.

Proposed law provides that if the official of the parish, municipality, or school board responsible for publishing the proceedings or notice willfully neglects or fails to comply with the provisions of proposed law, the official shall be fined not less than \$25 nor more than \$500 or be imprisoned for not less than 10 days nor more than six months, or both.

Proposed law requires each parish, municipality, or school board to provide the secretary of state

with the uniform resource locator (URL) of its official website no later than 30 days after the effective date of proposed law. Provides that for purposes of complying with the constitutional requirements regarding the publication of a notice to introduce a local bill, the URL shall be on file with the secretary of state as the official journal of the parish and any municipality or school board within such parish.

Proposed law requires a parish, municipality, or school board to publish the official proceedings in a newspaper of general circulation in its jurisdiction if it does not have an official website or is unable to publish the official proceedings due to technical difficulties. Requires the parish, municipality, or school board to publish the official proceedings in accordance with the publication time period established in proposed law.

Present law requires levee, drainage, subdrainage, road, subroad, navigation, and sewerage districts, or other political subdivisions of the state and parishes to have the proceedings of their board and such financial statements required by and furnished to the legislative auditor published in a newspaper in the parish. Provides further relative to the selection of such newspaper.

Proposed law repeals present law and instead provides that the official website of the respective political subdivision shall be the official journal for each such political subdivision. Requires each such political subdivision to have the proceedings of its board and such financial statements required by and furnished to the legislative auditor published in the official journal of the respective political subdivision. Requires each political subdivision to publish the proceedings within 10 days from the date of any meeting. Further requires that the financial statements be published no later than 10 days after the statements have been furnished to the legislative auditor.

Proposed law further requires each political subdivision, within five days of the publication of the proceedings and financial statements, to place a notice in a newspaper of general circulation within its jurisdiction to inform the public that the proceedings have been published and the financial statements have been furnished. Provides that the notice must state that the proceedings and financial statements have been published on the official website and must include the date of publication. Provides that no political subdivision is required to publish the notice after Jan. 1, 2022.

Proposed law provides that if the official of the political subdivision responsible for publishing the proceedings, financial statements, or notice willfully neglects or fails to comply with the provisions of proposed law, the official shall be fined not less than \$25 nor more than \$500 or be imprisoned for not less than 10 days nor more than six months, or both.

Proposed law requires each political subdivision to provide the secretary of state with the URL of its official website no later than 30 days after the effective date of proposed law. Provides that for purposes of complying with the constitutional requirements regarding the publication of a notice to introduce a local bill, the URL shall be on file with the secretary of state as the official journal of the parish and any municipality or school board within such parish.

Proposed law requires a political subdivision to publish the proceedings and financial statements in a newspaper of general circulation of the parish if it does not have an official website or is unable

to publish the proceedings or financial statements due to technical difficulties. Requires the political subdivision to publish the proceedings and financial statements in accordance with the publication time period established in proposed law.

Present law authorizes political subdivisions to select auxiliary journals and to publish certain notices and publications therein. Proposed law repeals present law.

Present law requires all parishes of the state, when advertisements or publication of notices are required to be made in relation to judicial proceedings, or in the sale of property under judicial process, or in any other legal proceedings of any kind, to publish them in an English language newspaper published in an office physically located in the parish in which the proceedings are carried on. Provides further relative to the selection of the newspaper.

Proposed law retains present law.

Effective July 1, 2020.

(Adds R.S. 43:231.1 and 231.2; Repeals R.S. 43:140-181)