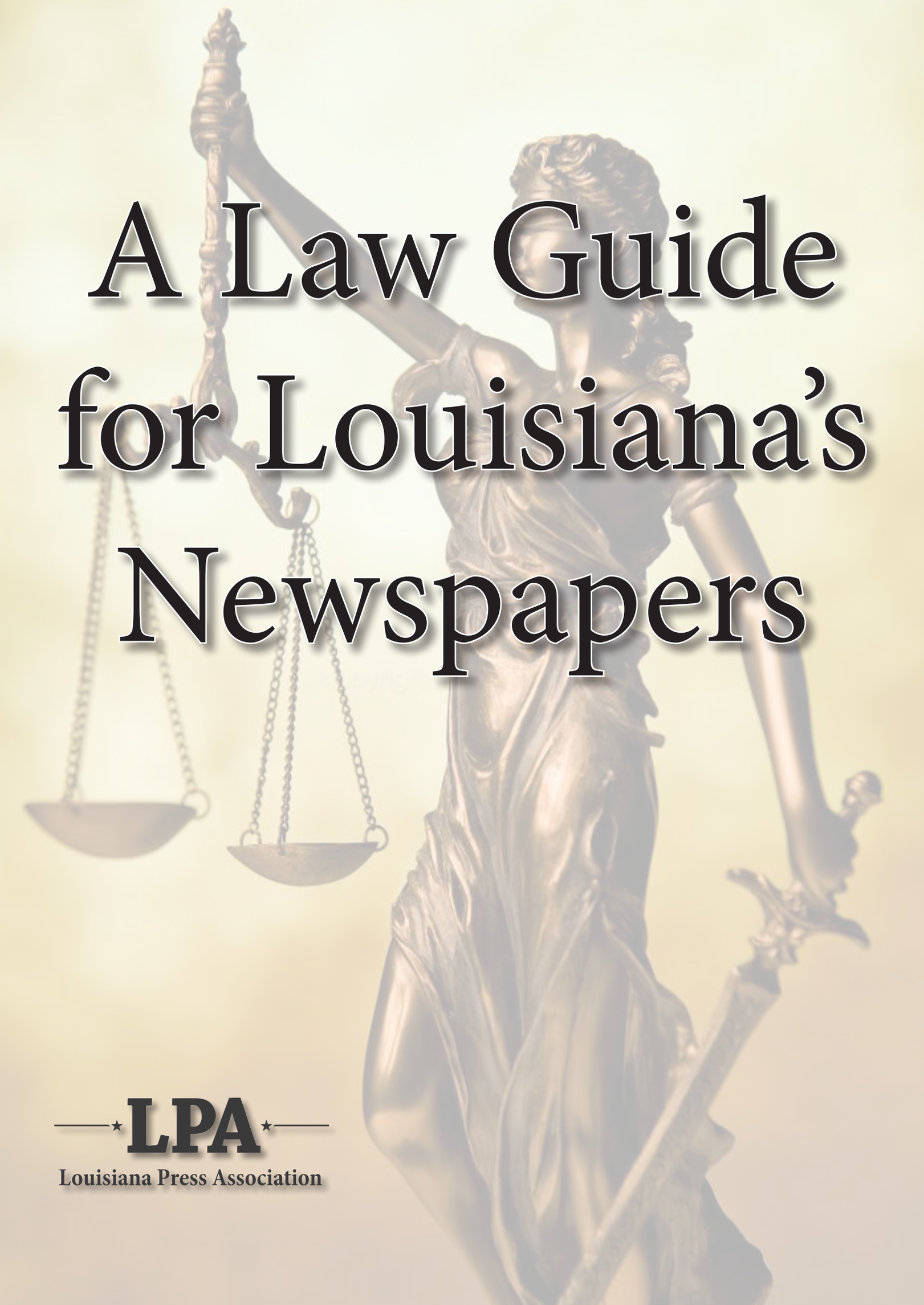

A Law Guide for Louisiana's Newspapers

LPA
Louisiana Press Association

TABLE OF CONTENTS

Page

CHAPTER I - THE NEWS DEPARTMENT AND THE LAW I-1

FREEDOM OF THE PRESS I-1
FREEDOM FROM CENSORSHIP OR PRIOR RESTRAINT I-1
LIBEL/DEFAMATION, PRIVILEGE AND FAIR COMMENT I-2
Criminal Defamation I-2
Presumption of Malice I-3
Qualified Privilege Precluding a Prosecution for Defamation I-3
Absolute Privilege Precluding a Prosecution for Defamation I-4
Truth as a Defense to a Prosecution for Defamation I-5
Civil Defamation I-5
Falsity I-6
Identification I-7
The Public Figure and Fault. I-7
Opinion vs. Fact I-10
Rhetorical Hyperbole I-11
Defenses to a Civil Defamation Claim I-13
Qualified Privilege I-13
Fair Comment and Criticism I-14
DEFAMATION OF THE DEAD I-16
MITIGATION OF DAMAGES I-16
CONTEMPT OF COURT I-17
RIGHT TO PRIVACY I-19
MEETINGS OPEN TO THE PUBLIC I-20
Voting I-22
Executive Sessions I-23
Notice of Meetings I-26
Audio/Video Recording of Meetings I-30
Voidability of Actions by Public Body I-30
Enforcement and Remedies I-30
Miscellaneous Provisions I-32
Hospital Service District Commission I-32
Louisiana Lottery Corporation I-32
Subcommittee of Joint Legislative Committee on the Budget I-32
INSPECTION OF PUBLIC RECORDS I-33
Exemptions I-34
Initial Report I-34
E-mails of Public Employees I-39
Public Records Awareness Program I-40
Duty to Present Records I-40
Enforcement of Right of Inspection of Public Records I-43
Civil and Criminal Penalties for Denying Access to Records I-45
Special Provisions I-46
Records of Registrar of Vote I-46
Records of Election Officials I-46

TABLE OF CONTENTS

Page

Records of Louisiana Lottery Corporation I-47
Records Relating to Minors I-47
Records of Hospital Service District Commission I-50
Records of Subcommittee of Joint Legislative Committee on The Budget.. ..... I-51
Records of Peer Review Committees I-51
Records Submitted to Department of Environment Quality I-52
Motor Vehicle Accident Reports I-53
Autopsy Reports I-55
Recall Petitions I-61
911 Emergency Call Tapes I-61
Gaming Professional Services Report I-61
PROTECTION OF NEWS SOURCES I-62
Subpoenas Served on News Media Organization or on Reporter I-64
MEDIA COVERAGE OF COURT PROCEEDINGS I-68

CHAPTER II - THE ADVERTISING DEPARTMENT AND THE LAW II-1

RIGHTTO REFUSE ADVERTISING II-1
LIABILITY FOR TYPOGRAPHICAL ERRORS II-1
ADVERTISING BY PUBLIC BODIES AND PUBLIC OFFICIALS OTHER THAN LEGALADVERTISING II-2
LIBELOUS ADVERTISING II-3
RIGHT TO PRIVACY IN ADVERTISING II-4
FALSE OR FRAUDULENT ADVERTISING II-4
Disparagement of Agricultural/ Aquacultural Products II-6
ADVERTISEMENTS FOR INSURANCE COMPANIES II-6
POLITICAL ADVERTISEMENTS II-7
POLITICAL ADVERTISEMENT LEGAL SUMMARY II-12
False Statements II-12
Publication of Political Ballots II-12
"Paid for by" Lines II-13
Charges for Political Advertisements II-13
ADVERTISING AND GAMBLING II-15
ADVERTISING AND LABOR DISPUTES II-16
ADVERTISING BY PROFESSIONS AND TRADES II-16
Attorneys II-17
Barbers II-25
Chiropractors/Chiropractic Management Consultants II-25
Dentists II-25
Embalmers and Funeral Directors II-28
Optometrists II-28
Pharmacists II-29
Physicians, Surgeons, Osteopaths and Midwives II-29

TABLE OF CONTENTS

Page

FAIR TRADE LAWS II-30
LIABILITY OF ADVERTISING AGENCY II-32
ADVERTISING AND EMPLOYMENT PRACTICES II-33
Age Discrimination II-33
Discrimination Based on Religion, Sex and National Origin II-34
NOTICE BY SEXUAL OFFENDERS II-35
FEDERAL LAW AND ADVERTISING II-49
UNITED STATES CURRENCY II-49

CHAPTER III -THE CIRCULATION DEPARTMENT AND THE LAW III-1

EMPLOYMENT OF MINORS III-1
Employment Privileges and Restrictions III-1
Employment Certificates III-2
Hours of Work III-4
Penal Provisions III-6
SAFETY BELT USE III-8
TELEPHONIC SOLICITATION III-8
Registration III-8
"Do Not Call" List III-9

CHAPTER IV - THE PUBLISHER AND THE LAW IV-1

TAXES ON NEWSPAPERS IV-1
Occupational License Tax IV-2
Machinery and Equipment Exemption IV-3
History of State Sales and Use Taxation IV-3

CHAPTER V - THE LEGAL NEWSPAPER V-1

RATE STRUCTURE FOR PUBLICATION NOTICES V-5
ADDITIONAL PUBLICATION IN FRENCH PERMITTED V-6

CHAPTER VI - THE OFFICIAL JOURNAL VI-1

ACCESS VIA THE INTERNET VI-2
PARISHES, MUNICIPALITIES AND SCHOOL BOARDS VI-2
OTHER POLITICAL SUBDIVISIONS VI-7
AUXILIARY OFFICIAL JOURNALS VI-8

CHAPTER VII - NOTICE BY NEWSPAPER PUBLICATION VII-1

LEGISLATIVE CONCEPT OF NOTICE VII-1

TABLE OF CONTENTS

Page

PRINCIPLE OF NOTICE VII-1
ORAL NOTICE VII-1
WRITTEN NOTICE VII-1
NEWSPAPER PUBLICATION VII-1
DUE PROCESS OF LAW VII-2
REPORT OF STEWARDSHIP VII-2
INSTRUMENT OF ADMINISTRATIVE PROCEDURE VII-2
ROLE OF THE NEWSPAPER VII-2
DIGEST OF LOUISIANA LAW - "NOTICE" VII-3
CLASSIFICATION AND ARRANGEMENT VII-3
CLASSIFICATION OF GOVERNMENT UNITS VII-3

NOTICE BY NEWSPAPER PUBLICATION **NSG-1**

SECTION 1 - NOTICES BY STATE GOVERNMENT NSG-1
SECTION 2 - NOTICES BY PARISHES NP-1
LEGISLATIVE NP-1
ADMINISTRATIVE NP-1
JUDICIAL. NP-26
SECTION 3 - NOTICES BY MUNICIPALITIES NM-1
ANNEXATION OF TERRITORY NM-1
BONDS NM-1
STREETS, SIDEWALKS AND DRAINAGE DITCHES NM-6
PUBLIC UTILITIES NM-10
SEWERAGE DISTRICT NM-14
ORDINANCES NM-16
ILLUMINATED DISTRICT NM-19
DISSOLUTION OF CHARTER NM-19
PLANNING COMMISSION NM-19
MISCELLANEOUS NM-20
SECTION 4 - NOTICES BY SCHOOL BOARDS/DISTRICTS NSB/D-1
SECTION 5 - NOTICES BY OTHER POLITICAL SUBDIVISIONS NOPS-1
SECTION 6 - NOTICES BY PRIVATE INSTITUTIONS NPI-1
SECTION 7 - NOTICES IN JUDICIAL PROCEEDINGS NJP-1

APPENDIX A - LOUISIANA'S OPEN MEETINGS LAW A-1

APPENDIX B - LOUISIANA'S PUBLIC RECORDS LAW B-1

APPENDIX C – PUBLIC NOTICE RATE CHART C-1

CHAPTER I
THE NEWS DEPARTMENT AND THE LAW

Questions commonly arise in the news department concerning issues of libel, privilege, fair comment, right of privacy, contempt, availability of public records and whether certain meetings of a governing body are open to the public. This chapter discusses these issues and presents current Louisiana and federal law[1] relating to these issues.

FREEDOM OF THE PRESS

Newspaper publications in Louisiana operate under guarantees of freedom provided by both our United States and Louisiana Constitutions. The First Amendment to the United States Constitution provides, in pertinent part:

> *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; …*

Art. 1, §7 of the Louisiana Constitution provides:

> *No law shall curtail or restrain the freedom of speech or of the press. Every person may speak, write, and publish his sentiments on any subject, but is responsible for abuse of that freedom.*

Although both the United States and Louisiana Constitutions guarantee the freedom of speech and press, the Louisiana Constitution specifically links the responsibility for any abuse of that freedom to the liberty itself. Thus, under the Louisiana Constitution, there is not an unbridled freedom to publish anything, but a freedom coupled with the express responsibility not to abuse that freedom.

FREEDOM FROM CENSORSHIP OR PRIOR RESTRAINT

Publications are generally free from prior restraints imposed by the courts. Absent a compelling state interest, publishers cannot be prohibited by an injunction or court order from publishing an article.

The Federal Courts have incorporated the First Amendment to apply to the states via Fourteenth Amendment to the U.S. Constitution.[2] The U.S. Supreme Court has almost universally held that prior restraints to publication, including injunctions, are unconstitutional under basic First Amendment principles. In fact, the U.S. Supreme Court has held that prior restraints are counter to the fundamental law embodied in the First Amendment and therefore come before any court with a "heavy presumption against" its constitutionality.[3] This includes instances where national security is implicated, as in the seminal prior restraint case of ***U.S. v. New York Times*** (known as the Pentagon Papers case).

---

[1] The primary focus of *A Law Guide for Louisiana's Newspapers* is Louisiana state law. However, some issues necessarily involve federal law and the courts' interpretation of such law.

[2] ***Gitlow v. New York,*** 268 U.S. 652 (1925).

[3] ***U.S. v. New York Times Co., Inc.,*** 403 U.S. 713 (1971).

Louisiana cases have agreed that as a general rule, the government cannot stop a publication from exercising its rights to publish. In an older Louisiana case, ***Mulina v. Item Co., Inc.,***[4] the Louisiana Supreme Court held that the press was free from all prior censorship over what could be published, and that it was entirely exempt from control in advance or restraint by injunction. This liberty enjoyed by the press included that which may be of a libelous nature, leaving the injured party to seek his legal remedy after the publication took place.

The ***Mulina*** case enforces the general principle that newspapers may print news without fear of prior restraint; however, the newspaper may ultimately be held liable for damages in a suit for defamation or libel because an aggrieved party's remedy is exercised after publication. This principle is reinforced by the U.S. Supreme Court's decision in ***Near v. Minnesota,*** which dealt with a similar situation in which the publisher was alleged to be printing lies and defamation about certain public officials and ethnic groups. However, the U.S. Supreme Court held that regardless of the reputation of the public officials named, a prior restraint cannot stand under the First Amendment.[5]

In ***Kennedy v. Item Co., Inc.,*** the Louisiana Supreme Court cited with approval Alexander Hamilton's definition of freedom of the press as:

> *...liberty of the press consists in the right to publish, with impunity, truth, with good motives, and for justifiable ends, whether it respects government, magistracy, or individuals*.[6]

LIBEL/DEFAMATION, PRIVILEGE AND FAIR COMMENT

There are two types of liability that may result from making or publishing a defamatory statement: criminal liability and civil liability. Therefore, a defamatory statement can be the subject of both a criminal prosecution and a civil suit for damages.

A defendant publisher has several defenses available which may enable him to defeat a defamation suit. The following sections address the issues involved with defamation and libel, including the elements that must be proved, and defenses to claims for defamation.

Criminal Defamation

At the outset, it is important to emphasize that although a law is on the books, Criminal Defamation (or Criminal Libel) is generally considered to be a relic of the past and unconstitutional. The Louisiana Supreme Court has held that Criminal Defamation, when applied to speech about public officials, public figures and other individuals who are engaged in public affairs, is unconstitutional.[7] Criminal Defamation, therefore, is very much a toothless law.

The crime of defamation is defined in R.S. 14:47, which provides:

> **§47. Defamation**
>
> *Defamation is the malicious publication or expression in any manner, to anyone other than the party defamed, of anything which tends:*

[4] 47 So.2d 560 (1950).
[5] 283 U.S. 697 (1931).
[6] 34 So.2d 886, 889 (1948).
[7] ***State v. Snyder*****,** 277 So.2d 660 (1973); *reversed on other grounds*, 304 So.2d 334 (1974).

(1) To expose any person to hatred, contempt, or ridicule, or to deprive him of the benefit of public confidence or social intercourse; or

(2) To expose the memory of one deceased to hatred, contempt, or ridicule; or

(3) To injure any person, corporation, or association of persons in his or their business or occupation.

Whoever commits the crime of defamation shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

This section provides that the defamatory communication may be published or expressed "in any manner." Such broad language potentially covers all mediums, whether oral, written, printed, videotaped, etc., by which defamatory communications may be communicated.

R.S. 14:48, 49, 50 and R.S. 15:443 further set forth the framework of defenses and exceptions from which a publisher or other person accused of criminal defamation can build a defense.

Presumption of Malice

The element of malice is at the heart of a criminal defamation prosecution. R.S. 14:48 provides:

§48. Presumption of malice

Where a non-privileged defamatory publication or expression is false it is presumed to be malicious unless a justifiable motive for making it is shown.

Where such a publication or expression is true, actual malice must be proved in order to convict the offender.

While malice is the most basic element of the crime of defamation, it is also probably the most difficult element to establish. The law recognizes two types of malice: actual malice and legal malice. In ***State v. Lambert***, the Louisiana Supreme Court held that generally, "legal malice" (malice implied from the intentional commission of a wrongful act, without a lawful excuse), is sufficient to support a charge that a publication is criminally libelous.[8] Malice, as an ingredient of the crime of libel, is not presumed from the publication where the communication is privileged, and the privilege can be destroyed only by actual malice.

Qualified Privilege Precluding a Prosecution for Defamation

A communication made in good faith, on any subject in which the party has an interest or in reference to which he has a legal, moral, or social duty may be "qualifiedly privileged," if made to a person having a corresponding interest or duty. Such a privilege may preclude a prosecution for libel. R.S. 14:49 addresses qualified privileges and provides:

§49. Qualified privilege

A qualified privilege exists and actual malice must be proved, regardless of whether the publication is true or false, in the following situations:

[8] 188 La. 968, 178 So. 508 (1938).

(1) Where the publication or expression is a fair and true report of any judicial, legislative, or other public or official proceeding, or of any statement, speech, argument, or debate in the course of the same.

(2) Where the publication or expression is a comment made in the reasonable belief of its truth, upon,

(a) The conduct of a person in respect to public affairs or

(b) A thing which the proprietor thereof offers or explains to the public.

(3) Where the publication or expression is made to a person interested in the communication, by one who is also interested or who stands in such a relation to the former as to afford a reasonable ground for supposing his motive innocent.

(4) Where the publication or expression is made by an attorney or party in a judicial proceeding.

If a communication which contains a libelous statement enjoys a qualified privilege, then the burden is on the prosecution to prove that the communication was made with actual malice so as to destroy the privilege.[9]

Absolute Privilege Precluding a Prosecution for Defamation

Louisiana also has a statutory provision to protect communications which are absolutely privileged. R.S. 14:50 provides:

§50. Absolute privilege

There shall be no prosecution for defamation in the following situations:

(1) When a statement is made by a legislator or judge in the course of his official duties.

(2) When a statement is made by a witness in a judicial proceeding, or in any other legal proceeding where testimony may be required by law, and such statement is reasonably believed by the witness to be relevant to the matter in controversy.

(3) Against the owner, licensee, or operator of a visual or sound broadcasting station or network of stations or the agents or employees thereof, when a statement is made or uttered over such station or network of stations by one other than such owner, licensee, operator, agents or employees.

These types of communications are absolutely privileged regardless of whether there was malice involved or not.

[9] ***State v. Lambert***, 188 La. 968, 178 So. 508 (1938).

Truth as a Defense to a Prosecution for Defamation

Truth can always be used as a defense to a criminal defamation prosecution. R.S. 15:443 states that "[i]n all prosecutions for defamation, the truth thereof may be given in evidence."

The U.S. Supreme Court has also held, in ***Garrison v. State of Louisiana,***[10] that if, upon a lawful occasion for making a publication, one has published the truth and no more, there is no sound principle which can make him liable, even if he was motivated by malice; if there is a legal right to make a publication and the matter is true, the end is justifiable.

Truth is recognized as a defense to a defamation action because truth contributes to the free exchange of ideas for which the First Amendment protections are founded. If truth was not recognized as a defense, then the free exchange of ideas could be stifled. While honest utterances, even if inaccurate, may further the exercise of free speech, it does not follow that a lie, knowingly and deliberately published about a public official, should enjoy like immunity. ***Garrison v. State of Louisiana***, *supra*.

Civil Defamation

Generally, a civil action for defamation is quite different than a criminal prosecution. It is largely different in that the prosecuting party, or the plaintiff, is an aggrieved private citizen or business, not the local district attorney.

Like most torts in Louisiana, civil actions for defamation are brought under La. C.C. art. 2315, which provides, in pertinent part:

> *Every act whatever of man that causes damage to another obliges him by whose fault it happened to repair it.*

Defamation is an invasion of a person's interest in his reputation and good name. Likewise, a defamatory communication is one that tends to harm the reputation of another so as to lower him in the estimation of the community or to defer third parties from associating with him.[11]

In order to prevail in a defamation action, the plaintiff must prove the following: (1) a false and defamatory statement concerning another; (2) an unprivileged publication to a third party; (3) fault (negligence or greater) on the part of the publisher; and (4) resulting injury. [12]

There is a relationship between criminal defamation and civil defamation. The Louisiana Supreme Court, in ***Gugliuzza v. K.C.M.C., Inc.***, held that criminal statutes are not, in and of themselves, definitive of civil liability and do not set the rule for civil liability, but may be used as guidelines by the court in fixing civil liability. To determine the existence of a civil duty, the court's inquiry focuses on whether the statute was intended to protect a particular plaintiff from the type of harm which ensued. Thus, a finding of criminal defamation does not mean that civil penalties automatically ensue or vice versa. The court will consider whether or not there has been a criminal prosecution or civil suit as well as other factors. However, in a suit for civil defamation, all five elements previously discussed must be established by the plaintiff. The elements of

---

[10] 379 U.S. 64 (1964).

[11] ***Sassone v. Elder***, 626 So.2d 345 (1993).

[12] ***Kennedy v. Sheriff of E. Baton Rouge,*** 935 So.2d 669, 674 (La. 2006) (*see also* ***Sassone v. Elder,*** *supra;* ***Gugliuzza v. K.C.M.C., Inc.,*** 606 So.2d 790 (1992), and ***Cangelosi v. Schwegmann Brothers Giant Supermarkets,*** 390 So.2d 196 (1980)).

defamation are essential to evaluating a story or broadcast's potential for a civil lawsuit between the alleged defamed and the news organization.

Falsity

In order to succeed, a defamation plaintiff must prove falsity of the statement, as requiring the defendant to prove the truth of every assertion would cast a chilling effect on the media.[13] This also means that the alleged defamation must be susceptible to being proved false, as we explore in the "Opinion vs. Fact" section, *infra.*

In ***Schafer v. Lynch and the Times-Picayune Publishing Corporation*,**[14] the Louisiana Supreme Court held that the former director of the State Employees Retirement System could not recover damages for defamation where the article was factually correct, even though there was evidence that the article was written with malice and ill will on the part of the reporter who wrote the article. In ***Schafer*,** the former director admitted under oath that, as far as he knew, there was nothing factually incorrect in the newspaper article. Therefore, a public official cannot recover damages because a defamatory publication is motivated by ill will unless the publication is also false.

The law recognizes that, in some instances, the use of a certain word or words toward another person carries an unmistakable implication and may be *per se* actionable. For instance, words which impute a crime to another were held to be defamatory *per se*.[15] The use of words reflecting on the character of a woman of good social standing implies malice and was held to be actionable *per se*.[16] Generally, libel *per se* includes accusations of dishonesty, fraud, crime and immorality.

Where a published article is judicially held to be libelous *per se*, the law presumes the article to be false, and that it was written with malice, which then places the burden on the defendant to prove the truth of his assertion,[17] unless, of course, the plaintiff is a public official or public figure as noted in the U.S. Supreme Court case of ***Philadelpha Newspapers v. Hepps,*** *supra.*

Libel Red Flags		
Illegal Conduct	Sexual Misconduct	Cheating
Honesty	Integrity	Racial, Ethnic or Religious Bigotry
Economic Status	Ability to Engage in Business	Criminal Status

[13] ***Philadelphia Newspapers v. Hepps,*** 475 U.S. 767 (1986).
[14] 406 So.2d 185 (1981).
[15] ***Cangelosi v. Schwegmann***, 390 So.2d 196 (1980).
[16] ***Williams v. McManus***, 38 La. Ann. 161, 58 Am. Rep. 171 (1886).
[17] ***Martin v. Markley***, 11 So.2d 593 (1942).

Identification

In order to be actionable, the publication must identify the person defamed, although this does not necessarily require the use of his name. In ***Naihaus v. Louisiana Weekly Publishing Co.***,[18] a newspaper was not relieved from liability by publishing libelous articles without mentioning the plaintiff's name in the publication. The fact that the newspaper articles did not refer to plaintiff by his individual name, but to the name of his business, was immaterial since the principal injury done by the publications was to the business itself.

Similarly, in ***Mulina v. Item Co., Inc.,***[19] the plaintiff brought a suit for libel where the newspaper published a group picture of several men, including the plaintiff sheriff, with the headline above the picture reading: "Milk war indictees photographed despite their threats." The explanatory matter beneath the picture stated that the picture depicted some of the men indicted by a federal grand jury on conspiracy charges growing out of a recent milk strike and other figures involved in the case. The Louisiana Supreme Court held that the publication was not libelous as to the sheriff.

The Public Figure and Fault

Type of Figure	Definition	Fault Standard
Public Official	On government payroll; holds position that invites public scrutiny (makes policy decisions, spends funds, operates without supervision and/or directs public affairs).	Actual Malice: knowledge of or reckless disregard for whether it was true or not, by clear and convincing evidence.
Public Figure	Person occupies a position of such pervasive power and influence that they are deemed public figures for all purposes.	Actual Malice: knowledge of or reckless disregard for whether it was true or not, by clear and convincing evidence.
Limited Public Figure	Someone who has voluntarily thrust themselves into a public controversy with the intent of having an impact	Actual Malice: knowledge of or reckless disregard for whether it was true or not, by clear and convincing evidence.
Private Figure	Everybody Else!	Negligence: a lack of reasonable care under the circumstances.

[18] 145 So. 527 (1932).
[19] 47 So.2d 560 (1950).

The level of fault of the publisher generally falls on the classification of the plaintiff as a public official, public figure, limited public figure or private figure. The most significant development in this area of the law is the U.S. Supreme Court's distinction between defamation of private individuals and of public figures. In the landmark case of ***New York Times Co. v. Sullivan,***[20] the New York Times published an "editorial" advertisement[21] communicating information, expressing opinion, reciting grievances, protesting claimed abuses, and seeking financial support on behalf of the civil rights movement in the South. An elected commissioner of the city of Montgomery, Alabama, brought a civil libel action against the publisher of the newspaper and against those clergymen whose names appeared in the advertisement. Importantly, the Montgomery commissioner was not named in the advertisement but still convinced an Alabama jury that he was reasonably identifiable because he was in charge of the public services, such as police, that were implicated in the advertisement.

The U.S. Supreme Court stated that there is a national commitment to the principle that debate on public issues should be uninhibited, robust, and wide open, and that it may well include vehement, caustic and sometimes unpleasantly sharp attacks on government and public officials. This holding was in line with other decisions which had held that the free exchange of ideas was so important to our democratic society that, under the First Amendment of the Constitution, freedom of expression upon public questions is secured. The U.S. Supreme Court held in ***New York Times*** that the constitutional guarantee required a federal rule to prohibit a public official, such as the city commissioner of Montgomery, from recovering damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with "actual malice," that is, with knowledge that it was false or with reckless disregard for whether it was false or not. The ***New York Times*** case is important because it provides guidelines for conduct and it sets the standard that actual malice must be proved in order for a public official plaintiff to be successful.

This language and the actual malice rationale was eventually expanded through further U.S. Supreme Court cases. A case usually read in conjunction with the ***New York Times*** case is ***Gertz v. Robert Welch, Inc.***[22] ***Gertz*** was decided ten years after ***New York Times***. Therein, the U.S. Supreme Court further elaborated on the definition of actual malice and it set forth what factors should be considered when deciding whether a plaintiff is a public official or public figure. In ***Gertz***, a libel action was brought against the publisher of a magazine. The libelous article was written as a result of an incident in which a Chicago policeman named Nuccio was convicted of murder. The victim's family retained Gertz, a reputable attorney, to represent it in civil litigation against Nuccio. An article appearing in the defendant's magazine alleged that Nuccio's murder trial was part of a Communist conspiracy to discredit the local police. Further, the article falsely stated that Gertz had arranged Nuccio's "frame-up," it implied that petitioner had a criminal record and it labeled him as a "Communist-fronter."

First, on the issue of actual malice, the U.S. Supreme Court stated that:

> *Mere proof of failure to investigate, without more, cannot establish reckless disregard for the truth [actual malice]. Rather, the publisher must act with a "high degree of awareness of … probable falsity."*

[20] 376 U.S. 254 (1964).
[21] A copy of the advertisement is reprinted in the Appendix.
[22] 418 U.S. 323 (1974).

Secondly, on the issue of how to determine if one is a "public figure" and what factors are helpful to determine the issue, the U.S. Supreme Court stated that:

> *Those who, by reason of notoriety of their achievements or the vigor and success with which they seek the public's attention, are properly classed as public figures and those who hold governmental office may recover for injury to reputation only on clear and convincing proof that the defamatory falsehood was made with knowledge of its falsity or with reckless disregard for the truth.* [Emphasis added.]

The U.S. Supreme Court further stated that some public figures, "more commonly … have thrust themselves to the forefront of particular public controversies in order to influence the resolution of the issues involved." Limited public figures must also prove "actual malice" of the publisher or broadcaster. It is therefore preferable to look to the nature and extent of his participation in the particular controversy giving rise to the defamation. The plaintiff should not be deemed a public personality for all aspects of his life in the absence of clear evidence of general fame or notoriety in the community and pervasive involvement in the affairs of society.

The U.S. Supreme Court justifies this holding by explaining that, because private individuals characteristically have less effective opportunities for rebuttal than do public officials and public figures, they are more vulnerable to injury from defamation. Because private individuals have not voluntarily exposed themselves to increased risk of injury from defamatory falsehoods, they are also more deserving of recovery. The state interest in compensating injury to the reputation of private individuals is, therefore, greater than for public officials and public figures.

Louisiana has adopted the same standard of proof of actual malice when faced with a defamation suit where the petitioner is a public official or public figure. In ***Kidder v. Anderson***,[23] an acting chief of police sued a newspaper reporter and his employer-publisher to recover damages resulting from the publication of several newspaper articles and editorials. Kidder, a law enforcement officer, alleged that he suffered damages caused by defamatory articles accusing him of accepting payoffs and favors from barroom proprietors and gamblers, of being interested in the operation of a house of prostitution in the 1950's, and of using the influence of his office for public gain. The Louisiana Supreme Court stated that:

> *A public official may not recover damages for a defamatory statement, even if false, relating to his official conduct "unless he proves that the statement was made with 'actual malice'-- that is, with knowledge that it was false or with reckless disregard whether it was false or not …." Moreover, the public official plaintiff must meet this burden not merely by a preponderance of the evidence, but with "clear and convincing proof." Id.* at 1308.

The Louisiana Supreme Court cited ***New York Times*** and ***Gertz*** for these propositions.

The major distinction between civil suits for defamation filed by public officials or public figures and private individuals was addressed in ***Neuberger, Coerver and Goins v. The Times Picayune Publishing Co.***[24] The plaintiff in this case was a commercial partnership of accountants that sued for defamation based on a series of reports in the defendant's newspaper regarding financial irregularities at a hospital for which the plaintiff provided accounting services. In

[23] 354 So.2d 1306 (1978).
[24] 597 So.2d 1179 (La. App. 1st Cir. 1992).

Neuberger, the Louisiana First Circuit Court of Appeal held that, where the media publishes an article on a matter of public concern, the subject of the publication must prove malice regardless of whether the subject is a public or private person. However, the distinction between a public or private person is relevant to whether the subject must prove malice by clear and convincing evidence or by a preponderance of the evidence.

The First Circuit also noted the difference between "preponderance of the evidence" and "clear and convincing evidence:"

> *A "**preponderance of the evidence"** means evidence of greater weight, or evidence which is more convincing, than that offered in opposition to it. "**Clear and convincing evidence"** is evidence that requires more proof than a preponderance of the evidence but less than the criminal standard of "beyond a reasonable doubt."*[25]

Therefore, malice is an element of civil defamation regardless of whether the plaintiff is a public official or private individual. However, the difference between the two is critical in terms of the burden of proof. Public officials must prove actual malice by clear and convincing evidence, while private individuals must prove actual malice by a preponderance of the evidence. In theory, the difference in the standard of proof exists because a private individual normally has less of an opportunity to vindicate the wrong while a public official or public figure has access to the media and is normally more capable of using that means to vindicate the wrong.

Opinion vs. Fact

The U.S. Supreme Court has stated that: "Under the First Amendment there is no such thing as a false idea."[26] Although false statements of fact are not protected if made with fault, before "the test of reckless or knowing falsity can be met, there must be a false statement of fact."[27] This requires a statement that is "sufficiently factual to be susceptible of being proved true or false."[28] "Subjective assertions" that are not "an articulation of an objectively verifiable event" are not actionable under defamation law.[29]

In ***Milkovich v. Lorain Home Journal,*** the U.S. Supreme Court announced the principle that "matters of public concern must be provable as false before there can be liability under state defamation law."[30] Louisiana libel law has also adopted this rule, stating that: "[A] statement of opinion relating to matters of public concern which does not contain a provably false factual connotation will receive full constitutional protection."[31]

Because "without an assertion of fact there can be no falsity,"[32] the Louisiana Supreme Court has noted that an expression of opinion is actionable only if it "implies the existence of underlying facts ascertainable by a reasonable person with some degree of certainty, and the

---

[25] 597 So.2d at p. 1183 [*emphasis added*].
[26] ***Gertz v. Robert Welch, Inc.*****,** 418 U.S. 323, 339 (1974).
[27] ***Old Dominion Branch No. 496, Nat. Ass'n of Ltr. Carriers, AFL-CIO v. Austin*****,** 418 U.S. 264, 284 (1974).
[28] ***Milkovich v. Lorain J. Co.*****,** 497 U.S. 1, 21 (1990).
[29] *Id.* at 22.
[30] *Id.* at 19.
[31] ***Romero v. Thomson Newspapers (Wisconsin), Inc.*****,** 648 So.2d 866, 870 (La. 1995).
[32] ***Bussie v. Lowenthal*****,** 535 So.2d 378, 381 (La.1988).

implied factual assertions are false, defamatory, made with actual malice, and concern another."[33] In ***Marshall Investments v. R.P. Carbone,*** the Eastern District of Louisiana refused to find actionable under defamation law the statement that a potential lender should "stay away from the project" because the defendant was a "bad person."[34] In ***Singleton v. St. Charles Parish,*** the assertions that the plaintiff was "lazy or not wanting to work" were found to be "clearly expressions of opinion" which "can be neither true nor false."[35]

Louisiana's own law of libel states that the threshold of fault is higher for statements of opinion. In ***Mashburn v. Collin*****,** the Louisiana Supreme Court established that the First Amendment protects expression of opinions about matters of public concern that were made without knowing or reckless falsity.[36] In ***Bussie v. Lowenthal*****,** the Court further stated that a statement of pure opinion, based totally on the speaker's subjective view, which does not state or imply the existence of underlying facts, is afforded complete protection under the First Amendment. [37] Other opinions which state or infer that certain false facts are true will still be protected if the statements were made "without knowing or reckless falsity, or actual malice."[38]

Rhetorical Hyperbole

Similar to opinion, statements of hyperbole or satire are not actionable as they cannot be reasonably interpreted by the reader as stating "actual facts" about a person. Hyperbole and words used in the "loose figurative sense" are not actionable if the "reasonable" reader does not believe the literal truth or falsity of the use of the words.[39] The U.S. Supreme Court has said that protection for these words "provides assurance that public debate will not suffer for lack of 'imaginative expression' or the 'rhetorical hyperbole' which has traditionally added much to the discourse of our Nation."[40]

In the case of ***Greenbelt Co-Op. Pub. Ass'n v. Bresler,*** the U.S. Supreme Court directly addressed the issue of hyperbole in defamation. The case centered around a newspaper's account of speakers at public meeting who used the word "blackmail" to describe the plaintiff's negotiating tactics. Bresler sued, claiming defamation. He argued that since the newspaper and the speakers knew that he had not committed the crime of blackmail, "they could be held liable for the knowing use of falsehood." Bresler was successful on the trial and appellate level, until the U.S. Supreme Court reversed, arguing that:

---

[33] ***Fitzgerald v. Tucker*****,** 737 So.2d 706, 717 (La. 1999).
[34] ***Marshall Investments Corp. v. R.P. Carbone Co.*****,** 2006 WL 2644959, *3 (E.D. La. 2006).
[35] ***Singleton v. St. Charles Parish*****,** 833 So.2d 486, 496 (La. App. 5th Cir. 2002), *writ denied*, 839 So.2d 44 (La. 2003); *See also* ***Tatum v. Orleans Parish Sch. Bd.,*** 982 So.2d 923, 926 (La. App. 4th Cir. 2008), *writ denied*, 989 So.2d 102 (La. 2008) (recommendation that teacher not be rehired was not defamatory).
[36] 355 So.2d 879 (La.1977).
[37] 535 So.2d 378 (La.1988).
[38] *Id.*
[39] ***Greenbelt Co-op. Pub. Ass'n v. Bresler*****,** 398 U.S. 6, 14 (1970); ***Old Dominion Branch No. 496, Nat. Ass'n of Ltr. Carriers, AFL-CIO v. Austin*****,** 418 U.S. 264, 284 (1974); ***Milkovich v. Lorain J. Co.*****,** 497 U.S. 1, 16-17 (1990); s*ee also* ***Hustler Magazine, Inc. v. Falwell*****,** 485 U.S. 46, 50 (1988) (ad parody which "could not reasonably have been interpreted as stating actual facts about the public figure involved"); s*ee also* ***In re Baxter,*** 2001 WL 34806203 at n.20 (W.D. La. 2001).
[40] ***Milkovich v. Lorain J. Co.*****,** 497 U.S. 1, 20 (1990).

> *It is simply impossible to believe that a reader who reached the word "blackmail" in either article would not have understood exactly what was meant: it was Bresler's public and wholly legal negotiating proposals that were being criticized. No reader could have thought that either the speakers at the meetings or the newspaper articles reporting their words were charging Bresler with the commission of a criminal offense. On the contrary, even the most careless reader must have perceived that the word was no more than rhetorical hyperbole, a vigorous epithet used by those who considered Bresler's negotiating position extremely unreasonable.*[41]

The U.S. Supreme Court again addressed the requirement that a statement is not actionable unless it can reasonably be interpreted as stating actual facts about a person in ***Letter Carriers v. Austin,*** declaring it was "similarly impossible to believe that any reader of the *Carrier's Corner* would have understood the newsletter to be charging the appellees with committing the criminal offense of treason."[42]

Louisiana Courts, citing the above cases, have recognized that "speakers may use language that is insulting, offensive, or otherwise inappropriate, but constitutes no more than 'rhetorical hyperbole.' Statements that are mere hyperbole cannot reasonably be understood to convey a false representation of fact."[43] Also, the Louisiana Supreme Court has explicitly stated that "[h]yperbole, which could not reasonably be interpreted as stating actual fact, is protected."[44]

Indeed, in ***Wood v. Del Giorno*****,** a talk radio guest filed a libel action against a host when he interrupted and made several rude comments to and/or about the plaintiff including: "The man is a fraud. He is a complete fraud!"; "Everything you've said so far is out-and-out lying!"; and, "You're an idiot!"[45] The trial court found and the Court of Appeal affirmed that the statements were not defamatory as they did not "necessarily imply, in the mind of a listener of ordinary intelligence and sensitivity, that Wood is guilty of the crime of fraud." Del Giorno's reference to Wood as an "idiot," was:

> *merely an opinion and is not likely to be understood by a normal listener to convey the false idea that Wood lacks normal mental capacity. Similarly, Del Giorno's remarks that Wood is a fraud and a liar cannot be understood to convey to the average listener that Wood is a person lacking moral character or untruthful in his business practices…. The remarks were plainly abusive words not intended to be taken literally as statements of fact. Accordingly, we find that Del Giorno's remarks, while rude and insulting, are not defamatory.*[46]

---

[41] ***Greenbelt*****,** 398 U.S. at 14.
[42] ***Old Dominion Branch No. 496, Nat. Ass'n of Ltr. Carriers, AFL-CIO v. Austin*****,** 418 U.S. 264, 285 (1974).
[43] ***Wood v. Del Giorno*****,** 974 So.2d 95, 100 (La. App. 4th Cir. 2007), *writ denied,* 977 So.2d 933 (La. 2008) (*citations omitted*).
[44] ***Romero v. Thomson Newspapers (Wisconsin), Inc.,*** 648 So.2d 866, 870 (La. 1995).
[45] ***Wood,*** 974 So.2d at 100.
[46] *Id.*

Defenses to a Civil Defamation Claim

The truth of the matter may always be offered as a defense in a defamation action. R.S. 13:3602 provides:

> **§3602. Pleading and proof of truth as justification for defamation**
>
> *Whenever any civil suit for slander, defamation, or for a libel, shall be instituted in any court of this state, it shall be lawful for the defendant to plead in justification the truth of the slanderous, defamatory or libelous words or matter, for the uttering or publishing of which he may be sued; and in the trial of the issue in such suit, to maintain and prove his plea by all legal evidence.*

The truth of the contents of an alleged libelous document is always a valid and absolute defense to an action in damages.[47] Also, proof that alleged libelous charges are substantially true is sufficient. In proving the truth of an alleged libelous article, it is not necessary to prove the truth of every unimportant detail, but it is sufficient to prove that the charges are substantially true.[48]

In ***Rosen v. Capital City Press***,[49] the newspaper article reported that the physician had been indicted on five narcotic counts, when in fact the physician had been indicted for distribution of biphetamine and obedrin, which are stimulant drugs that affect the central nervous system. The First Circuit Court held that the article was substantially true, which constituted a defense to the physician's cause of action against the newspaper for damages for publishing the article. Further, a defendant pleading the truth of the alleged libelous publication assumes that burden of proof.[50]

Louisiana courts have further recognized and upheld the defense of truth.[51]

Qualified Privilege

The defense of qualified privilege extends to fair and true reports of judicial, legislative, or other public or official proceedings, including statements or arguments made during the course of the proceedings. The privilege is limited only to the judicial proceeding itself, not to preliminary matters leading up to the trial, nor to statements made by litigants outside of the actual proceeding.

In ***Freeman v. Cooper***,[52] the Louisiana Supreme Court[53] held that the privilege accorded attorneys' statements in a judicial proceeding is a qualified one and, in order for the privilege to apply, the statement must be material and must be made with probable cause and without malice. Attorneys must be free to allege facts constituting unacceptable behavior if there is any reasonable basis for such an allegation and if the behavior is relevant to the proceeding; however, attorneys in Louisiana courts cannot make disparaging statements, either in pleadings, briefs or argument, if the defamatory statements are not pertinent to the case, or are made maliciously or without a reasonable basis.

---

[47] ***Brannan v. Wyeth Laboratories, Inc.***, 562 So.2d 1101 (1988); ***Parsons v. Gulf & South American Steamship Company, Inc.***, 194 So.2d 456 (La. App. 4th Cir. 1967), *writ denied*, 197 So.2d 80 (1967).
[48] ***Otero v. Ewing***, 165 La. 398, 115 So. 633 (1928).
[49] 314 So.2d 511 (La. App. 1st Cir. 1975).
[50] ***Naihaus v. Louisiana Weekly Publishing Co., Inc.***, 145 So. 527 (1932).
[51] ***Deshotel v. Thistlewaite***, 121 So.2d 222 (1960); ***Madison v. Bolton***, 102 So.2d 433 (1958); and ***Thompson v. St. Amant***, 196 So.2d 255, 250 La. 405 (1967), *reversed on other grounds*, 88 S.Ct. 1323, 390 U.S. 727 (1968).
[52] 414 So.2d 355 (1982).
[53] In other jurisdictions, a defamatory statement by an attorney in a judicial proceeding is generally held to be absolutely privileged, if the statement has some relation to the proceeding. Restatement (Second) of Torts, §586 .

Another case which illustrates the scope of the qualified privilege defense as it relates to publishers is ***Matassa v. Bel***.[54] As a member of the Louisiana House of Representatives, Matassa alleged that the defendants maliciously caused to be published in the *Times-Picayune* a libelous article attacking his personal, business, and political reputation in a conspiracy to defeat him in an election. The article falsely and maliciously stated that he was unfit for the office because he had been guilty of irregularities while serving as manager of the New Orleans airport. The article omitted the information that the candidate had been exonerated of the charges by the grand jury. The Louisiana Supreme Court stated that Matassa had stated a cause of action for libel and the suit was not protected under the rule of fair comment and criticism or qualified privilege. Specifically, as to the qualified privilege defense, the Louisiana Supreme Court held that:

> *...for the publication to enjoy a qualified privilege, the statement must be prepared bona fide, with the view to preventing or punishing some public abuse, in which case it is considered as justified as a duty owed to society, providing it does not "meet the objection of having been made maliciously and without probable cause."*[55]

Publications concerning political matters, public officers and candidates for office are entitled to a measurable privilege by reason of the public interest unless the statements are motivated by actual malice. Further, it is generally held that accusations of dishonesty or corruption and imputations of dereliction of duty or misconduct in office are not privileged.[56]

Fair Comment and Criticism

In order to use the defense of fair comment and criticism, the publication must be made with an honest purpose, without malice, based on facts, restricted to one's acts or works and must not attack one in his private character nor convey imputations of evil sort except so far as facts, truly stated, warrant such imputation.[57] The publisher should be certain that a report is a "fair and true" account of the proceeding. If it is not, then the publication will not fall within the scope of the privilege.

Mashburn v. Collins,[58] involved a restaurant owner who filed suit against the author of a newspaper column devoted to restaurant reviews in the New Orleans area. The particular critique began "T'aint Creole, t'aint Cajun, t'aint French, t'aint country American, t'aint good." The restaurant owner sued for defamation seeking damages for humiliation, injury to professional reputation and loss of business allegedly caused by the publication. The Louisiana Supreme Court stated that criticism is privileged as fair comment only when the facts on which it is based are truly stated or privileged or otherwise known either because facts are common knowledge or because they are readily accessible. In determining whether an expression is a statement of fact or opinion under common law, the words must be read in their context.[59]

The column at issue in ***Mashburn*** was determined by the Louisiana Supreme Court to be an expression of the author's opinion, rather than an expression of fact, and thus was privileged

---

[54] 164 So.2d 332 (1964).
[55] *Id*. at 334.
[56] *Id.*
[57] ***Matassa v. Bel***, *supra*.
[58] 355 So.2d 879 (1977).
[59] ***Mashburn v. Collin***, *supra*.

unless published with knowing or reckless falsity. Also, since this was a public restaurant, which was actively engaged in advertising and seeking commercial patronage, it was a matter of public interest and, therefore, properly the subject of fair comment.

As a matter of public policy, the conduct of public officials and public bodies is open to criticism and should be given media attention. Therefore, considerable freedom is granted to the media in its coverage. The privilege of fair comment extends to any matter that a person exhibits to the public for approval.

Essentially, comment is fair when it is based on facts which are truly stated. The statement should be an honest expression of the writer's opinion; hence, there should be no imputations or dishonest motives toward the person being criticized beyond what is warranted by the facts. Reporters should not attack a person's character, private life, or motives on matters which are not related to the conduct or works which are the subject of the criticism.

When an individual becomes a candidate for office, his character for honesty and integrity and his qualifications and fitness for the position are put before the public and are thereby made proper subjects for comment.[60]

Generally, comments on the conduct of candidates for office and public officials fall under a qualified privilege for the media since their character and qualifications for the office are directly related to their performance in office. However, if a newspaper goes beyond what is permitted under fair comment and criticism, then the privilege may no longer protect them and they may be found liable for defamation.

In ***State v. Defley***,[61] the Louisiana Supreme Court held that one who accepts the responsibility of a public position has relinquished some of his protection from defamation. In ***Defley***, the defendant was on trial for criminal defamation for calling a school superintendent and a school supervisor drunkards at a public meeting. The Louisiana Supreme Court held that the positions of school superintendent and school supervisor are such that the public has an independent interest, beyond that of all governmental employees, in the qualifications and performance of the persons who hold these positions, so that both were "public officials" for defamation purposes.

In another case, the Louisiana Supreme Court held that fair comment and criticism, whether constructive or derogatory, in the absence of malice concerning the acts and conduct of persons in public life on matters of public concern, which is sometimes termed as "qualified privilege," are not libelous.[62]

The newspaper's protection is not unlimited. The privilege of fair criticism and comment will not apply to false allegations which charge misconduct or neglect of duty.[63] The publisher of a newspaper has no greater privilege than an ordinary person to publish false and defamatory statements.[64]

In some situations, parties engage in mutually defamatory conduct which can ultimately lead to a defamation action by one of them. When this occurs, a court may bar recovery by both

---

[60] ***Smith v. Lyons***, 77 So. 896, 142 La. 975 (1918).
[61] 395 So.2d 759 (1981).
[62] ***Madison v. Bolton***, 102 So.2d 433 (1958).
[63] ***Cadro v. Plaquemine Gazette***, 202 La. 1, 11 So.2d 10 (1942).
[64] ***Pierson v. Times-Picayune Publishing Co.***, 88 So. 77, 148 La. 817 (1921).

of them. In the case of ***Kenner v. Milner***,[65] the Louisiana Supreme Court stated that a court should not entertain lawsuits between individuals who have engaged in charges against each other of a defamatory or libelous nature and who have cast "mutual opprobrious epithets" at each other. The ***Kenner*** case involved a former attorney who published a letter in a local newspaper charging that Milner, also an attorney, had taken possession of property knowing that a title of record was vested in others. The letter further stated that the defendant intended to take undue advantage of an illiterate person. The defendant's character, especially in relation to his profession, was defamed. Therefore, with sufficient provocation for retaliation, the plaintiff could not recover from the defendant for defamation in a subsequent letter published by defendant concerning the plaintiff. The plaintiff and defendant were engaged in mutual defamatory conduct and, therefore, neither could recover from the other.

DEFAMATION OF THE DEAD

It is well accepted in common law that one cannot libel the dead, and the Louisiana Supreme Court has said that once a person is dead, there is no extant reputation to injure that the law should protect.[66] The crime of defamation, LA R.S. 14:47, includes a clause involving defamation of those deceased. Defamation of the dead is, in effect, a crime against the state, and the statute was not designed to protect an individual's interest in preserving the memory of a deceased person. In ***Gugliuzza v. K.C.M.C***, the plaintiffs brought suit for defamation based on a story by a Shreveport television station following the murder of the plaintiff's husband. The story alleged that his murder may have been tied to a rumor that Gugliuzza had gambling debts and ties to organized crime and that his murder was some sort of payback.

The Louisiana Supreme Court held that the widow and son of the decedent did not have a cause of action for defamation of the decedent allegedly caused by the television newscast. The statute prohibiting defamation of the dead does not create a cause of action for malicious infliction of mental anguish suffered by survivors as a result of defamation of their decedent.

MITIGATION OF DAMAGES

When a court decides that damages are due to a particular plaintiff, it may consider a number of factors that can reduce the plaintiff's award prior to a judgment being rendered by the court. These factors are called mitigating circumstances.

Defamatory statements made while in a state of great excitement by one who thinks he has been wronged by another are not justifiable, but the circumstances under which they were made may be considered in fixing damages.[67] Another factor that a court will consider is whether or not a publisher printed a retraction. In ***Francis v. Lake Charles American Press***,[68] the Louisiana Supreme Court held that, while a retraction did not exonerate the publisher from liability for defamation, a retraction is a mitigating factor to consider in fixing damages in a libel action.

---

[65] 196 So. 535 (1940).
[66] ***Gugliuzza v. K.C.M.C., Inc*.,** 606 So.2d 790, 791 (La. 1992).
[67] ***Gladney v. De Bretton***, 49 So.2d 18 (1950).
[68] 265 So.2d 206, 262 La. 875, *appeal dismissed* 410 U.S. 901, 93 S.Ct. 961 (1972).

CONTEMPT OF COURT

Contempt is defined in C.C.P. art. 221 and C.Cr.P. art. 20. The Louisiana Code of Civil Procedure defines contempt as:

> *A contempt of court is any act or omission tending to obstruct or interfere with the orderly administration of justice, or to impair the dignity of the court or respect for its authority.*
>
> *Contempts of court are of two kinds, direct and constructive.*

Contempt orders are generally issued by courts when there is a need to maintain order and insure justice in the courtrooms.

The Louisiana Constitution, Art. 5, §2, provides:

> *A judge may issue writs of habeas corpus and all other needful writs, orders, and process in aid of the jurisdiction of his court. Exercise of this authority by a judge of the supreme court or of a court of appeal is subject to review by the whole court. The power to punish for contempt of court shall be limited by law.*

The courts have long exercised their inherent power to punish for instances of contempt.

It is important to note that both the Code of Criminal Procedure, the Children's Code, and the Code of Civil Procedure contain provisions relative to contempt. In the Code of Criminal Procedure, Articles 20-25 are applicable, in the Children's Code, Articles 1501-1509 are applicable, and in the Code of Civil Procedure, Articles 221-225 are applicable. The major differences between the three sets of laws are the penalties provided and the illustrative lists of acts constituting contempt which follow the definitions of direct and constructive contempt. For purposes of the *Law Guide,* the focus is the Code of Civil Procedure as it relates to the media.

Direct contempt is defined in C.C.P. art. 222, which provides:

> *A direct contempt of court is one committed in the immediate view and presence of the Court and of which it has personal knowledge, or a contumacious failure to comply with a subpoena or summons, proof of service of which appears of record.*

The article also includes an illustrative list of acts which constitute direct contempt of court. However, none of these directly relate to the news media and are not included herein.

Constructive contempt of court, as defined in C.C.P. Article 224, is "any contempt other than a direct one." Also included in this article is an illustrative list of acts which constitute constructive contempt of court. Paragraph (8) of C.C.P. art. 224 relates directly to newspapers and provides:

> *Any of the following acts constitutes a constructive contempt of court:*
>
> * * *
>
> *(8) Comment by a newspaper or other medium for the dissemination of news upon a case or proceeding, then pending and undecided, which constitutes a clear, present, and imminent danger of obstructing or interfering with the orderly administration of justice, by either influencing the court to reach a particular decision, or embarrassing it in the discharge of its judicial duties.*

This provision codifies the holding in ***Graham v. Jones***.[69] In ***Graham***, the Louisiana Supreme Court held that, where newspaper editorials attacking a judgment of the Louisiana Supreme Court were published during the pendency of the application for rehearing, and the editorials tended to materially affect the orderly administration of justice in the proceedings to which they referred, then the acts of writing and publishing the editorials were "contempts" of court. However, the rules for contempt against the publishers and editors for contempt would be discharged where the publications did not create a clear and present danger of substantive evils.

The "clear and present danger" standard, which is now codified in C.C.P. 224(8), was first adopted by the U.S. Supreme Court in ***Times-Mirror Co. v. Superior Court of State of California, in and for Los Angeles County***.[70] ***Times-Mirror*** dealt with the scope of our federal constitutional policy safeguarding free speech and a free press. In ***Times-Mirror***, all petitioners had been adjudged guilty and fined for contempt. Their convictions rested upon comments pertaining to pending litigation published in newspapers. The U.S. Supreme Court held that, to justify suppression of free speech, there must be a reasonable ground to fear that serious evil will result if free speech is practiced, and there must be a reasonable ground to believe that the danger apprehended is imminent. This "clear and present danger" standard has afforded practical guidance in a great variety of cases where the scope of constitutional protections of freedom of expression was an issue.

Five years later, in ***Pennekamp v. Florida***,[71] the U.S. Supreme Court held that, for circumstances to create a clear and present danger to judicial administration so as to warrant a conviction of contempt of court for newspapers commenting on litigation, a solidity of evidence is required.

Since constructive contempt is contempt which does not occur in the presence of the Court, the procedure for punishing it is different than for direct contempt. Article 225 of the Code of Civil Procedure provides:

> **Art. 225. Constructive contempt; procedure for punishing**
>
> *A. Except as otherwise provided by law, a person charged with committing a constructive contempt of court may be found guilty thereof and punished therefor only after trial by the judge of a rule against him to show cause why he should not be adjudged guilty of contempt and punished accordingly. The rule to show cause may issue on the court's own motion or on motion of a party to the action or proceeding and shall state the facts alleged to constitute the contempt. A person charged with committing a constructive contempt of a court of appeal may be found guilty thereof and punished therefor after receiving a notice to show cause, by brief, to be filed not less than forty-eight hours from the date the person receives such notice why he should not be found guilty of contempt and punished accordingly. The person so charged shall be granted an oral hearing on the charge if he submits a written request to the clerk of the appellate court within forty-eight hours after receiving notice of the charge. Such notice from the court of appeal may be sent by registered or certified mail or may be served by the sheriff. In all other cases,*

[69] 200 La. 137 (1942).
[70] 314 U.S. 252 (1941).
[71] 328 U.S. 331, 66 S.Ct. 1029 (1946).

a certified copy of the motion, and of the rule to show cause, shall be served upon the person charged with contempt in the same manner as a subpoena at least forty-eight hours before the time assigned for the trial of the rule.

B. If the person charged with contempt is found guilty the court shall render an order reciting the facts constituting the contempt, adjudging the person charged with contempt guilty thereof, and specifying the punishment imposed.

Thus, there must be a hearing held, at which time the person charged is given an opportunity to show cause why he or she should not be adjudged guilty of constructive contempt.

RIGHT TO PRIVACY

The Louisiana Constitution of 1974, Art. 1, §5, entitled "Right to Privacy," provides in part:

Every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy.[72]

Louisiana jurisprudence generally recognizes that the right of privacy embraces four (4) different interests, each of which may be invaded in a distinct fashion:

(1) The appropriation of an individual's name or likeness, for the use or benefit of another;

(2) When one unreasonably intrudes upon another's physical solitude or seclusion;

(3) Publicity which unreasonably places one in a false light before the public; and

(4) Unreasonable public disclosure of embarrassing private facts.

Since the situation or activity which is intruded upon must be private, an invasion does not occur when an individual makes a photograph of a public site which anyone is free to see.[73] Generally, anything visible in a public place can be recorded and given circulation by means of a photograph.

For an invasion of privacy to be actionable, it is not necessary that there be malicious intent on the part of the defendant. The publicity must contain either falsity or fiction and it must be objectionable to a reasonable person under the circumstances. The reasonableness of a defendant's conduct in an action for an invasion of privacy is determined by balancing the plaintiff's interest in protecting his privacy from invasions and the defendant's interest in pursuing his course of conduct. For example, it was found reasonable for a school board, during the war effort, to inquire

---

[72] A review of the Records of the Louisiana Constitutional Convention of 1973: Convention Transcripts leaves open the question of whether this section was intended to provide constitutional protection against private conduct. In "The Declaration of Rights of the Louisiana Constitution of 1974," 35 La.L.Rev. 1 (1974), Professor Lee Hargrave concluded that the protection afforded by this provision is not limited to state action, but also protects a person from private action. In Louisiana jurisprudence, the right to privacy has been defined as "the right to be let alone," "the right to an 'inviolate personality,'" and "the right to live one's life in seclusion, without being subjected to unwarranted and undesired publicity." ***Jaubert v. Crowley Post-Signal, Inc.***, 375 So.2d 1386 (1979); ***Pack v. Wise***, 155 So.2d 909 (La. App. 3rd Cir. 1963); ***Hamilton v. Lumbermen's Mutual Casualty Company***, 82 So.2d 61 (La. App. 1st Cir. 1955), *writ denied* (1955).

[73] ***Jaubert v. Crowley Post-Signal, Inc.***, 375 So.2d 1386 (La. 1979); ***Taylor v. State***, 617 So.2d 1198 (La. App. 3rd Cir. 1993), *writ denied,* 620 So.2d 875 (1993).

into a teacher's use of his after-school time.[74] On the other hand, it was held unreasonable for a private employer to utilize medical photographs of an employee's work-related injury in its safety campaign without either obtaining the employee's consent or withholding his name.[75]

In ***Jaubert v. Crowley Post-Signal, Inc.***,[76] homeowners brought suit against a newspaper for an alleged invasion of privacy arising from the newspaper's publication of a photograph depicting the Jaubert's home accompanied by a caption which read: "One of Crowley's stately homes, a bit weatherworn and unkempt, stands in the shadow of a spreading oak." The Louisiana Supreme Court held that the publication of the photograph, which was taken from the middle of a public street and which did not place the Jauberts in a false light, was not an actionable invasion of privacy.

Similarly, in ***Roshto v. Hebert***,[77] an action for invasion of privacy arose out of the publication of a 25 year-old article containing the details of local criminal convictions for which the plaintiffs were subsequently pardoned. This article originally appeared on the front page of the newspaper and was randomly selected as part of a regular feature the newspaper had run for years. The article, at the time it was written, accurately described local criminal activity which were issues of public concern at that time. Thus, this case deals with the publication of an offensive but truthful matter which was once one of public concern and is still of public record.

The Louisiana Supreme Court in ***Roshto*** held that the determination of whether a person's conduct constitutes invasion of privacy depends on the facts and circumstances of each case. The lapse of time between the original publication and the republication was only one of the facts to be considered in determining liability. Further, the Supreme Court explained that the intentional nature of the disclosure, the lack of the legitimate public interest in an ancient crime committed in a faraway town, and the disclosure of the private facts regarding the criminal's new name and address, were all pertinent factors in determining whether liability should be imposed under the circumstances. The Supreme Court stated that a newspaper cannot be allowed unrestricted freedom to publish any true statement of public record, regardless of the purpose or manner of publication or of the temporal and proximal relationship of the published fact to the present situation.

The Supreme Court in ***Roshto*** ultimately held that the plaintiff failed to carry the burden necessary to warrant the imposition of damages. The Supreme Court recognized that newspapers do not have unbridled freedom to publish any information or story they desire. However, more than insensitivity or simple carelessness is required for the imposition of liability, when the publication is truthful, accurate and non-malicious.

MEETINGS OPEN TO THE PUBLIC

Louisiana law relating to an individual's right of access to meetings of public bodies originates in the Louisiana Constitution, Art. 12, §3, which states:

§3. Right to Direct Participation

Section 3. No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law.

---

[74] ***Reed v. Orleans Parish School Board***, 21 So.2d 895 (La. App. Orl. Cir. 1945).
[75] ***Lambert v. Dow Chemical Company***, 215 So.2d 673 (La. App. 1st Cir. 1968).
[76] 375 So.2d 1386 (1979).
[77] 439 So.2d 428 (1983).

The legislature has enacted the Open Meetings Law, R.S. 42:11, *et seq*., which defines "public body" and "meeting" and identifies exceptions to the general premise that the meetings of public bodies should be open to the public. The purposes of the Open Meetings Law are to protect citizens from secret decisions made without any opportunity for public input and to prevent private meetings of public bodies in which only the "end result" is observed by the public in open meetings, after all important discussions have taken place behind closed doors.[78]

R.S. 42:12 provides instruction as to how the Open Meetings Law is to be construed and states:

> **§12. Public policy for open meetings; liberal construction**
>
> *It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. Toward this end, the provisions of this Chapter shall be construed liberally.*

R.S. 42:14(A) provides:

> **§14. Meetings of public bodies to be open to the public**
>
> *A. Every meeting of any public body shall be open to the public unless closed pursuant to R.S. 42:16, R.S. 42:17, or R.S. 42:18.*

R.S. 42:16 specifically addresses the issue of "Executive Sessions." R.S. 42:17 addresses the "Exceptions to Open Meetings," and R.S. 42:18 addresses the issue of "Executive or Closed Meetings of Legislative Houses and Committees." These statutes are discussed below.

A "meeting," for purposes of the Open Meetings Law, means:

> *The convening of a quorum of a public body to deliberate or act on a matter over which the public body has supervision, control, jurisdiction, or advisory power. It shall also mean the convening of a quorum of a public body by the public body or by another public official to receive information regarding a matter over which the public body has supervision, control, jurisdiction, or advisory power.* R.S. 42:13(A)(1).

A quorum means a "simple majority of the total membership of a public body," or 50% plus one of the body. [79]

By example, a town's Board of Aldermen may not conduct pre-meetings during which they perform ministerial functions relative to their office and discuss items on the agenda for the meeting without violating the Open Meetings Law.[80] A supper meeting of parish planning and zoning board members, the sole purpose of which was to discuss a proposed rezoning matter scheduled for public hearing two days later, was a "meeting" under the Open Meetings Law which should have been open to the public with proper notice having been given.[81]

---

[78] ***Delta Development Company, Inc. v. Plaquemines Parish Commission Council***, 451 So.2d 134 (La. App. 4th Cir. 1984), *writ denied*, 456 So.2d 172 (1984); **Op. Atty. Gen.,** No. 77-1508, November 15, 1977.
[79] R.S. 42:13(A)(2).
[80] **Op. Atty. Gen.,** No. 80-939, July 25, 1980.
[81] **Op. Atty. Gen.,** No. 77-1508, November 15, 1977.

For purposes of the Open Meetings Law, "public body" is defined as:

> *Village, town, and city governing authorities; parish governing authorities; school boards and boards of levee and port commissioners; boards of publicly operated utilities; planning, zoning, and airport commissions; and any other state, parish, municipal, or special district boards, commissions, or authorities, and those of any political subdivision thereof, where such body possesses policy making, advisory, or administrative functions, including any committee or subcommittee of any of these bodies enumerated in this paragraph.*[82]

Zoning Boards of Adjustment are quasi-judicial in nature and function and are not subject to the Open Meetings Law.[83] The Louisiana High School Athletic Association ("LHSAA"), and its official committees and subcommittees, constitute collective committees or subcommittees of either the parish school boards or the State Board of Elementary and Secondary Education, and are a "public body" for purposes of the Open Meetings Law.[84] Advisory committees to police juries are subject to the substantive requirements of the Open Meetings Law.[85] Meetings of the medical staff of the Vermilion Parish Hospital Service District No. 2 are subject to the Open Meetings Law requirements.[86] A committee appointed by the mayor of the city of Bastrop is a public body and its meetings should be open to the public.[87]

Voting

Consistent with the broad public policy of openness, the Open Meetings Law contains several provisions relative to voting by members of a public body. R.S. 42:14(B) and (C) provide:

> **§14. Meetings of public bodies to be open to the public**
>
> * * *
>
> *B. Each public body shall be prohibited from utilizing any manner of proxy voting procedure, secret balloting, or any other means to circumvent the intent of this chapter.*
>
> *C. All votes made by members of a public body shall be viva voce and shall be recorded in the minutes, journal, or other official, written proceedings of the body, which shall be a public document.*

A telephone poll cannot be used to authorize action by a board and would result in a violation of the Open Meetings Law.[88] The requirement of R.S. 42:14 that all votes made by persons in a representative capacity be made by voice vote is satisfied by using an electronic machine which displays by lights how individual representatives voted.[89]

---

[82] R.S. 42:13(A)(4).
[83] ***Central Metairie Civic Association v. Parish of Jefferson***, 478 So.2d 1298 (La. App. 5th Cir. 1985).
[84] ***Spain v. Louisiana High School Athletic Association***, 398 So.2d 1386 (1981).
[85] **Op. Atty. Gen.,** No. 88-398, August 30, 1988.
[86] **Op. Atty. Gen.,** No. 87-799, December 17, 1987.
[87] **Op. Atty. Gen.**, No. 79 1392, December 14, 1979.
[88] **Op. Atty. Gen.,** No. 88-238, July 19, 1988.
[89] **Op. Atty. Gen.,** No. 80-2, January 8, 1980.

Executive Sessions

The Open Meetings Law contains a number of exceptions to the public's right of access to meetings of a public body. The most important exception is a public body's authority to hold executive sessions. R.S. 42:16 states:

> **§16. Executive sessions**
>
> *A public body may hold executive sessions upon an affirmative vote, taken at an open meeting for which notice has been given pursuant to R.S. 42:19, of two-thirds of its constituent members present. An executive session shall be limited to matters allowed to be exempted from discussion at open meetings by R.S. 42:17; however, no final or binding action shall be taken during an executive session. The vote of each member on the question of holding such an executive session and the reason for holding such an executive session shall be recorded and entered into the minutes of the meeting. Nothing in this Section or R.S. 42:17 shall be construed to require that any meeting be closed to the public, nor shall any executive session be used as a subterfuge to defeat the purposes of this Chapter.*

A public body need not adjourn a regularly scheduled meeting and wait twenty-four (24) hours in order to give notice of its intent to go into an executive session. Further, Louisiana's Open Meetings Law does not require that a public body give notice of its intent to go into executive session at a properly noticed regular or special meeting, even if it has advance knowledge that an executive session will be required.[90] The Orleans Parish School Board's use of multiple executive sessions with no specific termination date for considering and interviewing applicants for position of superintendent did not violate the Open Meetings Law.[91] A public body may exclude non-members from an executive session, unless their attendance is required by law or necessity. Further, the public body may permit anyone to attend an executive session if that person's presence is necessary and if the executive session is not being used as a subterfuge to defeat the purposes of the Open Meetings Law requirement.[92] R.S. 42:17 provides an exclusive list of reasons as to why a public body may hold an executive session pursuant to R.S. 42:16. It provides:

> **§17. Exceptions to open meetings**
>
> *A. A public body may hold an executive session pursuant to R.S. 42:16 for one or more of the following reasons:*
>
> *(1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting and that such person may require that such discussion be held at an open meeting. However, nothing in this Paragraph shall permit an executive session for discussion of the appointment of a person to public body or, except as provided in R.S. 39:1593(C)(2)(c), for discussing the award of a public contract. In cases of extraordinary emergency, written notice to*

[90] **Op. Atty. Gen.,** No. 88-462, October 17, 1988.
[91] ***Parent-Community Alliance for Quality Education, Inc. v. Orleans Parish School Board***, 385 So.2d 33 (La. App. 4th Cir. 1980).
[92] **Op. Atty. Gen.,** No. 87-639, October 6, 1987.

such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstances permit.

(2) Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the public body.

(3) Discussion regarding the report, development, or course of action regarding security personnel, plans, or devices.

(4) Investigative proceedings regarding allegations of misconduct.

(5) Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.

(6) Any meeting of the State Mineral Board and Energy Board at which records or matters entitled to confidential status by existing law are required to be considered or discussed by the board with its staff or with any employee or other individual, firm, or corporation to whom such records or matters are confidential in their nature, and are disclosed to and accepted by the board subject to such privilege, for the exclusive use in evaluating lease bids or development covering state-owned lands and water bottoms, which exception is provided pursuant to and consistently with the Public Records Act, being Chapter I of Title 44 of the Louisiana Revised Statutes of 1950, as amended, and other such statutes to which the board is subject.

(7) Discussions between a city or parish school board and individual students or the parents or tutors of such students, or both, who are within the jurisdiction of the respective school system, regarding problems of such students or their parents or tutors; provided, however, that any such parent, tutor, or student may require that such discussions be held in an open meeting.

(8) Presentations and discussions at meetings of civil service boards of test questions, answers, and papers produced and exhibited by the office of the state examiner, municipal fire and police civil service, pursuant to R.S. 33:2492 or 2552.

(9) The portion of any meeting of the Second Injury Board during which records or matters regarding the settlement of a workers' compensation claim are required to be considered or discussed by the board with its staff in order to grant prior written approval as required by R.S. 23:1378(A)(6).

(10) Or any other matters now provided for or as may be provided for by the legislature.

B. The provisions of this Chapter shall not apply to judicial proceedings.

C. The provisions of this Chapter shall not prohibit the removal of any person or persons who willfully disrupt a meeting to the extent that orderly conduct of the meeting is seriously compromised.

D. The provisions of R.S. 42:19 and R.S. 42:20 shall not apply to any meeting of a private citizens' advisory group or a private citizens' advisory committee established by a public body, when the members of such group or committee do not receive any compensation and serve only in an advisory capacity, except textbook advisory committees of the State Department of Education or the Board of Elementary and Secondary Education. However, all other provisions contained in this Chapter shall be applicable to such group or committee and the public body which established such group or committee shall comply with the provisions of R.S. 42:19 in providing the required notice of meetings of such group or committee.

The eight enumerated exceptions in the Open Meetings Law are in derogation of the broad public policy of openness and such exceptions for executive session are exclusive.[93]

There are many case law examples to consider. Where the University Board of Supervisors voted at a private, informal meeting to reject a recommendation to reinstate the Dean of College of Education, there was no violation so as to entitle the Dean to an injunction requiring reinstatement where that "secret decision" was never made public and, in fact, no decision was ever made on the recommendation.[94] The actions of a committee formed to select a new school superintendent exceeded the scope of the exception to the Open Meetings Law allowing discussion of character, professional competence or physical or mental health of the person, because the committee moved from "discussions" to a selection process by a vote or polling of committee members.[95] Screening meetings and interview sessions of candidates for state superintendent of education may be held in executive session, but these should be limited to a discussion of the applicant's professional competence, character or health.[96] Personality, qualifications and a history of the individual being considered for appointment may be discussed in executive session unless the individual requests an open meeting; however, the final decision as to appointment must be made in open session.[97] The notice required for a public body to proceed to executive session to discuss litigation does not need to reveal the names of the litigants.[98] However, a public body which holds an executive session under R.S. 42:6.1 to discuss prospective litigation must identify the parties to be involved by name.[99]

No provision of the Open Meetings Law authorizes a public body to discuss property negotiation matters in executive session.[100]

---

[93] ***Brown v. East Baton Rouge Parish School Board***, 405 So.2d 1148 (La. App. 1st Cir. 1981).
[94] ***Hicks v. Stone Fort***, 425 So.2d 807 (La. App. 1st Cir. 1982), *writ denied*, 429 So.2d 129 (1983).
[95] ***Brown v. East Baton Rouge Parish School Board***, *supra.*
[96] **Op. Atty. Gen.,** No. 88-186, April 5, 1988.
[97] **Op. Atty. Gen.,** No. 77-1, January 11, 1977.
[98] ***Norris v. Monroe City School Board***, 535 So.2d 840 (La. App. 2nd Cir. 1988), *writ denied,* 536 So.2d 1199 (1988).
[99] **Op. Atty. Gen.,** No. 80-325, March 13, 1980.
[100] **Op. Atty. Gen.,** No. 88-358, August 31, 1988.

Notice of Meetings

Unless there is a specific exemption, a public body must give written public notice at least twenty-four hours before the meeting of its intent to hold the meeting. In cases of extraordinary emergency, such notice shall not be required; however, the public body shall give notice of the meeting as it deems appropriate and circumstances permit. R.S. 42:19 provides:

§19. Notice of meetings

A. (1) (a) All public bodies, except the legislature and its committees and subcommittees, shall give written public notice of their regular meetings, if established by law, resolution, or ordinance, at the beginning of each calendar year. Such notice shall include the dates, times, and places of such meetings.

(b) (i) All public bodies, except the legislature and its committees and subcommittees, shall give written public notice of any regular, special, or rescheduled meeting no later than twenty-four hours before the meeting.

(ii) (aa) Such notice shall include the agenda, date, time, and place of the meeting. The agenda shall not be changed less than twenty-four hours prior to the meeting.

(bb) Each item on the agenda shall be listed separately and described with reasonable specificity. Before the public body may take any action on an item, the presiding officer or his designee shall read aloud the description of the item except as otherwise provided in Subitem (dd) of this Item.

(cc) Upon unanimous approval of the members present at a meeting of a public body, the public body may take up a matter not on the agenda. Any such matter shall be identified in the motion to take up the matter not on the agenda with reasonable specificity, including the purpose for the addition to the agenda, and entered into the minutes of the meeting. Prior to any vote on the motion to take up a matter not on the agenda by the public body, there shall be an opportunity for public comment on any such motion in accordance with R.S. 42:14 or 15. The public body shall not use its authority to take up a matter not on the agenda as a subterfuge to defeat the purposes of this Chapter.

(dd) If an agenda of a meeting of a governing authority of a parish with a population of two hundred thousand or more according to the latest federal decennial census or municipality with a population

of one hundred thousand or more according to the latest federal decennial census contains more than fifty items, the governing authority may take action on items listed on a consent agenda without reading the description of each item aloud. However, before any action is taken on items listed on a consent agenda, the governing authority shall allow a public comment period. Any item listed on a consent agenda may be removed from the consent agenda by an individual member of the governing authority if a person objects to the presence of the item on the consent agenda and provides reasons for individual discussion at the meeting. The name of the person who objects to a consent agenda item and the reasons for the objection shall be included in the minutes of the meeting.[101]

(iii) Following the above information there shall also be attached to the written public notice of the meeting, whether or not such matters will be discussed in an executive session held pursuant to R.S. 42:17:

(aa) A statement identifying the court, case number, and the parties relative to any pending litigation to be considered at the meeting.

(bb) A statement identifying the parties involved and reasonably identifying the subject matter of any prospective litigation for which formal written demand has been made that is to be considered at the meeting.

(iv) In cases of extraordinary emergency, such notice shall not be required; however, the public body shall give such notice of the meeting as it deems appropriate and circumstances permit.

(2) Written public notice given by all public bodies, except the legislature and its committees and subcommittees, shall include, but need not be limited to:

(a) Posting a copy of the notice at the principal office of the public body holding the meeting, or if no such office exists, at the building in which the meeting is to be held, or by publication of the notice in an official journal of the public body no less than twenty-four hours before the meeting. If the public body has a website, additionally by providing notice via the Internet on the

[101] A "Consent agenda" is defined as a grouping of procedural or routine agenda items that can be approved with general discussion. R.S. 42:19(A)(1)(b)(ii)(bb).

website of the public body for no less than twenty-four hours immediately preceding the meeting. The failure to timely post notice via the Internet pursuant to this Subparagraph or the inability of the public to access the public body's website due to any type of technological failure shall not be a violation of the provisions of this Chapter.

(b) Mailing a copy of the notice to any member of the news media who requests notice of such meetings; any such member of the news media shall be given notice of all meetings in the same manner as is given to members of the public body.

B. Reasonable public notice of day to day sessions of either house of the legislature, and of all matters pertaining to such meetings, including but not necessarily restricted to the content of notice, quorums for the transaction of business, proxy voting, viva-voce votes, and recordation of votes, shall be governed by the provisions of the Louisiana Constitution, the rules of procedure of the Senate and the House of Representatives, and the Joint Rules applicable to both houses. Reasonable public notice of meetings of legislative committees and subcommittees shall be given in accordance with such rules as are adopted by the respective houses for the purpose.

R.S. 42:19(A) requires that a written notice of each regular meeting of a city council be given, notwithstanding the fact that written notice has been given once at the beginning of the year.[102] The failure to include in the written notice of a special meeting the parish police jury's intention to consider appointments to a hospital service district board precluded the police jury from considering such appointments, absent a showing in the minutes of the meeting that two-thirds of those present expressly approved enlarging the agenda to consider such appointments.[103] The Board of Commissioners for the Housing Authority of New Orleans awarded a contract in violation of the Open Meetings requirement where the contract was not on the agenda for the meeting and a vote was not taken to consider a matter not on the agenda.[104] In addition to notice requirements of 42:19, a political subdivision may also be required to give additional notice pursuant to 42:19.1, which provides:

§42:19.1. Procedure for the levy, increase, renewal, or continuation of a tax or for calling an election for such purposes by political subdivisions.

A. (1) In addition to any other requirements provided for in R.S. 42:19 or other provisions of law, public notice of the date, time, and place of any meeting at which a political subdivision as defined in Article VI, Section 44 (2) of the Constitution of Louisiana intends to levy, increase, renew, or continue, any ad valorem property tax or sales and use tax or authorize the calling of an election for submittal of such question to the voters of the political subdivision shall be both published in the official

[102] **Op. Atty. Gen.,** No. 79-884, Aug. 30, 1979.
[103] ***Wagner v. Beauregard Parish Policy Jury***, 525 So.2d 166 (La. App. 3rd Cir. 1988).
[104] ***Jackson v. Board of Commissioners for Housing Authority of New Orleans***, 514 So.2d 628 (La. App. 4th Cir. 1987), *writ denied*, 515 So.2d 1111 (1987).

journal of the political subdivision no more than sixty days nor less than thirty days before such public meeting and shall be announced to the public during the course of a public meeting of such political subdivision no more than sixty days nor less than thirty days before such public meeting.

(2) (a) In the event of cancellation or postponement of a meeting at which consideration of or action upon a proposal to levy, increase, renew, or continue any ad valorem or sales and use tax or authorize the calling of an election for submittal of such questions to the voters of the political subdivision was scheduled, notice of the date, time, and place of any subsequent meeting to consider such proposal shall be published in the official journal of the political subdivision no less than ten days before such subsequent meeting.

(b) However, in the event that consideration of or action upon any such proposal was postponed at the scheduled meeting, or any such proposal was considered at the scheduled meeting without action or vote, then any subsequent meeting to consider such proposal shall be subject to the requirements of Subparagraph (a) of this Paragraph unless the date, time, and place of a subsequent meeting for consideration of such proposal is announced to the public during the course of such meeting.

B. The provisions of this Section shall not apply to any consideration of or action upon a proposal to levy additional or increased ad valorem property tax millages on property without voter approval to which the provisions of R.S. 47:1705(B)(2)(c) and (d) apply.

Prior to an amendment in the 2008 legislative session, Subsection A (1) of R.S. 42:19 required a two-thirds vote of all members present in a public meeting to consider an item not previously on the agenda. Now, a unanimous approval is required before the public body may take up a matter not on the agenda. Abstentions must be counted as "no's," contrary to Robert's Rules of Order which require that abstentions (blanks) not be counted at all.[105] As the language of the statute provides, frequent use of the agenda amendment procedure found in R.S. 42:19 should be avoided because it may be interpreted as a subterfuge for avoiding proper public notice of the actual agenda.[106] Written notice to be given to members of the news media who have so requested must contain an agenda and must be mailed at such time to insure receipt no later than twenty-four hours before the meeting.[107] Conflicts between vote-counting requirements in the Open Meetings Law and Robert's Rules of Order must be resolved in favor of the Open Meetings Law.[108]

Although a parish agency may have technically violated the Open Meetings Law by failing to give notice of the meeting in which the agency terminated its executive director and by failing to record and enter into the minutes the members' vote on question of going into executive session,

[105] **Op. Atty. Gen.,** No. 88-434, October 17, 1988.
[106] R.S. 42:19; **Op. Atty. Gen.,** No. 87-649, October 13, 1987.
[107] **Op. Atty. Gen.,** No. 79-884, August 30, 1979.
[108] **Op. Atty. Gen.,** No. 88-434, October 17, 1988.

the terminated executive director was not entitled to relief where the director had actual notice of the meeting and both he and his lawyer were present.[109]

Audio/Video Recording of Meetings

It is particularly important for the media to know that public meetings can be mechanically reproduced. R.S. 42:23 states:

> **§23. Sonic and video recordings; live broadcast**
>
> *A. All of the proceedings in a public meeting may be video or tape recorded, filmed, or broadcast live. However, any nonelected board or commission that has the authority to levy a tax shall video or audio record, film, or broadcast live all proceedings in a public meeting.*
>
> *B. A public body shall establish standards for the use of lighting, recording or broadcasting equipment to insure proper decorum in a public meeting.*

Voidability of Actions by Public Body

R.S. 42:24 provides a judicial remedy for any violation of R.S. 42:12 through R.S. 42:23. The only stipulation is that a suit to void any action must be commenced within sixty days of the action. R.S. 42:24 provides:

> **§24. Voidability**
>
> *Any action taken in violation of this Chapter shall be voidable by a court of competent jurisdiction. A suit to void any action must be commenced within sixty days of the action.*

R.S. 42:24 provides that any action taken in violation of the Open Meetings Law is only voidable, but not absolutely null and void.[110] The legislature has limited the right of an aggrieved party to have actions of a public body voided for failure to comply with the Open Meetings Law to sixty days to confer a degree of certainty for actions taken by a public body.[111]

Enforcement and Remedies

R.S. 42:25 addresses the issues of who enforces the provisions of the Open Meetings Law and how to initiate such an action. It states:

> **§25. Enforcement**
>
> *A. The attorney general shall enforce the provisions of this Chapter throughout the state. He may institute enforcement proceedings on his own initiative and shall institute such proceedings upon a complaint filed with him by any person, unless written reasons are given as to why the suit should not be filed.*

---

[109] ***Daigre v. Terrebonne Association for Retarded Citizens***, 543 So.2d 1108 (La. App. 1st Cir. 1989), *writ denied*, 548 So.2d 333 (1989).

[110] ***Delta Development Company, Inc. v. Plaquemines Parish Commission Council***, 451 So.2d 134 (La. App. 4th Cir. 1984), *writ denied*, 456 So.2d 172, (1984).

[111] ***Kennedy v. Powell***, 401 So.2d 453 (La. App. 2nd Cir. 1981), *writ denied*, 406 So.2d 607 (1981).

B. Each district attorney shall enforce the provisions of this Chapter throughout the judicial district within which he serves. He may institute enforcement proceedings on his own initiative and shall institute such proceedings upon a complaint filed with him by any person, unless written reasons are given as to why the suit should not be filed.

C. Any person who has been denied any right conferred by the provisions of this Chapter or who has reason to believe that the provisions of this Chapter have been violated may institute enforcement proceedings.

Therefore, one who has reason to believe that the provisions of the Open Meetings Law have been violated has a choice between the attorney general, the local district attorney, or his own personal attorney to institute enforcement proceedings. In reality, given the size of their dockets and broad purview, the district attorney and the attorney general are slow to take up open meetings violations.

The types of remedies available to a plaintiff who has instituted enforcement proceedings are stated in R.S. 42:26, which provides:

§26. Remedies; jurisdiction; authority; attorney fees

A. In any enforcement proceeding the plaintiff may seek and the court may grant any or all of the following forms of relief:

(1) A writ of mandamus.

(2) Injunctive relief.

(3) Declaratory judgment.

(4) Judgment rendering the action void as provided in R.S. 42:24.

(5) Judgment awarding civil penalties as provided in R.S. 42:28.

B. In any enforcement proceeding the court has jurisdiction and authority to issue all necessary orders to require compliance with, or to prevent noncompliance with, or to declare the rights of parties under the provisions of this Chapter. Any noncompliance with the orders of the court may be punished as contempt of court.

C. If a person who brings an enforcement proceeding prevails, he shall be awarded reasonable attorney fees and other costs of litigation. If such person prevails in part, the court may award him reasonable attorney fees or an appropriate portion thereof. If the court finds that the proceeding was of a frivolous nature and was brought with no substantial justification, it may award reasonable attorney fees to the prevailing party.

Although the plaintiff did not prevail in its attempt to have actions of the parish school board set aside and was unsuccessful in having the gathering of six board members declared to be an illegal closed meeting of the board, the plaintiff's success in obtaining injunctive relief was so important to the enforcement of the Open Meetings Law that the trial court's total denial of attorneys' fees

to the plaintiff was clearly wrong. The plaintiff was entitled to attorneys' fees for both the trial and the appeal.[112]

R.S. 42:28 imposes civil penalties for violations of the Open Meetings Law under certain circumstances, as follows:

§28. Civil penalties

Any member of a public body who knowingly and willfully participates in a meeting conducted in violation of this Chapter, shall be subject to a civil penalty not to exceed one hundred dollars per violation. The member shall be personally liable for the payment of such penalty. A suit to collect such penalty must be instituted within sixty days of the violation.

Miscellaneous Provisions

The law does contain some specific provisions for various entities to hold executive sessions.

Hospital Service District Commission

R.S. 46:1073 provides, in part:

§1073. Market strategies and strategic planning

B. Notwithstanding the provisions of R.S. 42:11, et seq., or any other law to the contrary, a hospital service district commission may hold an executive session for the discussion and development of marketing strategies and strategic plans.

C. Notwithstanding the provisions of R.S. 44:1, et seq., or any other law to the contrary, any marketing strategy and strategic plan of a hospital service district commission and the facility owned or operated by the district shall not be public record and shall be confidential but shall be subject to court subpoena.

Louisiana Lottery Corporation

R.S. 47:9004(G) provides:

§9004. … Open board meetings

G. All meetings of the board [board of directors of the "Louisiana Lottery Corporation"] shall be open and governed by the provisions of R.S. 42:11 et seq., Security personnel, plans and devices as listed in R.S. 42:17(A)(3) shall include but not be limited to the security portions or segments of lottery requests for proposals, proposals by vendors to conduct lottery operations, and records of the security division of the corporation.

Subcommittee of Joint Legislative Committee on the Budget

R.S. 39:1535(D)(2) provides:

§1535. Duties and Responsibilities

[112] ***Brown v. East Baton Rouge Parish School Board***, 405 So.2d 1148 (La. App. 1st Cir. 1981).

D. (2) Notwithstanding any other provision of law to the contrary, the subcommittee may meet in executive session to consider such agreement.

INSPECTION OF PUBLIC RECORDS

Louisiana law relating to an individual's right to examine public documents originates in the Louisiana Constitution, Art. 12, §3, which provides:

§3. Right to Direct Participation

Section 3. No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law.

The legislature has enacted the Public Records Act, R.S. 44:1, *et seq*., which defines "public body" and "public records" and it identifies exceptions to the general premise that the records of public bodies should be open to the public. The Public Records Act was intended to implement the inherent right of the public to be reasonably informed as to the manner, basis and reasons upon which governmental affairs are conducted.[113] Therefore, citizens have an unequivocal constitutional and statutory right to examine public records, and access to these records can be denied only when the law specifically provides for such denial.[114] The Louisiana jurisprudence is clear that the Public Records Act must be liberally interpreted to enlarge, rather than restrict, the public's access to public records.[115] R.S. 44:31 provides:

§31. Right to examine records

A. Providing access to public records is a responsibility and duty of the appointive or elective office of a custodian and his employees.

B. (1) Except as otherwise provided in this Chapter or as otherwise specifically provided by law, and in accordance with the provisions of this Chapter, any person of the age of majority may inspect, copy, or reproduce any public record.

(2) Except as otherwise provided in this Chapter or as otherwise specifically provided by law, and in accordance with the provisions of this Chapter, any person may obtain a copy or reproduction of any public record.

(3) The burden of proving that a public record is not subject to inspection, copying, or reproduction shall rest with the custodian.

For purposes of the Public Records Act, a "public body" is defined as:

...any branch, department, office, agency, board, commission, district, governing authority, political subdivision, or any committee, subcommittee, advisory board, or task force thereof, or any other instrumentality of state, parish, or municipal

---

[113] ***Trahan v. Larivee***, 365 So.2d 294 (La. App. 3rd Cir. 1978), *writ denied,* 366 So.2d 564 (1979); ***Bartels v. Roussel***, 303 So.2d 833 (La. App. 1st Cir. 1974), *writ denied,* 307 So.2d 372 (1975).

[114] ***Treadway v. Jones***, 583 So.2d 119 (La. App. 4th Cir. 1991).

[115] ***Treadway v. Jones***, *supra*; ***Amoco Production Company v. Landry***, 426 So.2d 220 (La. App. 4th Cir. 1982), *writ denied,* 433 So.2d 164 (1983).

government, including a public or quasi-public nonprofit corporation designated as an entity to perform a governmental or proprietary function.[116]

Further, "public records" are defined in R.S. 44:1(A)(2) as follows:

> *(2) All books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of this state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of this state, are "public records," except as otherwise provided in this Chapter or as otherwise specifically provided by law.*

As used in the Public Records Act, the word "custodian" means:

> *...the public official or head of any public body having custody or control of a public record, or a representative specifically authorized by him to respond to requests to inspect any such public records.*[117]

Exemptions

The Public Records Act also contains a number of exemptions to the public's right to inspect, copy or reproduce or obtain a reproduction of any public record. Any exemption to the Public Records Act is in derogation of the public's right to be reasonably informed as to the manner, basis and reasons upon which governmental affairs are conducted, and, therefore, must be interpreted narrowly.[118] The exemptions to the Public Records Act are fully set forth in the appendix.

Initial Report

Contained within the exemptions to the Public Records Act is a provision relating to the initial report of an officer or officers investigating a complaint. R.S. 44:3(A)(4) provides, in pertinent part:

> **§3. Records of prosecutive, investigative, and law enforcement agencies, and communications districts**
>
> *A. (4) (a) ...However, the initial report of the officer or officers investigating a complaint, but not to apply to any follow up or subsequent report or investigation, records of the booking of a*

[116] LA R.S. 44:1(A)(1).
[117] *R.S. 44:1(A)(3).*
[118] ***Amoco Production Company v. Landry***, *supra*.

person as provided in Louisiana Code of Criminal Procedure Article 228, records of the issuance of a summons or citation, and records of the filing of a bill of information shall be a public record.

(b) The initial report shall set forth:

(i) A narrative description of the alleged offense.

(ii) The name and identification of each person charged with or arrested for the alleged offense.

(iii) The time and date of the alleged offense.

(iv) The location of the alleged offense.

(v) The property involved.

(vi) The vehicles involved.

(vii) The names of investigating officers.

For purposes of this provision, the "initial report" does not merely refer to a document but to information contained in the documents. It is this information, which comprises the facts learned by the officer or officers who conducted the initial investigation of a complaint that is public record.[119] Although the entire initial report of investigating officers of a complaint is a public record pursuant to the Public Records Act, any subsequent report which concerns investigation by police beyond investigating the complaint is not a public record.[120]

In 1992, the Louisiana Legislature enacted R.S. 32:398(H) (which was subsequently amended in 1993), which provides:

§398. Accident reports; when and to whom made; information aid; fees for copies; fees for accident photographs

H. The reports required by this Section, and the information contained in the reports, shall be confidential, shall be exempt from the provisions of R.S. 44:1, et seq., and shall be made available only to the parties to the accident, parents or guardians of a minor who is a party to the accident, and insurers of any party which is the subject of the report, or to the succession representatives of those parties, or to the attorneys of the parties or succession representatives, or to a news-gathering organization that requests documents related to the accident. All persons and their agents are prohibited from screening accident reports if the person or his agent does not represent any of the persons involved in a particular accident, the report for which could reasonably be expected to be available. However, this limitation shall not prevent any person from requesting particular reports regardless of whether the person represents any party in the accident. The information in the reports may be tabulated and included in the statistical information published under the provisions of Subsection G of this Section. Nothing in this

[119] ***State v. Campbell***, 566 So.2d 1038 (La. App. 3rd Cir. 1990); ***Elliott v. Taylor***, 614 So.2d 126 (La. App. 4th Cir. 1993).

[120] ***State v. Baker***, 582 So.2d 1320 (La. App. 4th Cir. 1991), *writ denied*, 590 So.2d 1197 (1992).

Section shall prohibit the sale of police accident reports or other driving record information to consumers of on-line driving records under written contract for purchase of records with the Department of Public Safety and Corrections. Further, the information in the reports may be used by the office of motor vehicles for the purpose of maintaining operating records.

In ***DeSalvo v. State***,[121] the Louisiana Supreme Court held that this provision which limited access to state motor vehicle accident reports to parties, their representatives, attorneys and insurers, the press and contractors for on-line driving records, was constitutional in that it served a significant governmental interest in protecting an individual's right to privacy.

In 1984, the Louisiana Legislature enacted R.S. 46:1073, which provides:

§1073. Market strategies and strategic planning

C. Notwithstanding the provisions of R.S. 44:1, et seq., or any other law to the contrary, any marketing strategy and strategic plan of a hospital service district commission and the facility owned or operated by the district shall not be public record and shall be confidential but shall be subject to court subpoena.

The Louisiana Supreme Court in ***Title Research Corporation v. Rausch***,[122] held that, whenever there is doubt as to whether the public has the right of access to certain records, the doubt must be resolved in favor of the public's right to see the records. In ***Rausch***, Title Research Corporation and its president sought a writ of mandamus to compel the clerk of court to permit them to microfilm certain conveyance and mortgage records. The Supreme Court held that the president of the title company, as a member of the public, was entitled to reproduce on microfilm the parish conveyance and mortgage records in the custody of the clerk of court, by any safe means during normal business hours in a non-discriminatory manner and free of charge, even if the president's purpose in copying such documents was commercial.

Most disputes arising under the Public Records Act relate to whether or not a particular record or document is classified as a public record. Accordingly, the right to examine and obtain copies of public records is not absolute and unqualified, but must be determined in light of all reasonable circumstances.[123] Since issues involving the Public Records Act are vitally important to Louisiana's newspapers, the following are selected court cases and Attorney General Opinions relating to whether certain documents are "public records": [124]

Selected Cases:

Petitioner, as a member of the public, was entitled to inspect and copy the records of the clerk of district court concerning a civil case to which petitioner was not a party.[125]

---

[121] 624 So.2d 897 (1993).
[122] 450 So.2d 933 (1984).
[123] ***Title Research Corporation v. Rausch***, 433 So.2d 1105 (La. App. 1st Cir. 1983), *reversed on other grounds*, 450 So.2d 933 (1984).
[124] Obviously, Court cases are more persuasive in a potential lawsuit than an Attorney General's Opinion; therefore, they are separated out as such.
[125] ***Keko v. Lobrano***, 497 So.2d 353 (La. App. 4th *Cir. 1986), writ denied, stay denied, 497 So.2d 1003 (1986).*

A newspaper was entitled to inspect financial records of the World's Fair Corporation dating from first day it received public monies, where World's Fair had received $25,000,000.00 which had been spent either on World's Fair operations or to pay its creditors. Such financial records were "public records" regardless of whether the corporation was a public body.[126]

Work files of state senators relating to two legislative bills were "legislative acts" and therefore, were exempt from provisions of the Public Records Act, and were privileged under the legislative privileges and immunities clause of the Louisiana Constitution.[127]

Where public information about non-confidential telephone numbers of parish employees was contained on personnel forms with private information, the custodian faced with a request for the telephone numbers had a legal duty to segregate public from non-public information or make a written statement, showing that segregation would be unreasonably burdensome or expensive; however, the custodian was not required to comply with a request for information as to employees' race and gender, where such information was not contained in any written records.[128]

Although district attorney correctly concluded that his office is excluded by the Public Records Act, which directs custodians of public records to provide records to persons requesting them, the office is clearly included in the Public Records Act in the section of the Public Records Act which provides that public records custodians of state agencies must provide records to persons requesting them.[129]

The fact that a municipality labels a name or address as a part of a confidential personnel record does not elevate the name or address to the status of a constitutionally protected private thing. The Public Records Act is not limited to records affecting only the public fisc, but covers all records unless specifically excepted by statute, or unless the disclosure involves information to which the employee has a reasonable expectation of privacy, such as personnel evaluation reports, the disclosure of which might affect the employee's future employment or may cause embarrassment or humiliation.[130]

Where all state police headquarters are required to keep current logs regarding the activities and events occurring within their respective jurisdictions, and the logs were paid for and furnished by the state and contained the name of any person arrested and the charge for which each person was arrested, then the logs were an official "public record" upon which newspapers could rely in their publications.[131]

---

[126] ***Lewis v. Spurney**, 456 So.2d 206 (La. App. 4th Cir. 1984), writ denied, 457 So.2d 1183, writ denied, 458 So.2d 488 (1984).*

[127] ***Copsey v. Baer**, 593 So.2d 685 (La. App. 1st Cir. 1991), writ denied, 594 So.2d 876 (1992).*

[128] ***Association for Rights of Citizens, Inc. v. Parish of St. Bernard**, 557 So.2d 714 (La. App. 4th Cir. 1990).*

[129] ***Carter v. Connick**, 623 So.2d 670 (La. App. 4th Cir. 1993).*

[130] ***Webb v. City of Shreveport**, 371 So.2d 316 (La. App. 2nd Cir. 1979), writ denied, 374 So.2d 657 (1979).*

[131] ***Francois v. Capital City Press**, 166 So.2d 84 (La. App. 3rd Cir. 1964).*

Applicants for public employment generally have no right of privacy in their resume or application for public employment. However, the Louisiana Supreme Court recognized an exception to the general rule: "[I]f the resume or application contains facts which would expose the applicant to public disgrace, are clearly private in nature, or are protected by law from disclosure, then that resume or application, or the private matters contained therein, may not be disclosable depending on the circumstances."[132]

Private, non-profit animal welfare organization which contracted with the City of New Orleans to provide animal control, services as required by the City of New Orleans code of ordinances was subject to the public records law.[133]

Selected Attorney General Opinions:

Right to privacy would protect a public employee's personally identifiable information from public scrutiny, so that a public records custodian may deny the public access to information relative to a public employee's health and life insurance deductions, credit union deductions, garnishments, savings bonds, United Givers, retirement contributions, and state and federal income tax withholding.[134]

The records of the Louisiana School Board Association, the Louisiana Municipal Association and the Louisiana Police Jury Association are public records.[135]

Restrictions limiting the availability of CPA candidate list cannot be imposed by the Board of Certified Public Accountants; the Board must make its list of candidates available to electors or taxpayers.[136]

Unofficial tape recordings made solely for the personal use of a supervisor to assist him in making a recommendation regarding an employee's grievances are not subject to examination as public records.[137]

All writings prepared by coroner for use in conduct of any business performed under authority of law is subject to public inspection.[138]

Production of business telephone records of a municipality to members of village counsel is mandated by the Public Records Law, and does not violate the right of privacy of municipal employees who use village telephones.[139]

Committee meetings of a school board must be public and minutes kept.[140]

---

[132] ***Capital City Press v. East Baton Rouge Parish Metropolitan Council***, 96-1979 (La. 7 /1/97), 696 So.2d 562.
[133] ***New Orleans Bulldog Soc'y v. Louisiana Soc'y for the Prevention of Cruelty to Animals,*** 2016-1809 (La. 5/3/17), 222 So. 3d 679, 681.
[134] ***Op. Atty. Gen.,*** *No. 87-282, April 24, 1987.*
[135] ***Op. Atty. Gen.,*** *No. 78-282, March 14, 1978.*
[136] ***Op. Atty. Gen.,*** *No. 81-1008, October 26, 1981.*
[137] ***Op. Atty. Gen.,*** *No. 89-24, February 14, 1989.*
[138] ***Op. Atty. Gen.,*** *No. 89-604, January 8, 1990.*
[139] ***Op. Atty. Gen.,*** *No. 90-159, May 25, 1990.*
[140] ***Op. Atty. Gen.,*** *No. 89-602A, June 15, 1990.*

All written communications by a school superintendent are public except those explicitly exempt by statute.[141] *Records of assessors, including computer records, are public records available for inspection, except for certain forms.*[142]

Job applications, cover letters and resumes to a public charter high school are subject to disclosure, although "score sheets" and "handwritten notes about interview committee members" are likely protected by the candidate's individual privacy interest.[143]

E-mails of Public Employees

Due to an increase in the use of technology and electronic messaging in the workplace, Louisiana courts and the Attorney General have been faced with the challenge of determining whether or not electronic communications sent on publicly owned equipment or sent by a public employee during working hours are automatically deemed public records under the Public Records Act. In ***Bartles v. Roussel,***[144] the Louisiana Court of Appeal, First Circuit, found that only writings used in the performance of the functions of the public body should be classified as public records.[145] However, this case did not specifically deal with e-mails.

Public records are those records which have been used, are being used, or which were prepared for use in the conduct of business. Relying partially on the decision in ***Bartles***, the Attorney General opined that e-mails of a purely personal nature received or transmitted by a public employee which have no relation to any function of public office are not public records subject to disclosure under the Public Records Act.[146] The Attorney General further opined that the definition of "public record" requires a content driven analysis for a connection between the record and the conduct of the public business or the functioning of a public body. ***Id.*** In 2013, a new Attorney General's Opinion, again calling for a highly "content-driven analysis," attempted to clarify that "purely personal e-mails" are not subject to the Public Records Act, even if they were sent on a public account but have no relation to the function of the public body, so long as there is no evidence of illegal activity, and the public body has not determined that disciplinary action is appropriate.[147]

In 2015's *Shane v. Parish of Jefferson,* the Louisiana Supreme Court found that e-mails in the custody of Jefferson Parish were public records because "even though the content of the email ostensibly related only to private matters, when that email has been used in the performance of any work, duty, or function of a public body, under the authority of state or local law, unless an exception, exemption, or limitation, under the Louisiana Constitution or in the Public Records Law applies to prevent public disclosure of the record."[148]

---

[141] ***Op. Atty. Gen.,*** *No. 89-602A, June 15, 1990.*
[142] ***Op. Atty. Gen.,*** *No. 87-301, May 4, 1987.*
[143] ***Op. Atty. Gen.,*** *No. 14-0074, July 24, 2014.*
[144] 303 So.2d 833 (La. App. 1 Cir. 1974).
[145] *See also* ***Op. Atty Gen.,*** *No, 79-242.*
[146] ***Op. Atty. Gen.,*** *No. 10-0272, April 13, 2011.*
[147] ***Op. Atty. Gen.,*** *No. 13-0141, October 15, 2013.*
[148] ***Shane v. Par. of Jefferson***, 2014-2225 (La. 12/8/15), 209 So. 3d 726, 746

Public Records Awareness Program

In 1999, the Legislature enacted R.S. 44:31.2, which provides:

§44:31.2 Public Records Awareness Program

The attorney general shall establish a program for educating the general public, public bodies, and custodians regarding the provisions of this Chapter. Such program may include brochures, pamphlets, videos, seminars, and Internet access to information which provides training on the provision of this Chapter, including the custodian's responsibilities in connection with a request for records and the right of a person to institute court proceedings if access to a record is denied by the custodian.

Duty to Present Records

R.S. 44:32 imposes a duty on the custodian of any public records and provides:

§32. Duty to permit examination; prevention of alteration; payment for overtime; copies provided; fees

A. The custodian shall present any public record to any person of the age of majority who so requests. The custodian shall make no inquiry of any person who applies for a public record, except an inquiry as to the age and identification of the person and may require the person to sign a register and shall not review, examine or scrutinize any copy, photograph, or memoranda in the possession of any such person; and shall extend to the person all reasonable comfort and facility for the full exercise of the right granted by this Chapter; provided that nothing herein contained shall prevent the custodian from maintaining such vigilance as is required to prevent alteration of any record while it is being examined; and provided further, that examinations of records under the authority of this Section must be conducted during regular office or working hours, unless the custodian shall authorize examination of records in other than regular office or working hours. In this event the persons designated to represent the custodian during such examination shall be entitled to reasonable compensation to be paid to them by the public body having custody of such record, out of funds provided in advance by the person examining such record in other than regular office or working hours.

B. If any record contains material which is not a public record, the custodian may separate the nonpublic record and make the public record available for examination.

C. (1) (a) For all public records, except public records of state agencies, it shall be the duty of the custodian of such public records to provide copies to persons so requesting. The custodian may establish and collect reasonable fees for making copies of public records. Copies of records may be furnished without charge or at a reduced charge to indigent citizens of this state.

(b) For all public records in the custody of a clerk of court, the clerk may also establish reasonable uniform written procedures for the mechanical reproduction of any such public record. Additionally, in the parish of Orleans, the recorder of mortgages, the register of conveyances, and the custodian of notarial records may each establish reasonable uniform procedures for the mechanical reproduction of public records in his custody.

(c) The use or placement of mechanical reproduction, microphotographic reproduction, or any other such imaging, reproduction, or photocopying equipment within the offices of the clerk of court by any person described in R.S. 44:31 is prohibited unless ordered by a court of competent jurisdiction.

(d) Any person, as provided for in R.S. 44:31, may request a copy or reproduction of any public record and it shall be the duty of the custodian to provide such copy or reproduction to the person so requesting.

(2) For all public records of state agencies, it shall be the duty of the custodian of such records to provide copies to persons so requesting. Fees for such copies shall be charged according to the uniform fee schedule adopted by the commissioner of administration, as provided by R.S. 39:241.

Copies shall be provided at fees according to the schedule, except for copies of public records the fees for the reproduction of which are otherwise fixed by law. Copies or records may be furnished without charge or at a reduced charge to indigent citizens of this state or the persons whose use of such copies, as determined by the custodian, will be limited to a public purpose, including but not limited to use in a hearing before any governmental regulatory commission.

(3) No fee shall be charged to any person to examine or review any public records, except as provided in this Section, and no fee shall be charged for examination or review to determine if a record is subject to disclosure, except as may be determined by a court of competent jurisdiction.

D. In any case in which a record is requested and a question is raised by the custodian of the record as to whether it is a public record, such custodian shall within three days, exclusive of Saturdays, Sundays, and legal public holidays, of the receipt of the request, in writing for such record, notify in writing the person making such request of his determination and the reasons therefor.

R.S. 44:33 relates to the availability of records maintained by the custodian and it further clarifies the duty of the custodian to permit public examination of the records. It provides:

§33. Availability of records

A. (1) When a request is made for a public record to which the public is entitled, the official, clerks of court and the custodian of notarial records in and for the parish of Orleans excepted, who has responsibility for the record shall have the record segregated from other records under his custody so that the public can reasonably view the record.

(2) If, however, segregating the record would be unreasonably burdensome or expensive, or if the record requested is maintained in a fashion that makes it readily identifiable and renders further segregation unnecessary, the official shall so state in writing and shall state the location of the requested record.

B. (1) If the public record applied for is immediately available, because of its not being in active use at the time of the application, the public record shall be immediately presented to the authorized person applying for it. If the public record applied for is not immediately available, because of its being in active use at the time of the application, the custodian shall promptly certify this in writing to the applicant, and in his certificate shall fix a day and hour within three days, exclusive of Saturdays, Sundays, and legal public holidays, for the exercise of the right granted by this Chapter.

(2) The fact that the public records are being audited shall in no case be construed as a reason or justification for a refusal to allow inspection of the records except when the public records are in active use by the auditor.

The Fourth Circuit Court of Appeal, in ***Association for Rights of Citizens, Inc. v. Parish of St. Bernard***,[149] summarized R.S. 44:32 and 33 as follows:

> *The custodian, however, has a statutory duty to provide access to public records, immediately, if the records are available, or, if they are unavailable, within three (3) business days of a request for access. If the records are not readily available, "the custodian shall promptly certify this in writing to the applicant." LSA-R.S. 44:33(B)(1). When a record has been requested and there is a question whether the record is public, the custodian must make a determination and notify the person requesting the record of its determination within three days [exclusive of Saturdays, Sundays, and legal public holidays].*[150]

R.S. 44:34 addresses the issue of a public record not being in the custody or control of the person to whom an application is made, and provides:

§34. Absence of records

If any public record applied for by any authorized person is not in the custody or control of the person to whom the application is made, such person shall

[149] 557 So.2d 714 (La. App. 4th Cir. 1990).
[150] LSA-R.S. 44:32(D). 557 So.2d at p. 716.

promptly certify this in writing to the applicant, and shall in the certificate state in detail to the best of his knowledge and belief, the reason for the absence of the record from his custody or control, its location, what person then has custody of the record and the manner and method in which, and the exact time at which it was taken from his custody or control. He shall include in the certificate ample and detailed answers to inquiries of the applicant which may facilitate the exercise of the right granted by this Chapter.

With respect to obtaining copies of court records utilizing privately owned copying equipment, C.C.P. art. 251 was amended in 1995 and 2005 to provide:

Art. 251. Custodian of court records; certified copies; records public

A. The clerk of court is the legal custodian of all of its records and is responsible for their safekeeping and preservation. He may issue a copy of any of these records, certified by him under the seal of the court to be a correct copy of the original. Except as otherwise provided by law, he shall permit any person to examine, copy, photograph, or make a memorandum of any of these records at any time during which the clerk's office is required by law to be open. However, notwithstanding the provisions of this Paragraph or R.S. 44:31, et seq., the use, placement, or installation of privately owned copying, reproducing, scanning, or any other such imaging equipment, whether hand-held, portable, fixed, or otherwise, within the offices of the clerk of court is prohibited unless ordered by a court of competent jurisdiction.

B. Notwithstanding the provisions of Paragraph A of this Article, a judge issuing a court order may certify a copy of that order for service of process, if the order is issued in an emergency situation and at a time when the clerk of court's office is not open. A determination of when an emergency situation exists shall be made by the judge issuing the order.

Enforcement of Right of Inspection of Public Records

Procedures to enforce the right of inspection of public records and the awards for prevailing in any such enforcement action are set forth in R.S. 44:35, which provides:

§35. Enforcement

A. Any person who has been denied the right to inspect or copy a record under the provisions of this Chapter, either by a final determination of the custodian or by the passage of five days, exclusive of Saturdays, Sundays, and legal public holidays, from the date of his request without receiving a final determination in writing by the custodian, may institute proceedings for the issuance of a writ of mandamus, injunctive or declaratory relief, together with attorney's fees, costs and damages as provided for by this Section, in the district court for the parish in which the office of the custodian is located.

B. In any suit filed under Subsection A above, the court has jurisdiction to enjoin the custodian from withholding records or to issue a writ of mandamus ordering the production of any records improperly withheld from the person seeking disclosure. The court shall determine the matter de novo and the

burden is on the custodian to sustain his action. The court may view the documents in controversy in camera before reaching a decision. Any noncompliance with the order of the court may be punished as contempt of court.

C. Any suit brought in any court of original jurisdiction to enforce the provisions of this Chapter shall be tried by preference and in a summary manner. Any appellate courts to which the suit is brought shall place it on its preferential docket and shall hear it without delay, rendering a decision as soon as practicable.

D. If a person seeking the right to inspect or to receive a copy of a public record prevails in such suit, he shall be awarded reasonable attorney's fees and other costs of litigation. If such person prevails in part, the court may in its discretion award him reasonable attorney's fees or an appropriate portion thereof.

E. (1) If the court finds that the custodian arbitrarily or capriciously withheld the requested record or unreasonably or arbitrarily failed to respond to the request as required by R.S. 44:32, it may award the requester any actual damages proven by him to have resulted from the actions of the custodian except as hereinafter provided. In addition, if the court finds that the custodian unreasonably or arbitrarily failed to respond to the request as required by R.S. 44:32 it may award the requester civil penalties not to exceed one hundred dollars per day, exclusive of Saturdays, Sundays, and legal public holidays for each such day of such failure to give notification.

(2) The custodian shall be personally liable for the payment of any such damages, and shall be liable in solido with the public body for the payment of the requester's attorney's fees and other costs of litigation, except where the custodian has withheld or denied production of the requested record or records on advice of the legal counsel representing the public body in which the office of such custodian is located, and in the event the custodian retains private legal counsel for his defense or for bringing suit against the requester in connection with the request for records, the court may award attorneys' fees to the custodian.

The custodian has the burden of proving that he lawfully withheld any information that is part of the requested public record.[151] The Public Records Act provision providing for personal liability for damages if the custodian arbitrarily denies a records request did not preclude an award of attorneys' fees against a sheriff who withheld the production of the requested documents on advice of legal counsel.[152] While attorneys' fees are generally mandatory, the granting of attorneys' fees in a mandamus proceeding brought pursuant to the Public Records Act was discretionary, rather than mandatory, where the information originally requested by the plaintiff from the Commissioner of Agriculture was different than that allowed by the judgment.[153] A newspaper,

[151] ***Elliot v. Taylor***, 614 So.2d 126 (La. App. 4th Cir. 1993).
[152] ***Ferguson v. Stephens***, 623 So.2d 711 (La. App. 4th Cir. 1993).
[153] ***T. L. James and Company, Inc. v. Odom***, 558 So.2d 1209 (La. App. 1st Cir. 1990).

which was only partially successful in an action for disclosure of records relating to the selection of a new fire chief, was not entitled to an award of attorneys' fees, where the defendants had acted out of a legitimate concern for the privacy interests of job applicants and could point to case law supporting their position and acted in good faith.[154]

Civil and Criminal Penalties for Denying Access to Records

As set forth in R.S. 44:35, a person prevailing in a suit to enforce the right to inspect public records shall be awarded reasonable attorneys' fees and other costs of litigation. Further, a court may award actual damages and also civil penalties as stated in R.S. 44:35(E).

While exceptional circumstances may warrant consideration of the custodian's good faith in determining whether to award attorneys' fees under the Public Records Act, that consideration must be the exception rather than the rule. Ordinarily, if the person seeking access to the public records prevails, that person shall be awarded reasonable attorneys' fees and other costs of litigation.[155] In *Hays v. Lundy*, the Second Circuit stated that the trial court did not abuse its discretion in not refusing to award attorneys' fees under the Public Records Act to a newspaper that only partially prevailed in seeking social security numbers and home addresses of university employees.[156] The court found that the university president, as custodian, had acted in good faith in attempting to protect the employees' rights to confidentiality, even if the social security numbers could not have been withheld as confidential. The Louisiana Supreme Court, in granting writs, cited 42 U.S.C. §405(c)(2)(C)(vii)(I)[157] as a basis for amending the judgment to delete the social security account numbers from the order to disclose.

R.S. 44:37 imposes criminal fines and imprisonment for violations of the Public Records Act as follows:

> **§37. Penalties for violation by custodians of records**
>
> *Any person having custody or control of a public record, who violates any of the provisions of this Chapter, or any person not having such custody or control who by any conspiracy, understanding or cooperation with any other person hinders or attempts to hinder the inspection of any public records declared by this Chapter to be subject to inspection, shall upon first conviction be fined not less than one hundred dollars, and not more than one thousand dollars, or shall be imprisoned for not less than one month, nor more than six months. Upon any subsequent conviction he shall be fined not less than two hundred fifty dollars, and not more than two thousand dollars, or imprisoned for not less than two months, nor more than six months, or both.*

---

[154] ***Gannett River States Publishers v. Hussey***, 557 So.2d 1154 (La. App. 2nd Cir. 1990), *writ denied*, 561 So.2d 103 (1990).

[155] R.S. 44:35. ***Ferguson v. Stephens***, 623 So.2d 711 (La. App. 4th Cir. 1993); ***Hays v. Lundy***, 616 So.2d 265 (La. App. 2nd Cir. 1993), *review granted and affirmed as amended,* 621 So.2d 616 (1993).

[156] 616 So.2d 265.

[157] 42 U.S.C. §405(c)(2)(C)(vii)(I) provides that "social security account numbers and related records that are obtained or maintained by authorized persons pursuant to any provision of law … shall be confidential, and no authorized persons shall disclose any such social security account number or related record."

Special Provisions

Louisiana law contains several special provisions relating to certain classes of documents which, by statute, are deemed public records and thus must be made available to the public for inspection, or are deemed confidential, and thus not subject to disclosure. Following are highlights of several of the more important provisions:

Records of Registrar of Voters

The registrars of voters in the various parishes are required by law to keep and maintain permanent records, including all original applications for registration, originals of all affidavits made pursuant to the Louisiana Election Code, originals of each report made by any person required to make a report to the registrar, and copies of each notice published prior to cancellation of any registration.[158]

The records that the registrars keep and maintain are deemed public records. These records shall be open to inspection during regular office hours. When twenty-five or more qualified voters of a parish request in writing that the registrar permit the copying of any part of his records, then he shall allow this to be done by hand or otherwise, unless such inspection or reproduction seriously interferes with the performance of the duties imposed on his office by law. In such a case, the registrar shall cause the reproduction of certified copies to be made by his employees and deliver them to the voters.[159]

R.S. 18:155 provides, in pertinent part:

§155. Refusal or neglect to grant right of inspection; remedies

A. If the registrar fails or refuses to comply with any provision of R.S. 18:154, the voter or voters may apply to the district court having jurisdiction for a peremptory order to the registrar to comply therewith. The rule shall be returnable within forty-eight hours, and the court shall hear the rule in summary manner and by preference, in term line or vacation, and shall decide it within twenty-four hours after submission.

B. If the court finds that the plaintiff is entitled to the relief sought, it shall enter its order requiring performance by the registrar and shall hold the registrar in contempt if he does not comply within three days after entry of the order.

Records of Election Officials

As stated in R.S. 18:403, election officials are statutorily charged to compile and maintain records dealing with the qualifications of individuals who are nominated to run for public office:

§403. Election records and papers; preservation; public record

Except as otherwise provided by law, every election official shall retain and preserve, for at least six months after the date of a primary or general election, all records and papers which come into his possession relating to the qualifying of candidates, the selection of commissioners, alternate commissioners, and watchers,

[158] R.S. 18:152.
[159] R.S. 18:154.

and the conduct or results of a primary or general election. These records and papers shall be public records open to inspection by anyone.

Further, the law provides that all nominating petitions filed with the Secretary of State shall be open to public inspection, and the Secretary of State shall preserve them in his office for at least one year.[160]

Records of Louisiana Lottery Corporation

R.S. 47:9006 provides that all records of the Louisiana Lottery Corporation are deemed public records and are subject to public inspection unless the record pertains to certain matters, as follows:

§9006. Records of corporation deemed open; exceptions

A. All records of the corporation [Louisiana Lottery Corporation] shall be deemed public records and subject to public inspection as provided by the provisions of R.S. 44:1, et seq., unless:

(1) The record relates to or was provided by a confidential source or informant and relates to lottery security, applicant, vendor, or retailer qualifications or conduct;

(2) The record involves a trade secret of the corporation or of a vendor; or

(3) The disclosure of the record would endanger the security of the lottery or its retailers.

B. Records pertaining to the security of lottery operations, whether current or proposed, the security director, and the security division of the corporation shall be deemed to be records containing security procedures, investigative techniques, or internal security information for purposes of R.S. 44:3(A)(3).

C. The exclusive venue for any action or matter regarding the records of the lottery corporation is the parish where the lottery corporation is domiciled, and the district court for that parish has exclusive jurisdiction thereof.

Records Relating to Minors

Louisiana has adopted a comprehensive body of laws dealing with minors. This law is compiled in what is known as the Children's Code. In the interest of protecting the privacy of juveniles who are involved in litigation, juvenile cases are docketed and handled separately from regular criminal and civil cases and juvenile case records are confidential and kept separately.[161]

With the exceptions of delinquency proceedings pursuant to Ch.C. art. 879, child support proceedings, and misdemeanor trials of adults pursuant to Ch.C. art. 1501, *et seq.*, proceedings before the juvenile court shall not be public. Ch.C. art. 407. Most juvenile records are sealed and thus, are not subject to public inspection. However, Ch.C. art. 412 provides in part:

Art. 412. Confidentiality of records; disclosure exceptions

[160] R.S. 18:1255.
[161] Ch.C. art. 404.

A. Records and reports concerning all matters or proceedings before the juvenile court, except traffic violations, are confidential and shall not be disclosed except as expressly authorized by this Code. Any person authorized to review or receive confidential information shall preserve its confidentiality in the absence of express authorization for sharing with others.

B. Nonidentifying information of a general nature, including statistics, is not confidential and may be released without a court order. By court order, an individual may be authorized to review confidential records and reports, including case file samples, for the purpose of collecting nonidentifying general information, including statistics. The court order shall specify the type of information authorized for review and bind the reviewer to preserving the confidentiality of any identifying information reviewed.

C. Records and reports in individual cases may be released to parties, their counsel or other legal representatives, and court-appointed special advocates (CASAs) in accordance with discovery and disclosure provisions of this Code.

D. When such information is relevant and necessary to the performance of their respective duties and enhances services to the child or his family, the court may authorize the release of records, reports, or certain information contained therein to appropriate individuals representing:

(1) Other courts and court-affiliated programs.

(2) The Department of Children and Family Services.

(3) The office of juvenile justice of the Department of Public Safety and Corrections.

(4) The Department of Health and Hospitals.

(5) The Department of Education or the local school in which the child is a student.

(6) The local district attorney's office.

(7) A multidisciplinary investigative child abuse team.

(8) A child advocacy center.

(9) A truancy and assessment center.

(10) Other child serving agencies or programs.

(11) The attorney general's office.

E. For good cause when the information is material and necessary to a specific investigation or proceeding, the court may order the release of individual records and reports, or certain information contained therein, to a petitioner, limited to the specific purpose for which the court authorizes release.

F. The court may release records and reports concerning any proceeding, except adoption, to an adult who, as a child, was the subject of the proceeding. For good cause, the court may also order release of records and reports to the

counsel or other appropriate legal representative of a child, still a minor, who was the subject of any proceedings, except adoption.

G. In accordance with Articles 811.1 and 811.3, the district attorney or court may release to the victim of a delinquent act constituting a crime of violence as defined in R.S. 14:2(B), or to the victim's legal representative or designated family member:

(1) The results of adjudication and disposition hearings.

(2) Notice of the taking into custody, release pursuant to Chapter 6 of Title VIII of this Code, release due to a rejection of charges by the district attorney, escape, or re-apprehension of the child accused of the crime of violence against the victim.

(3) Advance notice of court proceedings relating to the delinquent act.

(4) Certain information contained in the predisposition report to the court pursuant to Article 890, limited to those items described in Subparagraphs (A)(1) and (2) and (D) of that Article.

H. The district attorney, law enforcement agency, or court may release to the public the following identifying information concerning an alleged or adjudicated delinquent child, provided the child was at least fourteen years old at the commission of the delinquent act:

(1) The name, age, and delinquent act for which the child is being charged whenever, in accordance with Articles 813 or 820, the court has found probable cause that the child committed a crime of violence as defined by R.S. 14:2(B) or a second or subsequent felony-grade offense.

(2) The name, age, delinquent act, and disposition of a child who has been adjudicated delinquent for a crime of violence as defined by R.S. 14:2(B), for a second or subsequent felony-grade offense, or for the distribution or possession with the intent to distribute a controlled dangerous substance as defined in R.S. 40:961 et seq.

I. In order to assist in finding and taking into custody a child wanted for a felony-grade delinquent act involving an offense against the person or involving a dangerous weapon, law enforcement agencies may release to the public identifying information regarding the child if a court has issued an order for taking the child into custody pursuant to Article 813, or if probable cause that the child committed the alleged delinquent act has already been established pursuant to Article 820. Identifying information may include the child's name, age, alleged delinquent act, physical description, photograph, address, and, when appropriate, social security number and driver's license number.

J. Any violation of the confidentiality provisions of this Article shall be punishable as a constructive contempt of court pursuant to Article 1509(E).

K. Whenever a child escapes from a juvenile detention center, law enforcement agencies are hereby authorized to release to the public the child's name, age,

physical description, and photograph. This article and other Louisiana Children's Code articles contain several other disclosure exceptions. For a complete list, consult the Louisiana Children's Code.[162] *In certain limited circumstances, the law allows disclosure of reports and records dealing with juveniles.*

Information dealing with children who have been adjudged in need of care and treatment services provided by the public welfare and assistance programs are also protected from invasions of privacy. R.S. 46:1923(A) provides:

§1923. Restrictions on use of records

A. With respect to any child for whom care and treatment services are either directly or indirectly provided by the department pursuant to this Chapter to a child alleged or found to be delinquent or in need of supervision, it shall be unlawful, except for purposes directly connected with the administration of this Chapter or upon the consent of such child or the attorney for such child, or upon the specific order of the court pursuant to the provisions of Code of Criminal Procedure art. 875 and R.S. 13:1564 through R.S. 13:1724, both inclusive, for any individual agency, organization, or facility to knowingly solicit, disclose, receive, or make use of, or authorize, permit, participate in, or acquiesce in the use of any information in or derived from such child's legal, social, medical, or psychological records, or obtained, directly or indirectly, from the records, papers, files, or communication by or to the department of any individual, agency, organization, or facility utilized by the department for the provision of such care and treatment services for such child.

The law respecting information available on juveniles is explicit. Unless a situation falls under one of the exceptions, access to information will be restricted and unavailable for inspection.

Records of Hospital Service District Commission

R.S. 46:1073(C) provides that any marketing strategy and strategic plan of a hospital service district commission and the facility owned or operated by the district are deemed confidential, as follows:

§1073. Market strategies and strategic planning

C. Notwithstanding the provisions of R.S. 42:4.1, et seq. or any other law to the contrary, any marketing strategy and strategic plan of a hospital service district commission and the facility owned or operated by the district shall not be public record and shall be confidential but shall be subject to court subpoena.

[162] La. Ch.C. art. 811.1(G)(1) for example allows, but does not require, the release of the name of the juvenile crime victim when the crime resulted in the death of the victim.

Records of Subcommittee of Joint Legislative Committee on The Budget

R.S. 39:1535(D) provides that an abstract of the facts and principles of law upon which claims against the state or a state agency are based and other information submitted to the subcommittee are deemed public records, with certain exceptions, as follows:

§1535. Duties and responsibilities

D. (3) The subcommittee shall be presented with a concise abstract of the facts and principles of law upon which the claim is based. The abstract shall include a detailed analysis of the calculation of damages as well as the costs of court and interest thereon. The abstract and other information submitted to the subcommittee shall be public record, with the exception of material that reflects the mental impressions, conclusions, opinions, or theories of an attorney obtained or prepared in anticipation of litigation or in preparation for trial.

(4) The amount of the settlement and terms and conditions of the agreement shall be public record.

Records of Peer Review Committees

As stated in R.S. 13:3715.3(A)(2), all records and proceedings of certain peer review committees are deemed confidential and are not subject to public inspection:

§3715. Peer review committee records; confidentiality

A. Notwithstanding the provisions of R.S. 44:7(D) or any other law to the contrary, all records, notes, data, studies, analyses, exhibits, and proceedings of:

(2) Any hospital committee, the peer review committees of any medical organization, dental association, professional nursing association, nursing home association, social workers association, group medical practice of twenty or more physicians, nursing home, ambulatory surgical center licensed pursuant to R.S. 40:2131, et seq., ambulance service company, health maintenance organization, any nationally recognized improvement agency or commission, including but not limited to the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or any committee or agency thereof, or any healthcare licensure agency of the Louisiana Department of Health and Hospitals, or healthcare provider as defined in R.S. 40:1299.41(A)(1), or extended care facility committee, including but not limited to the credentials committee, the medical staff executive committee, the risk management committee, or the quality assurance committee, any committee determining a root cause analysis of a sentinel event, established by the peer review committees of a medical organization, dental organization, group medical practice of twenty or more physicians, social workers association, ambulatory surgical center licensed pursuant to R.S. 40:2131, et seq., ambulance service company, health maintenance organization, or healthcare provider as defined in

R.S. 40:1299.41(A)(1), or private hospital licensed under the provisions of R.S. 40:2100, et seq., shall be confidential wherever located and shall be used by such committee and the members thereof only in the exercise of the proper functions of the committee and shall not be available for discovery or court subpoena regardless of where located, except in any proceedings affecting the hospital staff privileges of a physician, dentist, psychologist, or podiatrist, the records forming the basis of any decision adverse to the physician, dentist, psychologist, or podiatrist may be obtained by the physician, dentist, psychologist, or podiatrist only. However, no original record or document, which is otherwise discoverable, prepared by any person, other than a member of the peer review committee or the staff of the peer review committee, may be held confidential solely because it is the only copy and is in the possession of a peer review committee.

Records Submitted to Department of Environment Quality

As stated in R.S. 30:2074(D), certain information in documents submitted to the Department of Environmental Quality, pursuant to the Louisiana Water Control Law, shall be available to the public unless certain criteria are met:

§2074. Office of the secretary of environmental quality; powers and duties

D. (1) Any information submitted to the Department of Environmental Quality, pursuant to the Louisiana Water Control Law or regulations promulgated under its authority, may be claimed as confidential in accordance with R.S. 30:2030 by the person submitting the information, except information which falls within any category listed in Paragraph (7) of this Subsection.

(2) Any such claim must be asserted at the time of submission in the manner prescribed by the application form or instructions or, in the case of other submissions, in accordance with the following:

(a) By stamping the word "CONFIDENTIAL" on each page containing such information.

(b) By submitting a written request for nondisclosure which shall specify the basis for requesting nondisclosure as provided in R.S. 30:2030.

(3) All materials clearly labeled "CONFIDENTIAL" which are submitted to the department with a written request for nondisclosure shall be afforded confidentiality pending a determination whether to grant the request. The determination shall be made within twenty-one working days from the date the request is received by the department.

(4) Confidentiality will not be afforded to any materials submitted which fall within any category of information listed in Paragraph (7) of this Subsection.

(5) If no claim is made at the time of submission, the department may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures specified above.

(6) If the secretary determines that any material received should not be afforded confidentiality, he shall issue a written denial of the request for nondisclosure to the requestor. No written denial of the request is necessary when the material submitted as confidential falls within any category of information listed in Paragraph (7) of this Subsection.

(7) No claim of confidentiality will be accepted and all claims of confidentiality will be denied for the following categories of information for all NPDES, LPDES, or other water discharge permit applicants or permittees:

(a) Name.

(b) Address.

(c) Effluent or discharge data.

(d) Contents of permit applications.

(e) All information required by the permit application whether accompanying it, attached to it, or submitted separately.

(f) Permits.

(8) All information obtained under the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., or by regulations issued under its authority, or by any order, license, or permit term or condition adopted or issued by the Act, shall be available to the public, unless nondisclosure is requested and granted in accordance with R.S. 30:2030. No information listed in said Paragraph (7) may be claimed or determined to be confidential.

(9) Any employee of the department or any former employee of the department or any authorized contractor acting as a representative of the secretary of the department who is convicted of intentional disclosure or conspiracy to disclose trade secrets or other information which has been determined to be confidential pursuant to this Subsection is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars, imprisonment for up to one year, or both.

Motor Vehicle Accident Reports

Although motor vehicle accident reports and the information contained in the reports are deemed confidential and exempt from the Public Records Act, R.S. 32:398 provides that the accident reports and the information contained therein shall be made available, within seven working days following the completion of the accident investigation, to a "news-gathering organization that requests documents related to the accident," as follows:

§398. Accident reports; when and to whom made; information aid; fees for copies; fees for accident photographs

F. The state police, any local police department, or any sheriff's office shall provide copies of crash reports to any interested person upon request and may charge a fee, not to exceed the sum of five dollars per report that does not exceed two pages, and seven dollars and fifty cents per report that exceeds two pages.

G. The state police, any local police department, or any sheriff's office shall provide copies of photographs of accidents or other photographs required of the investigating agency, video tapes, audio tapes, and any extraordinary-sized documents, or documents stored on electronic media, to any interested person upon request and may charge a reasonable fee for such copies.

* * *

K. (1) (a) The reports required by this Section, and the information contained in the reports, shall be confidential, shall be exempt from the provisions of R.S. 44:1, et seq., and shall be made available only to the parties to the accident, parents or guardians of a minor who is a party to the accident, and insurers of any party which is the subject of the report, or to the succession representatives of those parties, or to the attorneys of the parties or succession representatives, or to a news-gathering organization that requests documents related to the accident. Upon request, accident reports shall be made available to the above-enumerated persons within seven working days following the completion of the accident investigation. For the purposes of this Subsection: "news-gathering organization" means any of the following:

(i) A newspaper, or news publication, printed or electronic, of current news intelligence of varied, broad, and general public interest, having been published for a minimum of one year and that can provide documentation of membership in a statewide or national press association, as represented by an employee thereof who can provide documentation of his employment with the newspaper, wire service, or news publication.

(ii) A radio broadcast station, television broadcast station, cable television, operator, or wire service as represented by an employee thereof who can provide documentation of his employment.

(b) In Orleans Parish, the local police department may charge a reasonable fee, not to exceed the sum of twenty dollars, to provide copies of accident reports. State departments and agencies shall not be required to pay such fees.

(2) All persons and their agents are prohibited from screening accident reports if the person or his agent does not represent any of the persons involved in a particular accident, the report for which could reasonably be expected to be available. However, this limitation shall not prevent any person from requesting particular reports regardless of whether the person represents any party in the accident.

(3) The information in the reports may be tabulated and included in the statistical information published under the provisions of Subsection J of this Section.

(4) Nothing in this Section shall prohibit the sale of police accident reports or other driving record information to consumers of on-line driving records under written contract for purchase of records with the Department of Public Safety and Corrections.

(5) The information in the reports may be used by the office of motor vehicles for the purpose of maintaining operating records.

Autopsy Reports

Autopsy reports prepared by a coroner are deemed to be public records. However, R.S. 13:5713, 13:5714, and 44:19 set forth the circumstances under which they can be made available for public inspection or copying.

§1563. Duty to hold autopsies, investigations, etc.

A. The coroner shall either view the body or make an investigation into the cause and manner of death in all cases involving the following:

(1) Suspicious, unexpected, or unusual deaths.

(2) Sudden or violent deaths.

(3) Deaths due to unknown or obscure causes or in any unusual manner.

(4) Bodies found dead.

(5) Deaths due to suspected suicide or homicide.

(6) Deaths in which poison is suspected.

(7) Any death from natural causes occurring in a hospital under twenty-four hours of admission.

(8) Deaths following an injury or accident either old or recent.

(9) Deaths due to drowning, hanging, burns, electrocution, gunshot wounds, stabs or cutting, lightning, starvation, radiation, exposure, alcoholism, addiction, tetanus, strangulation, suffocation, or smothering.

(10) Deaths due to trauma from whatever cause.

(11) Deaths due to criminal means or by casualty.

(12) Deaths in prison or while serving a sentence.

(13) Deaths due to virulent contagious disease that might be caused by or cause a public hazard, including acquired immune deficiency syndrome.

B. (1) The coroner may perform or cause to be performed by a competent physician an autopsy in any case in his discretion. The coroner shall perform or cause to be performed by a competent physician an autopsy in the case of any death where there is a reasonable probability that the violation of a criminal statute has contributed to the death.

(2) The coroner or the district attorney may order the disinterment of any dead body within his jurisdiction under the direction or supervision of the person ordering the disinterment or his designee, and may authorize the removal of such dead body to a place designated by the person ordering the disinterment for the purpose of examination and autopsy and, when such is completed, order the reinterment of the body.

(3) The coroner may hold any dead body for any length of time that he deems necessary. However, the coroner shall expedite any investigation at the scene of an accident involving a fatality so as not to unduly delay the removal of the dead body from the accident scene. However, if a bodily substance sample for a toxicology screen is extracted at the accident scene, the extraction procedure shall be performed outside of public view.

(4) (a) He may remove and retain for testing or examination any specimens, organs, or other portion of the remains of the deceased that he may deem necessary or advisable as possible evidence before a grand jury or court, subject to the limitation set forth in R.S. 32:661(A)(2).

(b) The coroner may also remove and retain any specimens or organs of the deceased which in his discretion are necessary or desirable for anatomical, bacteriological, chemical, or toxicological examination, subject to the limitation set forth in R.S. 32:661(A)(2).

C. (1) (a) The coroner shall perform or cause to be performed by a competent physician an autopsy in all cases of infants under the age of one year who die unexpectedly without explanation.

(b) The autopsy shall include microscopic and toxicology studies.

(c) The coroner shall furnish a death certificate based upon his autopsy with his statement, to the best of his knowledge, of the cause and means of death.

(2) If the coroner finds that the cause of death was Sudden Infant Death Syndrome, he shall notify the director of the parish health unit within forty-eight hours after such determination.

(3) In preparing the certificate of death, the coroner may not, in lieu of an autopsy, rely on statements of relatives, persons in attendance during

the last sickness, persons present at the time of death, or other persons having adequate knowledge of the facts, even if such data may be permitted in other cases in this Section.

(4) The coroner shall not perform an autopsy if the parents of the infant provide to the coroner their objection in writing, unless the coroner finds that the facts surrounding the death require that an autopsy be performed in the interest of the public safety, public health, or public welfare.

D. If the family of the deceased objects to an autopsy on religious grounds, the autopsy shall not be performed unless the coroner finds that the facts surrounding the death require that an autopsy be performed in the interest of the public safety, public health, or public welfare. In such cases the coroner shall provide the family his written reasons for the necessity of the autopsy.

E. (1) The coroner shall furnish a death certificate based on his examination, investigation, or autopsy, and he shall state as best he can the cause and means of death.

(2) If it appears that death was due to accident, suicide, or homicide, he shall so state.

(3) The cause of death, and the manner or mode in which the death occurred, as incorporated in the death certificate as provided in the Vital Statistics Laws, R.S. 40:32 et seq., filed with the division of vital records of the Department of Health and Hospitals, shall be the legally accepted cause of death, unless the court of the parish in which the death occurred, after a hearing, directs otherwise.

(4) In the case of a death without medical attendance, if there is no reason to suspect the death was due to violence, casualty, or undue means, the coroner may make the certificate of death from the statement of relatives, persons in attendance during the last sickness, persons present at the time of death, or other persons having adequate knowledge of the facts.

F. The coroner or his designee shall examine all alleged victims of rape, carnal knowledge, sexual battery, and crime against nature when such cases are under police investigation.

G. (1) Notwithstanding any provision of law to the contrary, when the coroner is required to furnish information for the issuance of a death certificate by the office of vital statistics, the coroner shall do so within ten working days after the receipt of all test and investigation results or information associated with the investigation into the cause and manner of death.

(2) If the coroner is unable to furnish the information required pursuant to Paragraph (1) of this Subsection within ten days after taking charge of the case, upon request, the coroner shall issue a written statement attesting to the fact of death, which shall constitute proof of death for

all purposes, including but not limited to, any claim under any policy of insurance issued on the life of the deceased individual.

H. In deaths investigated by the coroner where he is not able to establish the identity of the dead body by visual means, fingerprints, or other identifying data, the coroner shall have a qualified dentist or forensic anthropologist or forensic pathologist carry out a dental examination of the dead body. If the coroner, with the aid of the dental examination, is still not able to establish the identity of the dead body, the coroner shall prepare and forward the dental examination and other identifying records to state and local law enforcement agencies. When the dead body may be that of an individual under the age of eighteen years, the coroner shall send this information to the Missing and Exploited Children Information Clearinghouse within the Department of Public Safety and Corrections, office of state police.

I. The coroner shall furnish a copy of his final report or autopsy report, or both, upon written request, to the last attending physician of the deceased or to the designated family physician of the deceased, provided that the family of the deceased has given written authorization to the coroner or to the requesting physician for the release of such report.

J. Autopsy reports prepared by the coroner or his designee are public records. The coroner shall provide one copy of the autopsy report upon request by the next of kin at no charge to the next of kin. The coroner shall provide copies of the autopsy report at no charge to the appropriate law enforcement agencies as requested. The public records fee for any other copy of an autopsy report shall be the same as that charged by the registrar of vital records for the state for a death certificate.

K. (1) For the purposes of this Section, an autopsy report is the work product of the coroner or his designee. When a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying the autopsy report which shall contain the following:

(a) Name, age, sex, race, and address of the deceased.

(b) Date and reported time of death.

(c) Physical location, including address if available, where the deceased was found.

(d) Date, time, and place of autopsy, and the name of the doctor performing the autopsy and the names of all persons present at the autopsy.

(e) Information regarding the autopsy, including whether the autopsy was requested or performed by operation of law, a listing of the physical findings of the autopsy, a summary in narrative form of the medical findings and conclusions, the cause of death, the manner and mechanism of death, and the classification of

death as homicide, accidental, suicide, undetermined, or under investigation.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, in a non-coroner case, no autopsy report shall be made available for public inspection or copying if the classification of death is that of natural causes except upon request by the next of kin or upon request in compliance with R.S. 13:3715.1.

(3) Notwithstanding the provisions of Paragraph (1) of this Subsection and notwithstanding the provisions of R.S. 13:5714(C), no autopsy report pertaining to criminal litigation as defined in and in accordance with R.S. 44:3(A) shall be required to be made available for public inspection or copying except as otherwise provided by law.

L. (1) Liability shall not be imposed on an elected coroner or his support staff based upon the exercise or performance or the failure to exercise or perform their policymaking or discretionary acts when such acts are within the course and scope of their lawful powers and duties.

(2) The provisions of Paragraph (1) of this Subsection are not applicable to any of the following:

(a) To acts or omissions which are not reasonably related to the legitimate governmental objective for which the policymaking or discretionary power exists; or

(b) To acts or omissions which constitute criminal, fraudulent, malicious, intentional, willful, outrageous, reckless, or flagrant misconduct.

(3) The legislature finds and states that the purpose of this Subsection is not to reestablish any immunity based on the status of sovereignty but rather to clarify the substantive content and parameters of application of such legislatively created codal articles and laws and also to assist in the implementation of Article II of the Constitution of Louisiana.

* * *

§5714. Notification of next of kin

A. The coroner or his designee shall make every reasonable effort to notify the next of kin in all cases of deaths for which he has jurisdiction including but not limited to deaths enumerated in R.S. 33:5713(A).

B. In all other cases, including cases where a person dies of natural causes, the following persons or their designees shall make every reasonable effort to notify the next of kin within forty-eight hours of discovery of the death:

(1) The administrator of the hospital in which the person dies.

(2) The administrator or executive director of the nursing home or other facility in which the person dies.

(3) The chief of police or other chief officer of a local law enforcement agency which discovers the body of the deceased.

C. The coroner or his designee shall release to the news media or any family member the reported name, age, preliminary diagnosis, and status of death, whether unclassified or classified, pending final autopsy or investigation results concerning a death under investigation. However, nothing in this Subsection shall authorize the release of the information set forth herein prior to notification of the next of kin to the deceased unless no next of kin can be determined or, despite reasonable efforts by the coroner's office, no next of kin can be located. This Subsection shall not require the release of information in non-coroner cases or in cases pertaining to criminal litigation in contravention of the provisions of R.S. 33:5713(J).

* * *

§19. Records of a coroner; autopsy photographs, video, and other visual images

A. (1) Notwithstanding any provision of this Chapter to the contrary, any medical record or personal medical history of a deceased person in the custody of a coroner shall be confidential and shall not be subject to examination, inspection, or copying pursuant to R.S. 44:31, 32, or 33.

(2) For purposes of this Subsection, the phrase "medical record or personal medical history of a deceased person" shall mean information regarding the physical, mental, or behavioral health or condition of a deceased person prior to death.

(3) The provisions of Paragraph (1) of this Subsection shall not apply to a death certificate, final report of a coroner, or autopsy report.

B. Notwithstanding any provision of this Chapter to the contrary, photographs, video, or other visual images, in whatever form, of or relating to an autopsy conducted under the authority of the office of the coroner shall be confidential, are deemed not to be "public records," and shall not be released by the office of the coroner or any officer, employee, or agent thereof except as otherwise provided in this Section.

C. Nothing in this Section shall prevent the release of information in the custody of a coroner, including autopsy photographs, video, or other visual images, in whatever form, of or relating to autopsy conducted under the authority of the office of the coroner as follows:

(1) To a family member of the deceased, or his designee;

(2) To the succession representative of the deceased's estate, or his designee;

(3) To a law enforcement agency, for official use only;

(4) To a qualified dentist, forensic anthropologist, or forensic pathologist as necessary to establish the identity of the deceased;

(5) As directed by a court order of subpoena.

D. Nothing in this Section shall prevent the inspection of photographs, video, or other visual images, in whatever form, of or relating to an autopsy.

Recall Petitions

Any public officer, excepting judges of the courts of record, may be recalled. R.S. 18:1300.5 provides that the recall petition shall be a public record, as follows:

§1300.5. Chairman and vice chairman designated in petition; petition designated as a public record

B. Upon the signature of the first elector, the recall petition, including the name, address, and signature of each elector who has signed thereon, shall be a public record. The chairman, or the vice chairman when acting as the chairman, shall be the custodian thereof. The petition and the custodian shall be subject to all of the provisions of R.S. 44:31, et seq.

911 Emergency Call Tapes

The governing authority of any parish is authorized under R.S. 33:9101 to create communications districts, which are political subdivisions of the state, to carry out the stated purposes of the E-911 system. Because communications districts are political subdivisions of the state, 911 data, including the taped telephone calls, are subject to the Public Records law.[163] Therefore, 911 information must be released unless it is specifically exempt under the Public Records law. However, the Louisiana First Circuit Court of Appeal has disagreed with the Attorney General's Opinions on the subject and found that 911 communications may be protected from disclosure due to general medical confidentiality and federal HIPAA regulations.[164]

Gaming Professional Services Report

Gaming Licensees and casino gaming operators are required to submit to the Louisiana Gaming Control Board a report naming everyone that furnishes professional services, including advertising services, to the license holder or casino gaming operator, which report is statutorily recognized as a public record in R.S. 27:21.1, which provides, in part:

§27:21.1. Quarterly reporting of professional services information

A. Each holder of a license as defined in R.S. 27:44(14) and 353(5), and the casino gaming operator shall submit to the board a report naming each individual, corporation, firm, partnership, association, or other legal entity that furnishes professional services to the license holder or the casino gaming operator.

B. As used in this Section, professional services means those services rendered in the state of Louisiana and shall include but are not limited to:

(1) Legal services.

[163] **Ops. Atty. Gen.,** Nos. 92-209 and 90-576.
[164] ***Hill v. East Baton Rouge Depart. of EMS***, 925 So.2d 17 (La. App. 1st Cir. 2005).

(2) Advertising or public relations services.

(3) Engineering services.

(4) Architectural, landscaping, or surveying services.

(5) Accounting, auditing, or actuarial services.

C. The report required by the provisions of this Section shall be submitted to the board on a quarterly basis. The report shall be forwarded to the board by certified mail no later than twenty days after the end of each quarter.

D. The report required by the provisions of this Section shall be a public record and governed by the provisions of R.S. 44:1, et seq.

E. The report required by the provisions of this Section shall contain the name and address of each individual, corporation, firm, partnership, association, or other legal entity that furnishes professional services to each holder of a license as defined in R.S. 27:44(14) and 353(5), and the casino gaming operator.

F. The report required by the provisions of this Section shall not be required to contain the amount of compensation paid to each individual, corporation, firm, partnership, association, or other legal entity in exchange for furnishing professional services to each holder of a license as defined in R.S. 27:44(14) and 353(5), and the casino gaming operator.

PROTECTION OF NEWS SOURCES

The statutory right of a reporter[165] to refuse to disclose the identity of any informant or any source of information is granted by R.S. 45:1452, which provides:

§1452. Conditional privilege from compulsory disclosure of informant or source

Except as hereinafter provided, no reporter shall be compelled to disclose in any administrative, judicial or legislative proceedings or anywhere else the identity of any informant or any source of information obtained by him from another person while acting as a reporter.

However, this right or privilege is conditional and can be revoked under certain circumstances. R.S. 45:1453 provides:

§1453. Revocation of privilege; procedure

In any case where the reporter claims the privilege conferred by this Part, the persons or parties seeking the information may apply to the district court of the

[165] "Reporter" is defined in R.S. 45:1451 as "…any person regularly engaged in the business of collecting, writing or editing news for publication through a news media. The term reporter shall also include all persons who were previously connected with any news media as aforesaid as to the information obtained while so connected."

The owner/publisher of a weekly newspaper and editor for the letters-to-the-editor was a "reporter" within the meaning of R.S. 45:1451 defining "reporter," even though he testified that he was not acting as a "reporter" in looking over and editing the subject letter. ***Becnel v. Lucia***, 420 So.2d 1173 (La. App. 5th Cir. 1982).

parish in which the reporter resides for an order to revoke the privilege. In the event the reporter does not reside within the state, the application shall be made to the district court of the parish where the hearing, action or proceeding in which the information is sought is pending. The application for such an order shall set forth in writing the reason why the disclosure is essential to the protection of the public interest and service of such application shall be made upon the reporter. The order shall be granted only when the court, after hearing the parties, shall find that the disclosure is essential to the public interest. Any such order shall be appealable under Article 2083 of the Louisiana Code of Civil Procedure. In case of any such appeal, the privilege set forth in R.S. 45:1452 shall remain in full force and effect during pendency of such appeal.

In an action challenging the dismissal of a civil service police officer, the disclosure sought from the newspaper reporter as to whether the chairman of the civil service board had informed the reporter prior to the hearing as to the probable outcome of the hearing on plaintiff's case related to the source of information and identity of informant, and not merely to the information itself, and thus, in absence of a showing that the disclosure of the identity and the source was essential to the protection of public policy, the plaintiff was not entitled to revocation of the reporter's conditional privilege from compulsory disclosure of the informant and source.[166]

In Re Michael Burns, involved a challenge to the scope of the reporter's privilege.[167] Michael Burns, a reporter for the Alexandria Daily Town Talk, was held in contempt of court and imprisoned for his refusal to answer questions about the source of his information for an article which related the existence and details of a confession by a murder defendant. The defendant invoked a hearing, under R.S. 45:1453, for the purpose of revoking the reporter's privilege and to compel the reporter to answer the question of whether his source for the story, listed in the article as a "courthouse source," was an individual employed by the clerk of court. Burns asserted the reporter's privilege and refused to answer. The judge found him in contempt of court and ordered him imprisoned.

The Louisiana Supreme Court held that the reporter's privilege includes within its protective scope not only the actual name of a confidential source of information, but any disclosure of information, such as place of employment, that would tend to identify him. The Court reasoned that otherwise, through a series of indirect questions, the identity of the informant could be obtained without the need to ask for the informant's name directly, resulting in subversion of the reporter's privilege.

Similarly, in ***In Re Grand Jury Proceedings (Ridenhour)***, the Louisiana Supreme Court held that, unless a reporter has witnessed criminal activity or has physical evidence of a crime, a reporter can assert a qualified privilege in refusing to answer questions before a grand jury.[168] However, the party seeking information must then show that disclosure is necessary to the public interest. Once such a showing has been made, the trial judge should balance the public interest in having all relevant testimony with the possible chilling effect that disclosure will have on the constitutional guarantee of freedom of the press.

---

[166] ***Dumez v. Houma Municipal Fire and Police Civil Service Board***, 341 So.2d 1206 (La. App. 1st Cir. 1976), *writ denied,* 344 So.2d 667 (1977).
[167] 484 So.2d 658 (1986).
[168] 520 So.2d 372 (1988).

The superintendent of the school system, who requested that he be supplied with the name of the author of the letter concerning him that was published in the letters-to-the-editor section of a weekly newspaper, failed to show that the public interest would be harmed by withholding the information sought, and therefore, the conditional privilege invoked by the owner/publisher would not be revoked, where superintendent, by his own words, sought to serve his own interests, not that of the public.[169]

The author of the letters-to-the-editor published in a weekly newspaper was a "source of information" under R.S. 45:1452.[170]

The reporter's privilege, when asserted in a suit for damages for defamation, along with a legal defense of good faith, does not relieve the reporter from the burden of proof to sustain his defense. R.S. 45:1454 provides:

§1454. Defamation; burden of proof

If the privilege granted herein is claimed and if, in a suit for damages for defamation, a legal defense of good faith has been asserted by a reporter or by a news media with respect to an issue upon which the reporter alleges to have obtained information from a confidential source, the burden of proof shall be on the reporter or news media to sustain this defense.

Subpoenas Served on News Media Organization or on Reporter

With respect to subpoenas served on a news media organization or reporter, Louisiana law specifically provides at R.S. 45:1455, *et seq*., the following:

§1455. Substitution of affidavit for appearance and return; effect

A. When a subpoena is served on a news media organization or reporter as those terms are defined in R.S. 45:1451 or on any custodian of records, photographer, or other representative of a news media organization, in any judicial or administrative proceeding to which neither the news media organization nor any reporter, custodian of records, photographer, or other representative is a party, or in any legislative proceeding, it shall not be necessary for the news media organization, the reporter, the custodian of records, the photographer, or the representative thus subpoenaed to appear or to testify in response to the subpoena: (1) to confirm the circulation or the broadcast audience of the news media organization, or (2) to confirm the publication or broadcast of specified materials, if the reporter, custodian of records, photographer, or other representative of the news media organization delivers by registered mail or by hand, before or at the time specified in the subpoena, an affidavit in conformity with Subsection B of this Section together with any documents or records described in the subpoena to the clerk of the court or other tribunal, or, if there is no clerk, then to the court or other tribunal, or, with respect to a deposition subpoena, to the party requesting the issuance of the subpoena.

[169] ***Becnel v. Lucia***, 420 So.2d 1173 (La. App. 5th Cir. 1982).
[170] ***Id.***

B. An affidavit delivered pursuant to Subsection A of this Section shall state in substance each of the following:

(1) The name of the proceeding and any docket number assigned to such proceeding as shown on the subpoena itself.

(2) The name of the affiant and his business title or other description indicating his position or relationship to the party to whom the subpoena was issued if he is not the person to whom it was directed.

(3) The dates of publication or broadcast records searched and the dates of publication or broadcast of the documents or records actually produced.

(4) A statement that the documents or records produced were published or broadcast by the news media organization.

(5) If requested, a statement summarizing the circulation or broadcast audience of the news media organization.

(6) If requested, a statement describing the placement of an article within a publication.

(7) An itemization of the costs of complying with the subpoena.

C. An affidavit conforming to the requirements of Subsection B of this Section shall be received in evidence and shall be prima facie proof of its contents. A copy of any document, or the text thereof, or of any record, including, without limitation, any article, photograph, or sound or video recording, identified in the affidavit and stated in the affidavit to have been published or broadcast shall be received in evidence and shall be prima facie proof of publication or broadcast as stated in the affidavit.

D. This Section shall not affect the rights of parties to production of documents pursuant to the laws governing discovery or other laws pertaining thereto.

§1456. Service of subpoenas; motion to quash or obtain additional time; award of costs

A. Unless otherwise ordered by the court, upon a showing of good cause therefor, a subpoena issued to any news media organization, reporter, custodian of records, photographer, or other representative of any news media organization, which is governed by R.S. 45:1455 through 1458, shall be served at least ten days prior to the return date specified in the subpoena.

B. Nothing contained herein shall be construed to preclude or limit the right of the news media organization, reporter, photographer, custodian of records, or other representative of any news media organization to seek an order with respect to a subpoena pursuant to Article 1354 or Article 1426 of the Code of Civil Procedure including, without limitation, an order continuing the return date specified in the subpoena or quashing the subpoena on the ground that additional time is reasonably necessary for compliance with the subpoena.

C. In a proceeding to quash any subpoena governed by R.S. 45:1455 through 1458, the court may, after contradictory hearing, grant reasonable attorney fees and expenses to the prevailing party in the contradictory hearing.

§1457. Payment of cost of compliance; deposit into registry of court

A. Upon receipt of a subpoena governed by R.S. 45:1455 through 1458, the news media organization, reporter, custodian of records, photographer, or other representative of any news media organization shall notify the party requesting the issuance of the subpoena of the reasonable cost of compliance with the subpoena and the method of calculating the cost.

B. Upon receipt of notification of the cost of compliance as provided in Subsection A of this Section, the party requesting the issuance of the subpoena shall deposit into the registry of the court money or other security in the amount of such cost not less than two days prior to the return date specified in the subpoena. If this amount is not timely deposited, the subpoenaed party may file an affidavit with the court or tribunal setting forth that fact and no further compliance with the subpoena shall be necessary.

C. The cost of compliance calculated by the subpoenaed party shall be presumed to be reasonable unless the party requesting issuance of the subpoena requests a hearing, and the court finds, after such hearing, that the cost of compliance calculated by the subpoenaed party is not reasonable, in which case the court shall make an adjustment of the amount deposited into the registry of the court. The court may, after contradictory hearing, grant reasonable attorney fees and expenses to the prevailing party in that contradictory hearing.

D. Any amount deposited into the registry of the court pursuant to this Section shall be taxed as court costs pursuant to the rules governing the proceeding.

§1458. Application to other proceedings and discovery

The provisions of R.S. 45:1455 through 1458 shall apply to subpoenas issued in connection with all legislative hearings, administrative proceedings, grand jury hearings and proceedings conducted under Article 66 of the Code of Criminal Procedure. The provisions of this Chapter shall also govern all subpoenas issued in connection with depositions or other discovery authorized by law.

§1459. Qualified protection for nonconfidential news

A. "News" shall mean any written, oral, pictorial, photographic, electronic, or other information or communication, whether or not recorded, concerning local, national, or worldwide events or other matters of public concern or public interest or affecting the public welfare.

B. (1) Notwithstanding the provisions of any law to the contrary, no reporter or news media organization, as those terms are defined in R.S. 45:1451, nor any photographer, custodian of records, or other representative of any news media organization shall be adjudged in contempt by any court in connection with any civil or criminal proceeding, or by the

legislature or other body having contempt powers, nor shall a grand jury seek to have such person held in contempt by any court, legislature, or other body having contempt powers for refusing or failing to disclose any news which was not published or broadcast but was obtained or prepared by such person in the course of gathering or obtaining news, or the source of any such news, even if such news was not obtained or received in confidence, unless a court has found that the party seeking such news has made a clear and specific showing that the news:

(a) Is highly material and relevant;

(b) Is critical or necessary to the maintenance of a party's claim, defense, or proof of an issue material thereto; and

(c) Is not obtainable from any alternative source.

(2) A court shall order disclosure only of such portion, or portions, of the news sought as to which the above-described showing has been made and shall support such order with clear and specific findings made after a contradictory hearing.

(3) In any proceeding brought pursuant to this Subsection, the court may, after a contradictory hearing, grant reasonable attorney fees and expenses to the prevailing party in such hearing.

C. Notwithstanding the provisions of any law to the contrary, a person entitled to claim the qualified protection provided under the provisions of Subsection B of this Section to whom a subpoena is directed may, within ten days after the service thereof, or, on or before the time specified in the subpoena for compliance, if such time is less than ten days after service, serve upon the attorney designated in the subpoena written objection specifying the grounds for his objection. Once objection is made, the party serving the subpoena shall not be entitled to compliance except pursuant to an order of the court from which the subpoena was issued. The party serving the subpoena may, if objection has been made, move upon notice to the person who served the objection for an order compelling compliance with such subpoena after a hearing in conformity with the provisions of Subsection B of this Section and based upon the findings required therein.

D. (1) In addition to the provisions of Subsection B and C of this Section, and notwithstanding the provisions of any law to the contrary, no grand jury, or official body, acting on behalf or under the authority of the attorney general or a district attorney, shall request, make arrangement for, or otherwise cause the service of a subpoena upon any person entitled to claim the exemption provided under Subsection B of this Section unless the attorney general or a district attorney, acting either alone or upon the direction of a grand jury, has certified in writing that the information sought by such subpoena:

(a) Is highly material and relevant;

(b) Bears directly on the guilt or innocence of the accused; and

(c) Is not obtainable from any alternative source.

(2) The written certification shall be made available to the subpoenaed person upon that person's request. If the certification required by this subsection is made, the provisions of subsection c (sic) of this section shall not apply.

E. Any order ordering disclosure pursuant to Subsection C of this Section or compelling compliance with a subpoena pursuant to Subsection D of this Section shall be appealable under Code of Civil Procedure Article 2083. In case of any such appeal, the qualified protection set forth in Subsection B of this Section shall remain in full force and effect during the pendency of such appeal.

MEDIA COVERAGE OF COURT PROCEEDINGS

Media coverage of court proceedings involving the use of electronic or photographic means has risen to an all time high. A primary example of this was the 1994 nationally televised "O. J. Simpson hearings." In Louisiana, the Code of Judicial Conduct,[171] Canon 3 and its Appendix, prescribe the guidelines for the broadcasting, televising, recording, and taking of photographs of public judicial proceedings and are set forth below:

Code of Judicial Conduct

Canon 3

A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

[171] The Code of Judicial Conduct, effective January 1, 1976, was adopted by the Supreme Court of Louisiana on March 5, 1975, to replace the Canons of Judicial Ethics adopted October 13, 1960.

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

Appendix to Canon 3

Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. "Extended coverage" means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. "Presiding Judge" means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. "Proceeding" means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. "Party" means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. "Media" means legitimate news gathering and reporting agencies and their representatives.

F. "Court" means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the

judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. *The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.*

B. *Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.*

C. *The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.*

IV. *Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.*

V. *Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.*

VI. *Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.*

VII. *When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.*

VIII. A. *No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television*

camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall be positioned in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the

judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

R.S. 13:4164 provides:

§4164. Television

A. Except as otherwise provided herein, no proceeding in any court in this state shall be televised or recorded by television equipment.

B. Each court in this state may provide by court rule for the broadcasting or recordation for broadcasting of proceedings for preservation of testimony or for use in a course of instruction in an accredited law school.

C. Unless otherwise provided by rule promulgated by the supreme court to allow a pilot project in a city court, a proceeding in court may be televised or recorded by television equipment in accordance with the terms of a motion and stipulation agreed to by all parties to the proceeding and approved by the judge hearing the matter.

The rules of the Civil District Court for the Parish of Orleans, Rule 19(i) provides the following with respect to video and electronic devices:

(i) …video recording equipment is not allowed beyond the weapons checkpoint unless authorized by a tenant judge or an elected official housed in the courthouse. Sound recording equipment is allowed to be brought into the courthouse, but may NOT be used to record any court proceedings or any conversations without the knowledge of all persons who are being recorded.

The Rules of the Nineteenth Judicial District Court, Parish of East Baton Rouge, Rule IV of the General Rules, provides the following with respect to the photographic or electronic recording of judicial proceedings for publication or otherwise:

Rule IV. Improper publicizing of judicial proceedings

Accordingly, the photographic or electronic recording of judicial proceedings for publication or otherwise, or the transmitting, broadcasting or televising of judicial proceedings, including Grand Jury sessions, whether instantaneously or delayed through the use of audio and/or visual recording methods, including the use of sound recordings, film or video tape, in any courtroom or in any Grand Jury Room, or in the hallways, or rooms adjacent thereto, or so close as to disturb the order or decorum thereof, either while the court or Grand Jury is in session, or at recesses

between sessions, or within fifteen minutes prior to or following a court or Grand Jury session, are prohibited; except that the closed circuit televising of courtroom proceedings may be permitted under court supervision for legal educational purposes and electronic recordings for the perpetuation of a record for the court may be permitted.

Proceedings, other than judicial proceedings, designed and carried out primarily as ceremonies, and conducted with dignity by judges in Open Court, may properly be photographed in or televised or broadcast from the courtroom with the permission and under the supervision of the court.

CHAPTER II
THE ADVERTISING DEPARTMENT AND THE LAW

As government and business have become more closely related, laws regulating business and advertising have become more complex and extensive. As the United States moves towards an information-based society with advances in technology, laws relative to publications and the rights of individuals have become increasingly more important. These laws attempt to strike a balance between the constitutional right of free speech and the individual's right to privacy. The "shifting" of this balance presents ever-changing challenges to advertising departments.

This chapter examines several of the more important issues that advertising departments may face on a regular basis. While much of the law concerning advertising has been enacted statutorily, case law must always be examined for extensions and judicial interpretations of the statutes.

RIGHT TO REFUSE ADVERTISING

Newspapers are generally considered private enterprises, not public or governmental entities. Although newspapers are subject to legislative regulations, as are many other types of private enterprises, they may not be compelled to publish any material or advertisements they do not deem as newsworthy. However, those publications having obtained the "official journal" status of the state or locale are obligated to print notices for the governing body. These official journal publications are not coerced into becoming an "official journal" since they must submit themselves to the governing body to be considered for that designation. Thus, a newspaper which qualifies and accepts the position as an official journal may not refuse to publish those notices which it is obligated to publish, or else it may lose its designation as the official journal.

In ***Friedenberg v. Times Publishing Company***,[1] a newspaper publisher refused to accept an advertisement from a potential client. The Louisiana Supreme Court held that a publisher is free to contract with whom he pleases, and that the courts would refrain from becoming involved in this type of dispute. More specifically, the Louisiana Supreme Court stated:

> *The weight of authority is that the publishing of a newspaper is a strictly private enterprise, and the publishers thereof are free to contract and deal or refuse to contract and deal with whom they please. ...And at any rate, it is for the legislature, and not for the courts, to declare that a business has become impressed with a public use.*[2]

LIABILITY FOR TYPOGRAPHICAL ERRORS

A general advertisement in a newspaper for the sale of goods is a mere invitation to enter into a bargain and is not considered an offer under contract law. Therefore, a publisher who makes a mistake in printing an advertisement traditionally has not been liable to the advertiser for any losses sustained as a result of selling the product at the mistaken price. Cases involving

[1] 170 La. 3, 127 So. 345 (1930).
[2] *Id.*

typographical errors in advertisements are considered and decided on a case-by-case basis. Hence, the facts of a particular case will likely govern the outcome of that case.

For example, in a Mississippi case, ***Meridian Star v. Kay***,[3] the Mississippi Supreme Court ordered a newspaper to pay damages for a mistaken advertisement. In that case, a sale advertisement was supposed to have been printed as "1/4 off," but was printed as "1/2 off." The merchant, Kay, decided that he could not refuse to sell at "1/2 off" because his reputation was at stake. Although the newspaper offered to print a correction, the publisher had stated in a letter that "as we understand the situation, our liability--if any--is limited to the difference between '1/4 off' and '1/2 off' [of the] merchandise actually sold as a result of the 40[sic]-inch ad in question."

The merchant was able to prove that the newspaper orally agreed to pay for the difference between the two prices. The Mississippi Supreme Court pointed out that the traditional remedy of absolving the newspaper of liability was invalid because of the subsequent agreement between the merchant and the newspaper. The lesson of ***Meridian Star*** is that a newspaper should not admit liability for advertisements which contain errors. Generally, when an error does occur in an advertisement, the newspaper will print corrections in the next publication without charge.

ADVERTISING BY PUBLIC BODIES AND PUBLIC OFFICIALS OTHER THAN LEGAL ADVERTISING

Parish and municipal governing authorities are permitted by R.S. 33:4873 to advertise by publications and radio as follows:

> *(1) Those serving territories exceeding one hundred thousand population may spend the sum of thirty thousand dollars annually.*
>
> *(2) Those serving a territory with a population not exceeding one hundred thousand may spend the sum of fifteen thousand dollars annually.*

R.S. 43:111.1 sets forth the following limitations on the substance of the advertisements:

> *No public funds shall be used in whole or in part for the payment of the cost of any advertisement containing therein the name of any public official whether elected or appointed; provided, however, that the provisions of this section shall in no case be construed to apply to advertisements or notices required or authorized by law to be published or to any advertisements placed by any public agency or body authorized by law to advertise in the furtherance of its functions and duties.*

R.S. 43:31 prohibits any branch, department, agency, official, employee or other entity of state government from expending funds of, administered by, or under the control of any branch, department, agency, employee, official or other entity of state government to print material or otherwise to urge any elector to vote for or against any candidate or proposition on an election ballot.

R.S. 51:1286 allows the proceeds of the tax levied by the Louisiana Tourism Promotion District for the purchase of media advertisement and provides, in part:

[3] 41 So.2d 30 (Miss. 1949), *error overruled*, 41 So.2d 746 (Miss. 1949), *aff'd*. 52 So.2d 35 (Miss. 1951).

C. (1) The proceeds of the tax herein authorized shall be irrevocably pledged and dedicated for the purposes and in the order of priority as provided in Paragraph (2) of this Subsection.

(2) (a) For paying costs annually incurred that are associated with the levy and collection of the sales tax authorized by this Subpart.

(b) To transfer such amounts as may be determined by the district to the Department of Culture, Recreation and Tourism for the promotion of the state's tourism industry through the purchase of media advertisement, including but not limited to newspaper, magazine, billboard, radio, and television advertisement.

(c) To transfer such amounts as may be determined by the district to the Department of Culture, Recreation and Tourism to assist the state in the promotion of tourism. Provided that any funds used by the department for the purchase of in-state media advertisement shall not exceed ten percent of all funds used for the purchase of media advertisement, and that such expenditures are consistent with the office of tourism's strategic plan for marketing.

Therefore, it appears that the tax proceeds of the Louisiana Tourism Promotion District may be used in out-of-state newspaper advertisements but not in in-state newspaper advertisements.

LIBELOUS ADVERTISING

Advertising can be as potentially libelous[4] as news material. The danger in advertising may even be greater because there may be less of an opportunity to validate the material for advertisements. Although there is no statutory duty to investigate and validate material in advertisements, an advertisement may be of such a nature and character as to demand an inquiry as to its truth or falsity before "airing" it to the public, as in ***Sanders v. Times-Picayune Publishing Company***.[5] In ***Sanders***, the Louisiana Supreme Court held that *The Times-Picayune* should have inquired into the truth or falsity of its article relating to a report already in circulation that important court papers had been cut up by a deputy clerk of court, upon instructions from counsel and the clerk of court. It may not be a defense to say that the newspaper did not originate the libelous advertisement. Generally, the rules relative to libelous advertising parallel those for the news department. It is also notable that the "speech" at issue in the seminal libel case ***New York Times v. Sullivan*** involved an advertisement. The U.S. Supreme Court did not find actual malice in that case even though many of the incorrect assertions of the advertisement could have been disproved with the information available in the *New York Times'* newsroom. (*See* Chapter I).

[4] There is a trend toward claims involving false or unauthorized testimonial type advertisements to be filed as claims for invasions of privacy. For an invasion of privacy to be actionable, it is not necessary that there be malicious intent on the part of the defendant. ***Jaubert v. Crowley Post-Signal, Inc.,*** 375 So.2d 1386 (La. 1979).

[5] 168 La. 1125 (La. 1929).

RIGHT TO PRIVACY IN ADVERTISING

The right to privacy in advertising generally parallels the right to privacy in the news department, i.e., an actionable invasion of privacy occurs only when the conduct complained of is unreasonable and seriously interferes with the privacy interest of the complainant. (*See* Chapter I).

McAndrews v. Roy involved the publication of a picture in an advertisement.[6] The complainant had taken a body-building course and had agreed to allow the operator of the health spa to use the "before" and "after" photos in its newspaper advertisements. Ten years elapsed between the time the pictures were taken and when they were published. The complainant claimed that he became the object of ridicule and criticism among his friends and co-workers shortly after the publication. The First Circuit held that the publication resulted in an invasion of privacy and awarded damages, holding that a lapse of ten years was too long without seeking renewal of the plaintiff's permission to use the photograph. The newspaper was not named as a defendant in ***McAndrews***, but the potential risk of litigation does exist.

FALSE OR FRAUDULENT ADVERTISING

Any person, including a newspaper, may be held liable for false or fraudulent advertising when an advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading and is made, published, disseminated, circulated or placed before the public. With respect to fraudulent or misleading advertising, R.S. 51:411 provides:

§411. Advertisements, untrue or misleading, prohibited; penalty

A. No person, with intent to sell or in any way dispose of merchandise, securities, service, or anything directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title, or an interest therein, shall make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly to be made, published, disseminated, circulated, or placed before the public, in this state, in a newspaper or other publication, or in the form of a book, notice, hand-bill, poster, bill, circular, pamphlet, or letter, or radio broadcasts, telecasts, wire, wireless, motion picture, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything offered to the public, which advertisement contains any assertion, representation, or statement of fact which is untrue, deceptive, or misleading.

B. No person shall falsely advertise, represent, or hold out that any sale of goods, wares, or merchandise is an insurance, salvage, removal, closing out, going out of business, liquidation or smoke, fire, or water damage sale. Such a sale may be conducted for a maximum of six months. No person contemplating such a sale may order any goods for the purpose of selling them at such a sale, and any purchases or additions to the stock during the term of the sale or within sixty days prior to the sale shall constitute a violation of this Section.

C. No person shall advertise, represent, or hold out that he is selling or will sell any goods, wares, or merchandise at wholesale prices, unless he is a wholesaler,

[6] 131 So.2d 256 (La. App. 1st Cir. 1961).

as defined herein, and unless the sales will be wholesale sales, as defined herein. A wholesaler, for purposes of this Section, is a person whose sales are wholesale sales as hereinafter defined. A wholesale sale is a sale for the purpose of resale in the ordinary course of business or a sale for purposes other than resale but at the price at which retailers currently purchase the same or similar goods or commodities at current wholesale prices offered by a bona fide wholesale house in its trade area; however, nothing herein shall apply to wholesalers selling in bulk or in quantities in excess of those which consumers usually purchase from bona fide retail outlets. Nothing in this Section shall prevent a person from being both a wholesaler and a retailer, providing that under this operation the firm has both a retail and a wholesale occupational license.

D. The carriage by a radio or television broadcast station or by a cable television station or newspaper of advertising which is found to be in violation of this Section shall not be considered a violation by the broadcast or television station or newspaper of this Section.

E. Whoever violates this Section shall be fined not less than five hundred-dollars nor more than twenty-five hundred dollars or imprisoned for not less than ten days nor more than six months, or both for each offense.

Although R.S. 51:411 may not statutorily impose an affirmative duty on newspapers to monitor the integrity of clients' advertisements, prior to 2004, newspapers could find themselves in the position of having to participate in litigation by explaining their part in producing the particular advertisement. However, in 2004, R.S. 51:411 was amended to add Paragraph D to insulate the newspapers from liability under this provision.

Under certain circumstances, Louisiana's "Unfair Trade Practices and Consumer Protection Law"[7] may apply to newspapers in the area of false or fraudulent advertising. R.S. 51:1401, *et seq*., was enacted to prohibit unfair or deceptive methods, acts or practices in the conduct of trade or commerce. Although "trade or commerce" has been broadly defined in R.S. 51:1402 as:

...the advertising, offering for sale, sale, or distribution of any services and any property, corporeal or incorporeal, immovable or movable, and any other article, commodity, or thing of value wherever situated, and includes any trade or commerce directly or indirectly affecting the people of the state,[8]

and specifically references "advertising," R.S. 51:1401, *et seq*., does provide for a limited exemption for publishers, owners, agents and employees of newspapers. The exemption provides that the provisions of the Unfair Trade Practices and Consumer Protection Law do not apply to:

(2) Acts done by the publisher, owner, agent, or employee of a newspaper, periodical or radio or television station or other advertising medium in the publication or dissemination of an advertisement when the publisher, owner, agent or employee did not have knowledge of the false, misleading or deceptive character

[7] R.S. 51:1401, *et seq*.

[8] R.S. 51:1402(9).

of the advertisement, did not prepare the advertisement and did not have any direct financial interest in the sale or distribution of the advertised product or service.[9]

Therefore, the one claiming the exemption must not:

(1) Have knowledge of the false, misleading or deceptive character of the advertisement;

(2) Have prepared the advertisement; and

(3) Have any direct financial interest in the sale or distribution of the advertised product or service.

It must be noted that, under certain circumstances, the courts may award *triple damages, attorneys' fees, and costs*[10] to the successful litigant in a lawsuit.

Disparagement of Agricultural/Aquacultural Products

In 1991, the Louisiana Legislature determined that the production of agricultural and aquacultural food products constitutes an important and significant portion of the state economy, and that it is beneficial to the citizens of Louisiana to protect the vitality of the agricultural and aquacultural economy by providing a cause of action for producers of these products to recover damages for the disparagement of any perishable agricultural or aquacultural food product. R.S. 3:4501. Any civil action for damages for disparagement of these products must be commenced within one year after the cause of action accrues. R.S. 3:4504.

R.S. 3:4502 provides:

§4502. Definitions

As used in this Chapter, the following terms shall have the following meanings:

(1) "Disparagement" means dissemination to the public in any manner of any false information that the disseminator knows or should have known to be false, and which states or implies that a perishable agricultural or aquacultural food product is not safe for consumption by the consuming public. Such information is presumed to be false when not based upon reasonable and reliable scientific inquiry, facts, or data.

(2) "Perishable agricultural or aquacultural food product" means any food product of agriculture or aquaculture which is sold or distributed in a form that will perish or decay beyond marketability within a period of time.

Presumably, dissemination "in any manner" would encompass the dissemination of information by or through the newspaper medium.

ADVERTISEMENTS FOR INSURANCE COMPANIES

Any person, including a newspaper, can be fined for printing advertisements from insurance companies that are not authorized by the Commissioner of Insurance to do business in Louisiana, as set forth in R.S. 22:1946:

[9] R.S. 51:1406(2).

[10] R.S. 51:1409.

§1946. Advertisement by insurers

A. No person shall publish or print in any newspaper, magazine, periodical, circular letter, pamphlet, or in any other manner or publish by radio broadcasting in this state, any advertisement or other notice either directly or indirectly setting forth the advantages of or soliciting business for any insurer which has not been authorized to do business in Louisiana.

B. No person shall accept for publication or printing in any newspaper, magazine, or other periodical, or circular letter or pamphlet, or in any other manner, or for radio broadcasting in this state, any advertisement or other notice either directly or indirectly setting forth the advantages of or soliciting business for any insurer unless the advertisement or notice is accompanied by a certificate from the office of the commissioner of insurance to the effect that the insurer is authorized to do business in Louisiana.

C. Whoever violates this Section shall be fined not more than one thousand dollars or imprisoned for not more than one year, or both.

This law is designed to protect the public from unlicensed insurance companies. Thus, a violation of R.S. 22:1946 carries a fine of not more than one thousand dollars or imprisonment for not more than one year, or both.

POLITICAL ADVERTISEMENTS

There are three basic laws concerning political advertising. The first, R.S. 18:1463, imposes expenditure reporting requirements for anonymous political advertisements. The second, R.S. 18:1464, deals with the advertising rates which these advertisers must pay. The third, R.S. 18:1505.3(D)(2), requires newspaper publishers to require, prior to publishing a political advertisement containing a "paid for by" line, the person making the payment for the political advertisement to provide a written statement containing certain information. This provision also requires the publisher to maintain the statement "as a public record" at its official business address for a period of two years during which time the publisher must make the statement available for public inspection as the custodian of a public record. A Political Advertisement Agreement that should satisfy the requirement of La. R.S. 18:1505.3(D)(2) follows the statutory provisions on political advertising.

§1463. Political material; ethics; prohibitions

A. The Legislature of Louisiana finds that the state has a compelling interest in taking every necessary step to assure that all elections are held in a fair and ethical manner and finds that an election cannot be held in a fair and ethical manner when any candidate or other person is allowed to print or distribute any material which falsely alleges that a candidate is supported by or affiliated with another candidate, group of candidates, or other person, or a political faction, or to publish statements that make scurrilous, false, or irresponsible adverse comments about a candidate or a proposition. The legislature further finds that the state has a compelling interest to protect the electoral process and that the people have an interest in knowing the identity of each candidate whose number appears on a sample ballot in order to be

fully informed and to exercise their right to vote for a candidate of their choice. The legislature further finds that it is essential to the protection of the electoral process that the people be able to know who is responsible for publications in order to more properly evaluate the statements contained in them and to informatively exercise their right to vote. The legislature further finds that it is essential to the protection of the electoral process to prohibit misrepresentation that a person, committee, or organization speaks, writes, or acts on behalf of a candidate, political committee, or political party, or an agent or employee thereof.

B. (1) No person shall cause to be printed or assist in the distribution, transportation, or transmission by any means of any facsimile of an official ballot or cause to be printed, distributed, transported, or transmitted any unofficial sample ballot with the number of a candidate unless the name of the candidate to whom the ballot number was assigned is correctly listed on the ballot.

(2) No person shall cause to be printed or assist in the distribution, transportation, or transmission by any means of any facsimile of an official ballot, or cause to be printed, distributed, transported, or transmitted any unofficial sample ballot containing a photograph, or likeness of any person which falsely alleges, with an intent to misrepresent, that any person or candidate, or group of candidates in an election is endorsed by or supported by another candidate, group of candidates or other person.

C. (1) No person shall cause to be distributed, or transmitted, any oral, visual, or written material containing any statement which he knows or should be reasonably expected to know makes a false statement about a candidate for election in a primary or general election or about a proposition to be submitted to the voters.

(2) Whenever any person, political committee, entity or organization makes a disbursement for the purpose of the financing of any electioneering communication, such communication shall comply with the following items under the following circumstances:

(a) If the communication is paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, it shall clearly state that the communication has been paid for by such authorized political committee. The name of the political committee paying for the communication shall be given in full and no acronyms shall be used.

(b) If the communication is paid for by other persons, but authorized by a candidate, an authorized political committee of a candidate, or its agents , it shall clearly state that the communication is paid for by such other persons and authorized by such political committee. The name of the authorized political committee shall be given in full and no acronyms shall be used.

(c) If the communication is not authorized by a candidate, a political committee of a candidate, or its agents, it shall clearly state the (i) name, (ii) physical address (not post office box), and (iii) telephone number and the world wide web address if available of the person, committee, entity or organization who paid for the communication and state that the communication is not authorized by any candidate or candidate committee. The name of the payer shall be given in full and no acronyms shall be used.

(3) If an individual, association, organization, committee, or corporation is responsible for or causes the distribution or transmission of any statements relative to candidates or propositions which do not fully disclose the name of the individual or the name of the association, organization, committee, or corporation, and the full and correct name and address of its chairman or other chief administrative officer and whether or not such individual, association, organization, committee, or corporation supports or opposes such candidate or proposition, such individual, association, organization, committee, or corporation shall report all expenditures incurred in relation to the publication, distribution, transportation, or transmission in accordance with R.S. 18:1491.7, 1495.5, or 1501.1.

(4) (a) No person shall misrepresent himself or any committee or organization under his control as speaking, writing, or otherwise acting for or on behalf of any candidate, political committee, or political party, or any employee or agent thereof.

(b) No person shall willfully and knowingly participate in or conspire to participate in a plan, scheme, or design to misrepresent himself or any committee or organization under his control or under the control of any other participant in the plan, scheme, or design as speaking, writing, or otherwise acting for or on behalf of any candidate, political committee, or political party, or any employee or agent thereof.

(c) A radio or television broadcaster who broadcasts a paid political announcement or advertisement, the content of which the broadcaster had no input in or control over, is not subject to the provisions of this Paragraph.

(5) For purposes of Paragraph (2) of this Subsection, the term "electioneering communication" means any broadcast, cable or satellite communication that refers to a legally qualified candidate for elected office and is broadcast within sixty days before any election in which such candidate is on the ballot.

D. (1) An affected candidate or voter shall be entitled to an injunction to restrain future violations of Subsections B and C of this Section.

(2) In the event a permanent injunction is granted, reasonable attorney fees shall be allowed the petitioner by the court which shall be taxed as costs to be paid by the defendant.

E. No person shall cause to be distributed or transmitted for or on behalf of a candidate for political office any oral, visual, or written material constituting a paid political announcement or advertisement, which is paid for by a third-party entity, without providing the name of the third-party entity on the face of the advertisement. The name of the third-party entity shall be included on written material, political announcements, and advertisements so that it is clear and understandable. The name of the third-party entity in visual and oral political announcements or advertisements shall be included so that it is clearly understandable as well as audible and visible for not less than three seconds. If the advertisement is placed by a public relations firm, advertising agency, media buyer, or other person who purchases media advertising or time or space for such advertising, such person shall provide the information required by this Section. For the purposes of this Subsection, "person" means any individual, partnership, association, labor union, political committee, corporation, or other legal entity, including its subsidiaries; however, "person" shall not mean any radio station, television broadcast station, cable television company, or newspaper.

F. Whoever violates any provision of this Section may be punished by a fine not to exceed two thousand dollars or be imprisoned for not more than two years, or both.

§1464. Excessive charge for political advertisements prohibited; penalty

A. No daily, bi-weekly, weekly, semi-monthly, or monthly newspaper, journal, periodical, or other publication and no radio station, television station, or chain or network of radio or television stations operating in this state shall assess or charge for political announcements and advertisements any amount which is in excess of the rates assessed and charged for regular commercial advertising.

B. Whoever violates this Section shall be fined not more than five hundred dollars or be imprisoned for not more than six months, or both.

Although R.S. 18:1463 provides that an affected candidate or voter shall be entitled to an injunction, in light of both state and federal jurisprudence involving freedom of speech issues, there is a "strong presumption" against the constitutional validity of any prior restraint on expression.[11] Accordingly, a plaintiff would have a heavy burden to show any justification for the imposition of such a prior restraint.

R.S. 18:1505.3(D) provides:

---

[11] ***Organization for a Better Austin v. Keefe***, 402 U.S. 415, 91 S.Ct. 1575, (1971); ***Guste v. Connick***, 515 So.2d 436 (1987). In ***Organization***, *supra*, the U.S. Supreme Court held that an injunction, so far as it imposes prior restraint on speech and publication, constitutes an impermissible restraint on First Amendment rights. However, the protection as to previous restraint is not absolutely unlimited, but the limitation has been recognized only in exceptional cases. ***Near v. Minnesota ex rel Olson***, 283 U.S. 697, 51 S.Ct. 625 (1931); *See also* Chapter I.

§1505.3. Subterfuge to avoid compliance with Chapter

* * *

D. (1) (a) No public relations firm, advertising agency, media buyer, or other person who purchases media advertising time or space shall accept payment for placing any advertisement which purports to be paid for by a particular candidate or political committee from any source other than such candidate or political committee.

(b) Any person who violates the provisions of this Paragraph shall be assessed a penalty by the supervisory committee of not more than five thousand dollars or the amount of the payment, whichever is greater.

(2) (a) (i) No person shall pay for an advertisement which purports to be paid for by a particular candidate or political committee without the consent of such candidate or political committee.

(ii) Any person who violates the provisions of this Subparagraph shall be assessed a penalty by the supervisory committee of not more than five thousand dollars or the amount of the payment, whichever is greater.

(b) If a publisher or broadcaster of an advertisement which purports to be paid for by a particular candidate or political committee accepts payment for such an advertisement from any source other than such candidate or political committee, the publisher or broadcaster shall require, prior to publishing or broadcasting the advertisement, that the person making the payment provide a written statement containing the following:

(i) The full name and address of the individual or name of the organization, committee, or corporation, and the full name and address of its chairman or other chief administrative officer who is the source of the funds used to pay for the advertisement, and

(ii) A statement that the advertisement is being run with the knowledge and consent of the candidate or political committee which the advertisement purports has paid for the advertisement.

(c) A completed form meeting the standards required by the rules promulgated by the Federal Communications Commission with regard to sponsorship identification of political advertisements shall be sufficient to meet the requirements of Subparagraph (b) of this Paragraph.

(d) The publisher or broadcaster shall maintain the statement as a public record at its official business address or at the station address for a period of two years during which time the publisher or broadcaster shall make the statement available for public inspection as the custodian of a public record, pursuant to R.S. 44:1, et seq.

(e) Any person who provides false or inaccurate information in a statement required by this Paragraph shall be assessed a penalty by the supervisory committee of not more than ten thousand dollars.

(3) Nothing in this Subsection shall prohibit any person who publishes or broadcasts political advertisements from accepting payment for a political advertisement from any person, so long as the advertisement does not misrepresent who paid for the advertisement either directly or indirectly through the person who purchased the advertising time or space. However, if a third party entity pays for a political announcement or advertisement for a candidate, the name of the third-party entity shall be displayed on the face of the advertisement. The font size of such display shall be no less than half of the font size of the content of the advertisement.

(4) The provisions of R.S. 18:1505.5 and 1505.6 shall not apply to violations of this Subsection.

POLITICAL ADVERTISEMENT
LEGAL SUMMARY

False Statements

No person (newspaper included) shall cause to be distributed or transmitted any oral, visual or written material containing any statement which he knows or should be reasonably expected to know makes a false statement about a candidate for election in a primary or general election or about a proposition to be submitted to the voters. (R.S. 18:1463(C)(1).)

Publication of Political Ballots

No person (newspapers included) shall cause to be printed or assist in the distribution, transportation or transmission by any means of any facsimile of an official ballot, or cause to be printed, distributed, transported or transmitted any unofficial sample ballot with the number of a candidate unless the name of the candidate to whom the ballot number was assigned is correctly listed on the ballot. (R.S. 18:1463(B)(1).)

No person (newspapers included) shall cause to be printed or assist in the distribution, transportation or transmission by any means of any facsimile of an official ballot, or cause to be printed, distributed, transported or transmitted any unofficial sample ballot containing a photograph or likeness of any person which falsely alleges, with an intent to misrepresent, that any person or candidate or group of candidates in an election is endorsed by or supported by another candidate, group of candidates or other person. (R.S. 18:1463(B)(2).)

"Paid for by" Lines

Local/Statewide Elections – As of June 15, 1995, "Paid for by" line is **NOT** legally required.

The party responsible for the advertisement is required to report all expenditures related to the advertisement in accordance with R.S. 18:1491.7, 1495.5, or 1501.1. (R.S. 18:1463(C)(3).)

If actual payment for an advertisement is received by a newspaper from any source other than the candidate or political committee, then the source making the payment is required to provide a written statement which must be kept by the newspaper for two years and be available for public inspection. (R.S. 18:1505.3(2)(b))

Effective January 1, 2010, the name of the third party entity of an advertisement must be displayed on the face of the newspaper advertisement, and it must be clear and understandable.[12] (R.S. 18:1463(E) and 18:1505.3(D)(3).) A third party entity is understood to be a person or entity that is not the political candidate, his agent or the candidate's political committee. However, in the event a third party entity does not properly display its name on the advertisement, newspapers are not considered a person that may be punished for distributing or transmitting any political advertisement that does not properly provide the name of the third party entity. (R.S. 18:1463(E).)

Federal Elections – Required (2 USC 441d (a)).

"Paid for by" line must state:

- If paid for and authorized by candidate, authorized political committee or its agents:

  "Paid for by [political committee]"

- If paid for by others but authorized by candidate, authorized political committee or its agents:

  "Paid for by [other] and authorized by [political committee]"

- If not authorized by candidate, authorized political committee or its agents:

"Paid for by [payor]; not authorized by candidate or candidate's political committee."

Charges for Political Advertisements

Local/Statewide Elections – Not in excess of rates charged for regular commercial advertising (R.S. 18:1464).

Penalty for Violation: Fined not more than $500 or imprisoned for not more than six months, or both.

Federal Elections – Not in excess of amount charged for comparable use of such space for other purposes (2 USC 441d.(b)).

[12] The font size of the display must be no less than half of the font size of the content of the advertisement.

POLITICAL ADVERTISEMENT AGREEMENT

NEWSPAPER _____ DATE _____, 20 _____

I, _____ (BEING OR ON BEHALF OF) _____

A LEGALLY QUALIFIED CANDIDATE OF THE _____ POLITICAL PARTY FOR THE OFFICE OF

_____ IN THE

_____ ELECTION TO BE HELD IN _____, 20 __, DO HEREBY REQUEST THE

PUBLICATION OF THE ATTACHED ADVERTISEMENT,

DATE(S) OF PUBLICATION

_____

_____

I REPRESENT THAT THE PAYMENT FOR THE ABOVE DESCRIBED ADVERTISEMENT HAS BEEN FURNISHED BY

_____

AND YOU ARE AUTHORIZED TO PUBLISH THAT THE ADVERTISEMENT IS PAID FOR BY SUCH PERSON OR ENTITY. THE ENTITY FURNISHING THE PAYMENT, IF OTHER THAN AN INDIVIDUAL PERSON, IS ☐ A CORPORATION; ☐ A COMMITTEE; ☐ AN ASSOCIATION; OR ☐ OTHER UNINCORPORATED GROUP. THE NAME AND ADDRESS OF THE CHAIRMAN OR OTHER CHIEF ADMINISTRATIVE OFFICER WHO IS THE SOURCE OF THE FUNDS USED TO PAY FOR THE ADVERTISEMENT IS:

_____

_____

_____

I AGREE TO INDEMNIFY AND HOLD THE NEWSPAPER HARMLESS FROM ANY DAMAGES OR LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY ENSUE FROM THE PERFORMANCE OF THE ABOVE STATED PUBLICATION. I CERTIFY THAT THE ADVERTISEMENT BEING PUBLISHED HEREUNDER IS BEING PUBLISHED WITH THE KNOWLEDGE AND CONSENT OF THE CANDIDATE OR POLITICAL COMMITTEE INDICATED HEREIN AS HAVING FURNISHED THE PAYMENT.

DATE _____ _____

(NAME OF ENTITY)

BY: _____

TITLE: _____

THIS DOCUMENT MUST BE EXECUTED PRIOR TO PUBLICATION OF THE ADVERTISEMENT (La. R.S. 18:1505.3).

ADVERTISING AND GAMBLING

The Louisiana Constitution, art. 12, §6(B), provides that "[g]ambling shall be defined by and suppressed by the legislature." The legislature has defined the crime of "gambling" in R.S. 14:90 as follows:

§90. Gambling

A. (1) (a) Gambling is the intentional conducting, or directly assisting[13] in the conducting, as a business, of any game, contest, lottery, or contrivance whereby a person risks the loss of anything of value in order to realize a profit.

The Louisiana Lottery, the riverboat casinos and the land casinos are legal because Paragraphs C, D and E of R.S. 14:90 specifically provide that these shall not constitute gambling.

Merchants who conduct contests should be careful to state that no purchase of a product is necessary to participate. The comments to R.S. 14:90 state that the words "anything of value" are included in the statute to cover every possibility of loss. Arguably, the purchase of the product to enter the contest could be deemed as risking "anything of value." This may explain the phrase "No purchase necessary," used by most merchants in their contest rules.

The laws regarding the Louisiana Lottery contain the following provisions relative to advertising on tickets:

R.S. 47:9013. Commercial advertising on tickets

A. The corporation may enter into contracts with any persons that provide for the placement of commercial advertising on tickets. For purposes of this Section, "commercial advertising" shall mean advertising intended for the sole benefit of the advertiser and shall not include promotional advertising intended for the benefit of the advertiser as well as the promotion of the sale of lottery tickets.

B. The nature of the advertising authorized in this Section and the procedures for its acceptance as well as the implementation of this Section shall be provided by rules adopted by the board of directors. The board shall retain, in its complete discretion, the authority to accept or reject any bid. Advertisements for tobacco and alcohol products shall not be accepted.

C. Implementation of this Section shall be in the manner provided in the procurement rules and regulations adopted by the board of directors pursuant to the authority granted by R.S. 47:9007 and 9028, and approved by the Legislative Oversight Committee as provided in R.S. 47:9019.

R.S. 27:27.3 provides:

R.S. 27.3. Advertising; compulsive gambling information

In any advertisement of gaming activities or of a gaming establishment that is offered to the general public in print by any licensee or the casino gaming operator operated pursuant to the provisions of this Title, the toll-free telephone

[13] Arguably, the phrase "directly assisting" in R.S. 14:90 may include advertising.

number of the National Council on Problem Gambling or a similar toll-free number approved by the board shall be placed on such advertisement.

ADVERTISING AND LABOR DISPUTES

The legislature has long recognized a need to limit the courts' authority to restrain or enjoin persons from certain acts relating to labor disputes. Accordingly, Louisiana's "Little Norris-LaGuardia Act," R.S. 23:821, *et seq.*, was enacted in 1934. R.S. 23:841(5) relates directly to "advertising" and, therefore, may affect newspaper advertising. It provides:

R.S. 23:841. Injunctions; limitation on courts' authority to issue

No court shall issue any restraining order or temporary or permanent injunction which in specific or general terms prohibits any person or persons from doing, whether singly or in concert, any of the following acts:

* * *

(5) Giving publicity to and obtaining or communicating information regarding the existence of, or the facts involved in, any dispute, whether by advertising, speaking, patrolling any public street or any place where persons may lawfully be, without intimidation or coercion, or by any other method not involving fraud, violence, breach of the peace, or threat thereof.

ADVERTISING BY PROFESSIONS AND TRADES

Naturally, the right to advertise in Louisiana by professions and trades is very important. However, there are special rules which members of certain professions must follow because they are governed by the rulemaking authority of state boards or state agencies. The general rule for advertising by professions and trades is set forth below:

R.S. 37:1721. Restrictions on advertising reserved to legislature

No state board, commission, department, bureau, or similar agency of the state regulating the practice of a trade or profession and exercising rulemaking powers shall make any rule or regulation which limits or restricts the right to advertise, provided that this Section shall not apply to any board, commission, department, bureau, or similar agency of the state created and regulated under the rulemaking power of the Supreme Court of Louisiana or to the Louisiana State Board of Medical Examiners, the Louisiana State Board of Barber Examiners, the Louisiana State Board of Dentistry, the State Board of Certified Public Accountants of Louisiana, Louisiana Board of Pharmacy, the Louisiana Board of Chiropractic Examiners, the Louisiana State Board of Veterinary Medicine Examiners, and the State Board of Optometry Examiners, and further provided that nothing herein contained shall be construed to prevent the prohibition of false or misleading advertising by any board, commission, department, bureau, or similar agency of the state. The right to regulate advertising except as herein provided is reserved to the legislature.

This provision allows state boards and state agencies to prohibit false or misleading advertising. However, the right to further regulate advertising for these professions and trades is reserved to

the legislature. Of course, the law concerning false or fraudulent advertising also applies to professions and trades.

The next several sections will highlight some of the law concerning advertising and specific professions and trades.

Attorneys

Advertising by attorneys is regulated by the Louisiana Supreme Court.[14] Under the Rules of Professional Conduct, specifically Rules 7.1 and 7.2, attorneys are limited in the type of advertising they may use. These Rules provide:

> **Rule 7.2. Communications concerning a lawyer's services**
>
> *The following shall apply to any communication conveying information about a lawyer, a lawyer's services or a law firm's services:*
>
> *(a) Required Content of Advertisements and Unsolicited Written Communications.*
>
> > *(1) Name of Lawyer. All advertisements and unsolicited written communications pursuant to these Rules shall include the name of at least one lawyer responsible for their content.*
> >
> > *(2) Location of Practice. All advertisements and unsolicited written communications provided for under these Rules shall disclose, by city or town, one or more bona fide office location(s) of the lawyer or lawyers who will actually perform the services advertised. If the office location is outside a city or town, the parish where the office is located must be disclosed. For the purposes of this Rule, a bona fide office is defined as a physical location maintained by the lawyer or law firm where the lawyer or law firm reasonably expects to furnish legal services in a substantial way on a regular and continuing basis, and which physical location shall have at least one lawyer who is regularly and routinely present in that physical location. In the absence of a bona fide office, the lawyer shall disclose the city or town of the primary registration statement address as it appears on the lawyer's annual registration statement. If an advertisement or unsolicited written communication lists a telephone number in connection with a specified geographic area other than an area containing a bona fide office or the lawyer's primary registration statement address, appropriate qualifying language must appear in the advertisement.*
> >
> > *(3) The following items may be used without including the content required by subdivisions (a)(1) and (a)(2) of this Rule 7.2:*
> >
> > > *(A) Sponsorships. -- A brief announcement in any public media that identifies a lawyer or law firm as a contributor to a specified charity or as a sponsor of a public service announcement or a specified charitable,*

[14] Actually, the practice of law, including advertising by attorneys, is regulated by the Louisiana Supreme Court. The Rules of Professional Conduct were approved by the Louisiana Supreme Court prior to adoption by the Louisiana State Bar Association.

community, or public interest program, activity, or event, provided that the announcement contains no information about the lawyer or the law firm other than permissible content of advertisements listed in Rule 7.2(b) and the fact of sponsorship or contribution, in keeping with Rule 7.8(b);

(B) Gift/Promotional Items. -- Items, such as coffee mugs, pens, pencils, apparel, and the like, that identify a lawyer or law firm and are used/disseminated by a lawyer or law firm not in violation of these Rules, including but not limited to Rule 7.2(c)(13) and Rule 7.4; and

(C) Office Sign(s) for Bona Fide Office Location(s). -- A sign, placard, lettering, mural, engraving, carving or other alphanumeric display conveying information about a lawyer, a lawyer's services or a law firm's services that is permanently affixed, hanging, erected, or otherwise attached to the physical structure of the building containing a bona fide office location for a lawyer or law firm, or to the property on which that bona fide office location sits.

(b) Permissible Content of Advertisements and Unsolicited Written Communications. If the content of an advertisement in any public media or unsolicited written communication is limited to the following information, the advertisement or unsolicited written communication is exempt from the filing and review requirement and, if true, shall be presumed not to be misleading or deceptive.

(1) Lawyers and Law Firms. A lawyer or law firm may include the following information in advertisements and unsolicited written communications:

(A) subject to the requirements of this Rule and Rule 7.10, the name of the lawyer or law firm, a listing of lawyers associated with the firm, office locations and parking arrangements, disability accommodations, telephone numbers, Web site addresses, and electronic mail addresses, office and telephone service hours, and a designation such as "attorney", "lawyer" or "law firm";

(B) date of admission to the Louisiana State Bar Association and any other bars, current membership or positions held in the Louisiana State Bar Association, its sections or committees, former membership or positions held in the Louisiana State Bar Association, its sections or committees, together with dates of membership, former positions of employment held in the legal profession, together with dates the positions were held, years of experience practicing law, number of lawyers in the advertising law firm, and a listing of federal courts and jurisdictions other than Louisiana where the lawyer is licensed to practice;

(C) technical and professional licenses granted by the State or other recognized licensing authorities and educational degrees received, including dates and institutions;

(D) military service, including branch and dates of service;

(E) foreign language ability;

(F) fields of law in which the lawyer practices, including official certification logos, subject to the requirements of subdivision (c)(5) of this Rule;

(G) prepaid or group legal service plans in which the lawyer participates;

(H) fee for initial consultation and fee schedule, subject to the requirements of subdivisions (c)(6) and (c)(7) of this Rule;

(I) common salutatory language such as "best wishes," "good luck," "happy holidays," or "pleased to announce";

(J) punctuation marks and common typographical marks; and

(K) a photograph or image of the lawyer or lawyers who are members of or employed by the firm against a plain background.

(2) Public Service Announcements. A lawyer or law firm may be listed as a sponsor of a public service announcement or charitable, civic, or community program or event as long as the information about the lawyer or law firm is limited to the permissible content set forth in subdivision (b)(1) of this Rule.

(c) Prohibitions and General Rules Governing Content of Advertisements and Unsolicited Written Communications.

(1) Statements About Legal Services. A lawyer shall not make or permit to be made a false, misleading or deceptive communication about the lawyer, the lawyer's services or the law firm's services. A communication violates this Rule if it:

(A) contains a material misrepresentation of fact or law;

(B) is false, misleading or deceptive;

(C) fails to disclose material information necessary to prevent the information supplied from being false, misleading or deceptive;

(D) contains a reference or testimonial to past successes or results obtained, except as allowed in the Rule regulating information about a lawyer's services provided upon request;

(E) promises results;

(F) states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law;

(G) compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated;

(H) contains a paid testimonial or endorsement, unless the fact of payment is disclosed;

(I) includes a portrayal of a client by a non-client without disclaimer of such, as required by Rule 7.2(c)(10), or the reenactment of any events or scenes or pictures that are not actual or authentic without disclaimer of such, as required by Rule 7.2(c)(10);

(J) includes the portrayal of a judge or a jury, the portrayal of a lawyer by a non-lawyer, the portrayal of a law firm as a fictionalized entity, the use of a fictitious name to refer to lawyers not associated together in a law firm, or otherwise implies that lawyers are associated in a law firm if that is not the case;

(K) resembles a legal pleading, notice, contract or other legal document;

(L) utilizes a nickname, moniker, motto or trade name that states or implies an ability to obtain results in a matter; or

(M) fails to comply with Rule 1.8(e)(4)(iii).

(2) Prohibited Visual and Verbal Portrayals and Illustrations. A lawyer shall not include in any advertisement or unsolicited written communication any visual or verbal descriptions, depictions, illustrations (including photographs) or portrayals of persons, things, or events that are false, misleading or deceptive.

(3) Advertising Areas of Practice. A lawyer or law firm shall not state or imply in advertisements or unsolicited written communications that the lawyer or law firm currently practices in an area of practice when that is not the case.

(4) Stating or Implying Louisiana State Bar Association Approval. A lawyer or law firm shall not make any statement that directly or impliedly indicates that the communication has received any kind of approval from The Louisiana State Bar Association.

(5) Communication of Fields of Practice. A lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law. A lawyer shall not state or imply that the lawyer is "certified," "board certified," an "expert" or a "specialist" except as follows:

(A) Lawyers Certified by the Louisiana Board of Legal Specialization. A lawyer who complies with the Plan of Legal Specialization, as determined by the Louisiana Board of Legal Specialization, may inform the public and other lawyers of the lawyer's certified area(s) of legal practice. Such communications should identify the Louisiana Board of Legal Specialization as the certifying organization and may state that the lawyer is "certified," "board certified," an "expert in (area of certification)" or a "specialist in (area of certification)."

(B) Lawyers Certified by Organizations Other Than the Louisiana Board of Legal Specialization or Another State Bar. A lawyer certified by an organization other than the Louisiana Board of Legal

Specialization or another state bar may inform the public and other lawyers of the lawyer's certified area(s) of legal practice by stating that the lawyer is "certified," "board certified," an "expert in (area of certification)" or a "specialist in (area of certification)" if:

(i) the lawyer complies with Section 6.2 of the Plan of Legal Specialization for the Louisiana Board of Legal Specialization; and,

(ii) the lawyer includes the full name of the organization in all communications pertaining to such certification. A lawyer who has been certified by an organization that is accredited by the American Bar Association is not subject to Section 6.2 of the Plan of Legal Specialization.

(C) Certification by Other State Bars. A lawyer certified by another state bar may inform the public and other lawyers of the lawyer's certified area(s) of legal practice and may state in communications to the public that the lawyer is "certified," "board certified," an "expert in (area of certification)" or a "specialist in (area of certification)" if:

(i) the state bar program grants certification on the basis of standards reasonably comparable to the standards of the Plan of Legal Specialization, as determined by the Louisiana Board of Legal Specialization; and,

(ii) the lawyer includes the name of the state bar in all communications pertaining to such certification.

(6) Disclosure of Liability for Expenses Other Than Fees. Every advertisement and unsolicited written communication that contains information about the lawyer's fee, including those that indicate no fee will be charged in the absence of a recovery, shall disclose whether the client will be liable for any costs and/or expenses in addition to the fee.

(7) Period for Which Advertised Fee Must be Honored. A lawyer who advertises a specific fee or range of fees for a particular service shall honor the advertised fee or range of fees for at least ninety days from the date last advertised unless the advertisement specifies a shorter period; provided that, for advertisements in the yellow pages of telephone directories or other media not published more frequently than annually, the advertised fee or range of fees shall be honored for no less than one year following publication.

(8) Firm Name. A lawyer shall not advertise services under a name that violates the provisions of Rule 7.10.

(9) Language of Required Statements. Any words or statements required by these Rules to appear in an advertisement or unsolicited written communication must appear in the same language in which the advertisement or unsolicited written communication appears. If more than one language is used in an advertisement or unsolicited written communication, any words or

statements required by these Rules must appear in each language used in the advertisement or unsolicited written communication.

(10) Appearance of Required Statements, Disclosures and Disclaimers. Any words or statements required by these Rules to appear in an advertisement or unsolicited written communication must be clearly legible if written or intelligible if spoken aloud.

All disclosures and disclaimers required by these Rules shall be clear and conspicuous. Written disclosures and disclaimers shall use a print size at least as large as the largest print size used in the advertisement or unsolicited written communication, and, if televised or displayed electronically, shall be displayed for a sufficient time to enable the viewer to easily see and read the disclosure or disclaimer. Spoken disclosures and disclaimers shall be plainly audible and spoken at the same or slower rate of speed as the other spoken content of the advertisement. All disclosures and disclaimers used in advertisements that are televised or displayed electronically shall be both spoken aloud and written legibly.

(11) Payment by Non-Advertising Lawyer. No lawyer shall, directly or indirectly, pay all or a part of the cost of an advertisement by a lawyer not in the same firm.

(12) Referrals to Another Lawyer. If the case or matter will be, or is likely to be, referred to another lawyer or law firm, the communication shall include a statement so advising the prospective client.

(13) Payment for Recommendations; Lawyer Referral Service Fees. A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay the reasonable cost of advertising or written or recorded communication permitted by these Rules, and may pay the usual charges of a lawyer referral service or other legal service organization only as follows:

(A) A lawyer may pay the usual, reasonable and customary charges of a lawyer referral service operated by the Louisiana State Bar Association, any local bar association, or any other not-for-profit organization, provided the lawyer referral service:

(i) refers all persons who request legal services to a participating lawyer;

(ii) prohibits lawyers from increasing their fee to a client to compensate for the referral service charges; and

(iii) fairly and equitably distributes referral cases among the participating lawyers, within their area of practice, by random allotment or by rotation.

Rule 7.4 Direct contact with prospective clients

(a) Solicitation. Except as provided in subdivision (b) of this Rule, a lawyer shall not solicit professional employment from a prospective client with whom the lawyer

has no family or prior lawyer-client relationship, in person, by person to person verbal telephone contact, through others acting at the lawyer's request or on the lawyer's behalf or otherwise, when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain. A lawyer shall not permit employees or agents of the lawyer to solicit on the lawyer's behalf. A lawyer shall not enter into an agreement for, charge, or collect a fee for professional employment obtained in violation of this Rule. The term "solicit" includes contact in person, by telephone, telegraph, or facsimile, or by other communication directed to a specific recipient and includes (i) any written form of communication directed to a specific recipient and not meeting the requirements of subdivision (b) of this Rule, and (ii) any electronic mail communication directed to a specific recipient and not meeting the requirements of subdivision (c) of Rule 7.6. For the purposes of this Rule 7.4, the phrase "prior lawyer-client relationship" shall not include relationships in which the client was an unnamed member of a class action.

(b) Written Communication Sent on an Unsolicited Basis.

(1) A lawyer shall not send, or knowingly permit to be sent, on the lawyer's behalf or on behalf of the lawyer's firm or partner, an associate, or any other lawyer affiliated with the lawyer or the lawyer's firm, an unsolicited written communication directly or indirectly to a prospective client for the purpose of obtaining professional employment if:

(A) the written communication concerns an action for personal injury or wrongful death or otherwise relates to an accident or disaster involving the person to whom the communication is addressed or a relative of that person, unless the accident or disaster occurred more than thirty days prior to the mailing of the communication;

(B) it has been made known to the lawyer that the person does not want to receive such communications from the lawyer;

(C) the communication involves coercion, duress, fraud, overreaching, harassment, intimidation, or undue influence;

(D) the communication contains a false, misleading or deceptive statement or claim or is improper under subdivision (c)(1) of Rule 7.2; or

(E) the lawyer knows or reasonably should know that the physical, emotional, or mental state of the person makes it unlikely that the person would exercise reasonable judgment in employing a lawyer.

(2) Unsolicited written communications to prospective clients for the purpose of obtaining professional employment are subject to the following requirements:

(A) Unsolicited written communications to a prospective client are subject to the requirements of Rule 7.2.

(B) In instances where there is no family or prior lawyer-client relationship, a lawyer shall not initiate any form of targeted solicitation,

whether a written or recorded communication, of a person or persons known to need legal services of a particular kind provided by the lawyer in a particular matter for the purpose of obtaining professional employment unless such communication complies with the requirements set forth below and is not otherwise in violation of these Rules:

(i) Such communication shall state clearly the name of at least one member in good standing of the Association responsible for its content.

(ii) The top of each page of such written communication and the lower left corner of the face of the envelope in which the written communication is enclosed shall be plainly marked "ADVERTISEMENT" in print size at least as large as the largest print used in the written communication. If the written communication is in the form of a self-mailing brochure or pamphlet, the "ADVERTISEMENT" mark shall appear above the address panel of the brochure or pamphlet and on the inside of the brochure or pamphlet. Written communications solicited by clients or prospective clients need not contain the "ADVERTISEMENT" mark.

(C) Unsolicited written communications mailed to prospective clients shall not resemble a legal pleading, notice, contract or other legal document and shall not be sent by registered mail, certified mail or other forms of restricted delivery.

(D) If a lawyer other than the lawyer whose name or signature appears on the communication will actually handle the case or matter, any unsolicited written communication concerning a specific matter shall include a statement so advising the client.

(E) Any unsolicited written communication prompted by a specific occurrence involving or affecting the intended recipient of the communication or a family member of that person shall disclose how the lawyer obtained the information prompting the communication.

(F) An unsolicited written communication seeking employment by a specific prospective client in a specific matter shall not reveal on the envelope, or on the outside of a self-mailing brochure or pamphlet, the nature of the client's legal problem.

Louisiana courts have held that the advertising of legal services is clearly a "trade" or "commerce" within the Unfair Trade Practices and Consumer Protection Law, R.S. 51:1401, *et seq*.[15] Therefore, advertising by attorneys is also subject to that Law. *See* the False or Fraudulent Advertising section in Chapter II.

[15] ***Reed v. Allison & Perrone***, 376 So.2d 1067 (La. App. 4th Cir. 1979).

Barbers

Barbers are prohibited, under R.S. 37:372, from:

(4) Advertising by means of false or deceptive statements.

(5) Advertising, practicing, or attempting to practice under a name other than one's own name or trade name.

A violation of these provisions can result in the suspension, revocation or refusal to issue or renew the certificate of registration for a barber.

Chiropractors/Chiropractic Management Consultants

Chiropractors are prohibited, under R.S. 37:2816, from the:

(14) solicitation of professional patronage by misleading, deceptive, or self-laudatory advertising including that which is misleading, deceptive, or self-laudatory to the patient, insured, or his insurer.

A violation of this provision can result in the suspension, revocation or refusal to renew the license or certificate of a practicing chiropractor.

Chiropractic management consultants are prohibited, under R.S. 37:2830.4, from publishing or causing to be published advertisements in newspapers unless the advertisement contains the registered name and address of the chiropractic management consultant.

Dentists

Advertising by dentists is governed by R.S. 37:775, which provides:

§775. Unprofessional conduct defined

As used in this Chapter, unprofessional conduct means:

(1) Advertisement of fees for or of free dental services without:

(a) Fully disclosing all procedures to be included by the dentist in the advertised service, including but not limited to necessary diagnosis, radiographs, restorative treatment, laboratory fees, and post-operative care.

(b) Fully disclosing that procedures which are customarily included in the service are not included in the service offered for the advertised fee, if such is the case.

(c) Disclosing within the advertisement the name of the advertising dentist. If one member of an association/partnership advertises, the names of all partners and dentist employees must also appear therein. This is not to include the appearance of the names of those persons merely sharing space with the advertising dentist, but does include all dentists providing dental services to those responding to the advertisement.

(2) Not including in advertisements the name which appears on the license or renewal certificate of the dentist or which is authorized under Chapter 11 of Title 12 of the Louisiana Revised Statutes of 1950, as amended, relative to

professional dental corporations or the use in advertisements of any name other than that which appears in the license renewal certificate of the dentist or which is authorized under Chapter 11 of Title 12 of the Louisiana Revised Statutes of 1950, as amended, relative to professional dental corporations.

(3) Any communication about the dentist or the dentist's services which is false, misleading, or deceptive; or the omission of material information from any statement or claim about the dentist or the dentist's services.

(4) (a) Any communication for which the dentist does not have substantiation in hand at the time the claim is made.

(b) The failure to provide said substantiation or records of the content and dissemination of an advertisement to the board upon request.

(c) The failure to keep records of any communication or written statements and claims, including advertising copy, and substantiation for same for a period of two years from the date on which the particular statement or claim is made.

(5) Any communication which is likely to create an unjustified expectation about results the dentist can achieve, or which states or implies that the dentist can achieve results by means that violate this Chapter, the rules and regulations of the board, or other law.

(6) The practice of dentistry or the giving of a public demonstration of skill or methods of practicing dentistry in any place other than a clean, sanitary, and safe facility.

(7) Directly or indirectly offering, giving, receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a patient in connection with the performance of a dental service.

(8) Advertising of denture prices which fails to include the following information:

(a) Whether or not the dentures are preformed or prefabricated.

(b) In the case of "immediate dentures," details of required adjustments and other necessary procedures, including charges to be made therefor.

(c) Fees for each different grade of denture which the advertiser may offer to persons who respond to the advertisement.

(d) The number of appliances included.

(e) The fact that the advertised price does not include upper and lower dentures, if such is the case. This disclosure must be made in type twice as large as any other type in a print advertisement or repeated three times in an audio advertisement at a decibel level no lower than the loudest level in the advertisement.

(9) Advertising of dental services in any medium which has not been approved by the licensed dentist and which does not contain the dentist's full name, address, and telephone number.

(10) The use of the name of any deceased or retired and licensed dentist or hygienist on any office door, directory, stationery, billhead, or any other means of communication any time after one year following the death or retirement from practice of said dentist or dental hygienist.

(11) (a) The employment or engaging of the services of any person, firm, or corporation to construct, repair, furnish, supply, or reproduce a prosthetic appliance or any denture, orthodontic appliance, bridge, or other substitute for natural teeth without the dentist furnishing a written work order on a form approved by the board which shall contain:

(i) The name and address of the person, firm, or corporation to which the work order is directed.

(ii) The patient's name or identification number, and if number is used, the patient's name must be written upon duplicate copy retained by the dentist.

(iii) The date on which the work order was written.

(iv) A description of the work to be done, including diagrams if necessary.

(v) Specification of the type and quality of materials to be used.

(vi) The signature of the dentist and number of his license.

(b) The failure of the dentist to retain the original copy of such work orders so furnished for a period of two calendar years in addition to the current year.

(12) The use, in connection with the practice of dentistry, of any practice which is prohibited by law.

(13) Notwithstanding any provision of this Section, when it is required by this Section that an advertisement include the name of the advertising dentist as it appears on the license or renewal certificate of the dentist or the specialties of all dentists practicing within or under the name of a corporation, company, association, limited liability company, or trade name be disclosed in the advertisement, such requirement shall be deemed to be sufficiently satisfied if the names and specialties of all dentists practicing in, with or under the said corporation, company, association, limited liability company, or trade name are made available on an Internet web site fully disclosed in the advertisement, or are provided without delay to any individual requesting such information by contacting the advertiser at a telephone number also disclosed in the advertisement. Whether the advertisement is run by the corporation, company, association, limited liability company, or trade name, or any individual member practicing therein all dentists practicing in, with or under the corporation, company, association, limited liability company, or trade name shall be responsible for the content of the advertisement.

Embalmers and Funeral Directors

Advertising by embalmers and funeral directors is governed by R.S. 37:846, which provides in part:

> **§846. Refusal to grant or renew licenses; revocation or suspension; grounds, hearings**
>
> *A. The board may refuse to grant, refuse to renew, or may suspend or revoke, any license when the applicant or licensee is found guilty of any of the following acts or omissions:*
>
> * * *
>
> *(2) Paying, giving or offering, directly or indirectly, orally or in writing, any money, credit, discount, gratuity or other thing of value as an inducement for the business of a prospective customer; provided that this prohibition shall not be in any way construed as prohibiting the execution or servicing by the parties thereto of any funeral service contract of the type recognized or required by any provisions of R.S. Title 22.*
>
> * * *
>
> *(10) Use in advertising or in the sale of merchandise or services, untruthful, deceptive, unethical, misleading or improbable statements, or any practice, offer or inducement prohibited by any provisions of this Section.*

Optometrists

Optometrists may have their certificates to practice suspended or revoked or have their renewal application denied, if they:

> *(20) Engaged in false, misleading, or fraudulent advertising as defined by the board;*
>
> *(21) Advertised or held himself out to be an optometrist without having a valid certificate issued by the board; or*
>
> *(23) Advertised by including any reference, direct or indirect, to any controlled dangerous substances as provided for in Schedules III, IV, or V of the Uniform Controlled Dangerous Substances Law.* R.S. 37:1061(A).

The purpose of prohibiting the advertising of any price, credit, terms, or agreement with reference to the practice of optometry is to prevent "bait advertising" which draws prospective customers into an optometrist's office for reasons other than his professional ability.[16]

The courts have interpreted these provisions relating to optometrists in the following cases:

An advertisement which stated that an optometrist's prices were "popular" and "low," the optometrist would not be undersold, glasses were not expensive, and just a few dollars would protect vision, violated the provision prohibiting the advertising of any price, credit, terms or

[16] ***Akin v. Louisiana State Board of Optometry Examiners***, 150 So.2d 807 (La. App. 3rd Cir. 1963), *aff'd*. 158 So.2d 833 (1964).

agreement with reference to the practice of optometry, even though statements contained in the advertisements were worded in general rather than specific terms.[17]

In a similar case, an optometrist who had advertised that replacements and repairs of broken glasses would be made without cost for a period of one year was held to have violated the prohibition against "advertising any price, credit, terms or agreements with reference to the practice of optometry."[18]

Pharmacists

The prohibition against advertising applicable to pharmacists is found in R.S. 37:1241. It provides in part:

> **§1241. Refusal, restriction, suspension, or revocation of license**
>
> *The board may….refuse to license, register, certify, or may refuse to renew, or may revoke…or suspend…the person who was issued the…license, certificate, or permit…upon proof that the person:*
>
> * * *
>
> *(19) Has engaged in false, misleading, or fraudulent advertising as defined by the board.*
>
> * * *
>
> *(21) Has advertised by including any reference, direct or indirect, to any controlled dangerous substances as provided for in Schedules II, III, IV, and V of R.S. 40:964.*

Physicians, Surgeons, Osteopaths and Midwives

Advertising by physicians, surgeons, osteopaths and midwives is governed by R.S. 37:1285, which provides in part:

[17] ***Michon v. Louisiana State Board of Optometry Examiners***, 121 So.2d 565 (La. App. 2nd Cir. 1960).
[18] ***Aiken v. Louisiana State Board of Optometry Examiners***, supra.

§1285. Causes for nonissuance; suspension; revocation; or the imposition of restrictions; fines, reinstatement; publication of action

A. The board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit issued under this Part for the following causes:

* * *

(7) Solicitation of patients or self-promotion through advertising or communication, public or private, which is fraudulent, false, deceptive, or misleading;

* * *

(19) Soliciting, accepting, or receiving anything of economic value in return for and based on the referral of patients to another person, firm, or corporation or in return for the prescription of medications or medical devices….

FAIR TRADE LAWS

Fair trade laws[19] are enacted to prohibit unfair methods of competition in commerce, including the advertising and selling of certain merchandise below cost in order to attract patronage. In Louisiana, the Unfair Sales Law is found at R.S. 51:421, *et seq*. R.S. 51:422 provides as follows:

§422. Sales at less than cost unlawful

A. Any advertising, offer to sell, or sale of any merchandise, either by retailers or wholesalers, at less than cost as defined by this Sub-part plus any state, county or municipal sales tax that is then payable under any existing law or ordinance, with the intent or effect of inducing the purchase of other merchandise or of unfairly diverting trade from a competitor or impairing fair competition and thus injuring public welfare, is unfair competition and contrary to and violative of public policy as express in this Sub-part, where the result of such advertising, offer or sale is to tend to deceive any purchaser or prospective purchaser, or to substantially lessen competition, or to unreasonably restrain trade, or to tend to create monopoly in any line of commerce.

B. Any sale, transfer or exchange between wholesale outlets or between retail outlets or between wholesale and retail outlets operating a separate business or under a separate name at a price less than the minimum herein prescribed, either through the allowance of a discount or by the payment of a commission or through any other device used to reduce the minimum price shall constitute a violation of this Sub-part.

C. Any wholesaler or retailer who furnishes labor or services to a purchaser to aid or assist in the conduct of the purchaser's business shall be deemed to be in violation of this Sub-part where the value of the services reduces

[19] In Louisiana, these laws are known as the "Unfair Sales Law," R.S. 51:421, *et seq*.

the selling price of any given commodity below the minimum price as herein established, and this provision shall be effective irrespective of whether or not the person or persons performing such services be in the employ of the seller.

The penalty for violating the Unfair Sales Law is found in R.S. 51:423, which provides:

§423. Violation; penalty; prima facie evidence; revocation of license or permit

No retailer or wholesaler shall advertise, offer to sell or sell at retail any item of merchandise at less than cost to the retailer or less than cost to the wholesaler respectively.

Whoever violates this Section shall be fined not less than twenty-five dollars nor more than five hundred dollars for each offense and each offense shall constitute a separate violation. Proof of any advertising, offer to sell or sale by any retailer or wholesaler in contravention of the policy of this Sub-part shall be prima facie evidence of a violation.

In addition, the collector of revenue may suspend or revoke any existing license or permit granted to any wholesale or retail dealer after notice and opportunity to be heard, and in conformity to the rules and regulations made by the collector of revenue to carry out the provisions of this Sub-part.

The Unfair Sales Law, in R.S. 51:424, allows for injunctive relief and reasonable attorney's fees under certain circumstances, as follows:

§424. Injunctions

In addition, the courts of this state may prevent and restrain violations of this Sub-part, and district attorneys, in the respective districts, shall institute proceedings to prevent and restrain violations. Any person damaged, or who is threatened with loss or injury by reason of a violation of this Sub-part may sue for and have injunctive relief against any damage, or threatened loss or injury. Any person, successful in a suit for injunctive relief under this Section, shall be allowed a reasonable attorney's fee; and further, the right as herein established shall exist in favor of any duly organized and existing trade organization and there shall exist damages and injury to such organization where it is shown that any one or more individual members thereof has been damaged by a violation of this Sub-part.

R.S. 51:426 provides for transactions which are exempt from the Unfair Sales Law as follows:

§426. Exemptions

The provisions of this Sub-part shall not apply to sales at retail or sales at wholesale:

(1) Where merchandise is sold in bona fide clearance sales, if advertised, marked, and sold as such;

(2) Where perishable merchandise must be sold promptly in order to forestall loss;

(3) Where merchandise is imperfect or damaged, or is being discontinued and is advertised, marked and sold as such;

(4) Where merchandise is sold upon the final liquidation of any business;

(5) Where merchandise is sold for charitable purposes or to relief agencies;

(6) Where merchandise is sold on contract to departments of the government or governmental institutions;

(7) Where merchandise is sold in good faith to meet that competition which permits a competitor to sell at a lesser price where such competitor is able to do so without violating the terms and conditions of this Sub-part;

(8) Where merchandise is sold by any officer acting under the order or direction of any court; and

(9) Where the merchandise is sold by the manufacturer or producer thereof.

LIABILITY OF ADVERTISING AGENCY

Advertising agencies are generally utilized in the placement of advertisements with newspapers. The advertising client (principal) retains an advertising agency to place advertisements in the newspaper. The advertising agency generally discloses its authority to the newspaper and very seldom, if ever, personally guarantees the payment for the placement of the advertising. Under these circumstances, Louisiana law is clear that the advertising agency, who has communicated its authority to the newspaper is not responsible for the payment for running the advertisement unless the advertising agency has entered into a personal guarantee.

Louisiana Civil Code Articles 3016 and 3017 provide:

Art. 3016. Disclosed mandate and principal

A mandatary who contracts in the name of the principal within the limits of his authority does not bind himself personally for the performance of the contract.

Art. 3017. Undisclosed mandate

A mandatary who contracts in his own name without disclosing his status as a mandatary binds himself personally for the performance of the contract.

In these articles, the "mandatary" is the advertising agency.

Tri-Star Business Forms and Printing, Inc. v. Advertising Group, Inc.[20] involved the printer suing the advertising agency to collect the debt owed by the bankrupt client of the agency. The evidence presented at trial proved that the advertising agency had not exceeded its authority and had not agreed to pay the debt, whether as the principal debtor or as a guarantor. Therefore, the Second Circuit held that the advertising agency was legally absolved of liability to Tri-Star for the work that Tri-Star had performed on behalf of the advertising agency's client (principal).

In ***Texoma Broadcasters v. Hospital Corporation of America***,[21] the Third Circuit held that the hospital (principal) was liable to the broadcasters for advertising services which were unpaid

[20] 606 So.2d 1382 (La. App. 2nd Cir. 1992).
[21] 542 So.2d 780 (La. App. 3rd Cir. 1989).

by the hospital's advertising agency, even though the advertising agency had been paid a portion of the money by the hospital for the advertising placed on its behalf. The Third Circuit's decision resulted in the hospital being required to pay about two-thirds of the advertising bills twice, once to the advertising agency and then a second time to the broadcasters. Therefore, under La. Civil Code Arts. 3012 and 3013, advertising agencies are generally not liable for the placement of advertising if the agency has disclosed its authority and has not entered into a personal guarantee of the debt.

ADVERTISING AND EMPLOYMENT PRACTICES

Both federal and Louisiana law make it unlawful for an employer to print or publish, or cause to be printed or published, an advertisement which indicates any preference, limitation, specification, or discrimination based on certain factors, except under limited circumstances.

Age Discrimination

29 U.S.C. §623(e) provides:

> ***(e) Printing or publication of notice or advertisement indicating preference, limitation, etc.***
>
> *It shall be unlawful for an employer, labor organization, or employment agency to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination based on age.*[22]

However, 29 U.S.C. §623(f) provides, in pertinent part:

> ***(f) Lawful practices, age an occupational qualification; other reasonable factors; …***
>
> *It shall not be unlawful for an employer, employment agency, or labor organization --*
>
> *(1) To take any action otherwise prohibited under Subsections…(e) of this section where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, or where the differentiation is based on reasonable factors other than age…..*

Therefore, an advertisement that indicates any preference, limitation, specification, or discrimination, based on age, is only lawful where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business or where the differentiation is based on reasonable factors other than age.

In 1978, Louisiana adopted R.S. 23:311, *et seq*., its own version of the Age Discrimination in Employment Act. The language found in R.S. 23:312(E) and (F) are substantially similar to that

[22] In ***E.E.O.C. v. Marion Motel Associates***, 763 F.Supp. 1338 (W.D.N.C. 1991), the employer acted unlawfully in causing to be published an advertisement seeking "young, energetic persons" to apply for employment.

found in 29 U.S.C. §623(e) and (f). In ***Belanger v. Keydril Company***,[23] the Federal District Court held that, although the employer generally may have been covered by the Federal Age Discrimination in Employment Act (29 U.S.C. §621, *et seq*.), such coverage did not extend to its employees working in foreign countries, and did not preclude application of the Louisiana Age Discrimination in Employment Act.

Discrimination Based on Religion, Sex and National Origin

42 U.S.C. §2000e-3(b) provides:

> ***Printing or publication of notices or advertisements indicating prohibited preference, limitation, specification, or discrimination; occupational qualification exception***
>
> * * *
>
> *(b) It shall be an unlawful employment practice for an employer, labor organization, employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, or national origin when religion, sex, or national origin is a bona fide occupational qualification for employment.*

Therefore, an advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex or national origin when these factors are bona fide occupational qualifications for employment.

In ***Hailes v. United Airlines***,[24] the Federal Fifth Circuit Court of Appeals held that an airline advertisement for "stewardesses" placed in the "help wanted-female" column of newspaper, without a corresponding advertisement in the "help wanted-male" column, indicated an improper preference for females which cannot be neutralized by a statement that the airline was an "equal opportunity employer." However, it is important to note that, in ***Brush v. San Francisco Newspaper Printing Company***,[25] the Federal Ninth Circuit Court of Appeal held that a newspaper publisher was not an "employment agency" under 42 U.S.C. §2000e-3, and therefore, the use of employment advertisement classifications, "male" and "female," did not violate 42 U.S.C. §2000e-3.

[23] 596 F.Supp. 823 (D.C. 1984).
[24] 464 F.2d 1006 (5th Cir. 1972).
[25] 469 F.2d 89 (9th Cir. 1972), *cert. denied*, 410 U.S. 943, 93 S.Ct. 1369.

Although Louisiana has adopted a specific statute, R.S. 23:1006, making it unlawful to discriminate in employment because of race, color, religion, sex or national origin, the Louisiana statute does not contain a specific provision regarding advertising. Therefore, it is unclear how R.S. 23:332 applies, if at all, to advertising by employers.

NOTICE BY SEXUAL OFFENDERS

Louisiana law requires the publication of notice by sexual offenders under certain circumstances. R.S. 15:542.1 provides as follows:

§542.1 Registration of sex offenders

A. Any adult residing in this state who has pled guilty to, has been convicted of, or where adjudication has been deferred or withheld for the perpetration or attempted perpetration of, or conspiracy to commit, a sex offense as defined in R.S. 15:541(14.1) or a criminal offense against a minor as defined in R.S. 15:541(9) shall be required to provide the following notifications:

(1) Give notice of the crime for which he was convicted, his name, residential address, a description of his physical characteristics as provided in R.S. 15:542(C)(1), and a photograph or copy thereof to all of the following:

(a) At least one person in every residence or business within a one-mile radius in a rural area and a three-tenths of a mile radius in an urban or suburban area of the address of the residence where the offender will reside upon release, including all adults residing in the residence of the offender.

(b) (i) The superintendent of the school district where they will reside, who shall notify the principal of every school located within a one-mile radius of the address where the offender will reside and may notify the principals of other schools as he deems appropriate. The notice sent by the superintendent shall be accompanied by two clear, recent photographs, or a clear photocopy thereof, of the offender. The photographs, which shall be provided by the offender, shall be taken after release and within sufficient time to accompany the notification which is required under the provisions of this Chapter. The principal of any such school, upon receipt of the notification from the superintendent pursuant to the provisions of this Subparagraph, shall post notices at the school, in conspicuous areas accessible by all students attending the school, which contain a photograph of the offender and which state that the offender's name, address, and a statement on the notice, commensurate with the education level of the school, which in the discretion of the principal, appropriately notifies the students of the potential danger of the offender.

(ii) Failure of the superintendent or principal to comply with the provisions of this Subparagraph shall not be construed to impose civil liability on any person.

(c) The lessor, landlord, or owner of the residence or the property on which he resides.

(d) The superintendent of any park, playground, or recreation districts within the designated area where the offender will reside, who shall notify the custodians of the parks, playgrounds, and recreational facilities in the designated area and may notify the custodians of other parks, playgrounds, and recreational facilities as he deems appropriate. The custodian of any such park, playground, and recreational facility, upon receipt of the notification, shall post notices in conspicuous areas at the park, playground, or recreational facility which state the offender's name, address, and the crime for which he was convicted. Failure of the superintendent or custodian to comply with the provisions of this Subparagraph shall not be construed to impose civil liability on any person. The notice sent by the superintendent shall be accompanied by two clear, recent photographs, or a clear photocopy thereof, of the offender. The photographs, which shall be provided by the offender, shall be taken after release and within sufficient time to accompany the notification which is required under the provisions of this Chapter.

(e) Notwithstanding the provisions of Paragraph (1) of this Subsection, persons convicted of R.S. 14:89(A)(2) shall not be required to furnish a photograph as required by that Paragraph.

(2) (a) Give notice of the crime for which he was convicted, his name, jurisdiction of conviction, a description of his physical characteristics as required by this Section, and his physical address by mail to all people residing within the designated area within twenty-one days of the sentencing or release from confinement or within twenty-one days of establishing residency in the locale where the offender plans to have his domicile, and the notice shall be published on two separate days within the applicable period provided for herein, without cost to the state, in the official journal of the governing authority of the parish where the defendant plans to reside and, if ordered by the sheriff or police department or required by local ordinance, in a newspaper which meets the requirements of R.S. 43:140(3) for qualification as an official journal and which has a larger or smaller circulation in the parish than the official journal. The notice provided to the official journal or other designated newspaper pursuant to this Subparagraph shall also include a recent photograph of the offender or a clear photocopy of a recent photograph of the offender.

(b) Those persons required to provide community notification pursuant to the provisions of this Section shall provide such community notification every five years from the date of the previous notification.

(c) The sheriff or police department may order that the notice be published in a newspaper which meets the requirements of R.S. 43:140(3) for qualification as an official journal and which has a larger circulation in the parish than the official journal.

(d) Notwithstanding the provisions of Subparagraphs (a) and (b) of this Paragraph, persons convicted of R.S. 14:92(A)(7) shall not be required to publish notice of the crime for which they were convicted in the official journal or any newspaper required by those Subparagraphs.

(3) Give any other notice deemed appropriate by the court in which the defendant was convicted of the offense that subjects him to the duty to register, including but not limited to signs, handbills, bumper stickers, or clothing labeled to that effect.

(4) State under oath, at the time of sentencing, where he will reside after sentencing or release.

(5) Post the number of his physical address in a conspicuous place on the outside of his residence. The posted number shall be prominently displayed and shall be of sufficient size and legibility such that it will be visible to an ordinarily observant person approaching the residence during the daylight hours.

B. (1) Any person required to register pursuant to R.S. 15:542 who provides recreational instruction to persons under the age of seventeen years shall post a notice in the building or facility where such instruction is being given. This notice shall contain the name and photograph of the sex offender, the date and jurisdiction of conviction, and the crime for which he was convicted. Such notification shall be prominently displayed and shall be of sufficient size to alert persons entering such building or facility that the recreational instructor is a convicted sex offender.

(2) For purposes of this Subsection, "recreational instruction" refers to instruction or lessons on noneducational activities, including but not limited to martial arts, dancing, theater, and music.

C. Any juvenile required to register in accordance with the provisions of this Chapter shall be exempt from any notification requirements of this Section except for the notification required by the provisions of Subsection B of this Section.

D. (1) Any person who is required to register pursuant to the provisions of this Chapter, who is otherwise not prohibited from using a networking website, and who creates a profile or who uses the functionality of a

networking website to contact or attempt to contact other networking website users shall include in his profile for the networking website as indication that he is a sex offender or child predator and shall include notice of the crime for which he was convicted, the jurisdiction of conviction, a description of his physical characteristics as required by this Section, and his residential address. The person shall ensure that this information is displayed in his profile for the networking website and that such information is visible to, or is able to be viewed by, other users and visitors of the networking website.

(2) (a) For purposes of this Subsection, "networking website" means an Internet website, the purpose of which is social interaction with other networking website users, which contains profile web pages of the members of the website that include the names or nicknames of such members, that allows photographs and any other personal or personality identifying information to be placed on the profile web pages by such members, and which provides links to other profile web pages on the networking website of friends or associates of such members that can be accessed by other members or visitors to the website. A networking website provides members of, or visitors to, such website the ability to leave messages or comments on the profile web page that are visible to all or some visitors to the profile web page and may also include a form of electronic mail for members of the networking website.

(b) For purposes of this Subsection, "networking website" shall not include any of the following:

(i) An Internet website the primary purpose of which is the facilitation of commercial transactions involving goods or services between its members or visitors.

(ii) An Internet website the primary purpose of which is the dissemination of news.

(iii) An Internet website of a governmental entity.

R.S. 15:574.4 provides:

§574.4. Parole; eligibility

A. (1) (a) Unless eligible at an earlier date and except as provided for in Subparagraph (b) of this Paragraph and Subsection B of this Section, a person, otherwise eligible for parole, convicted of a first felony offense shall be eligible for parole consideration upon serving one-third of the sentence imposed. Upon conviction of a second felony offense, such person shall be eligible for parole consideration upon serving one-half of the sentence imposed. A person convicted of a third or subsequent felony offense shall not be eligible for parole.

(b) (i) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, a person, otherwise eligible for parole, convicted of a first felony offense shall be eligible for parole consideration upon serving twenty-five percent of the sentence imposed. The provisions of this Subparagraph shall not apply to any person who has been convicted of a crime of violence as defined in R.S. 14:2(B), has been convicted of a sex offense as defined in R.S. 15:541, has been sentenced as a habitual offender pursuant to R.S. 15:529.1, or is otherwise ineligible for parole.

(ii) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, a person, otherwise eligible for parole, convicted of a second felony offense shall be eligible for parole consideration upon serving thirty-three and one-third percent of the sentence imposed. The provisions of this Item shall not apply to any person who has been convicted of a crime of violence as defined in R.S. 14:2(B), has been convicted of a sex offense as defined in R.S. 15:541, has been sentenced as a habitual offender pursuant to R.S. 15:529.1, or otherwise ineligible for parole.

(iii) Any person eligible for parole pursuant to the provisions of this Subparagraph shall not be eligible for parole pursuant to the provisions of Subparagraph (a) of this Paragraph.

(iv) Nothing in this Subparagraph shall prevent a person from reapplying for parole as provided by rules adopted in accordance with the Administrative Procedure Act.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection or any other law to the contrary, unless eligible for parole at an earlier date, a person committed to the Department of Public Safety and Corrections for a term or terms of imprisonment with or without benefit of parole for thirty years or more shall be eligible for parole consideration upon serving at least twenty years of the term or terms of imprisonment in actual custody and upon reaching the age of forty-five. This provision shall not apply to a person serving a life sentence unless the sentence has been commuted to a fixed term of years. The provisions of this Paragraph shall not apply to any person who has been convicted under the provisions of R.S. 14:64.

(3) Notwithstanding the provisions of Paragraph (A)(1) or (2) of this Section or any other provision of law to the contrary, unless eligible for parole at an earlier date, a person committed to the Department of Public Safety and Corrections serving a life sentence for the production, manufacturing, distribution, or dispensing or possessing with intent to

produce, manufacture, or distribute heroin shall be eligible for parole consideration upon serving at least fifteen years of imprisonment in actual custody.

(4) Notwithstanding any other provision of law to the contrary, unless eligible for parole at an earlier date, a person committed to the Department of Public Safety and Corrections for a term or terms of imprisonment with or without benefit of parole who has served at least ten years of the term or terms of imprisonment in actual custody shall be eligible for parole consideration upon reaching the age of sixty years if all of the following conditions are met:

(a) The offender has not been convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or convicted of an offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

(b) The offender has not committed any disciplinary offenses in twelve consecutive months prior to the parole eligibility date.

(c) The offender has completed the mandatory minimum of one hundred hours of prerelease programming in accordance with the provisions of R.S. 15:827.1 if such programming is available at the facility where the offender is incarcerated.

(d) The offender has completed substance abuse treatment as applicable.

(e) The offender has obtained a GED credential, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability. If the offender is deemed incapable of obtaining a GED credential, the offender shall complete at least one of the following: a literacy program, an adult basic education program, or a job-skills training program.

(f) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.

B. (1) No person shall be eligible for parole consideration who has been convicted of armed robbery and denied parole eligibility under the provisions of R.S. 14:64. Except as provided in Paragraph (2) of this Subsection, no prisoner serving a life sentence shall be eligible for parole consideration until his life sentence has been commuted to a fixed term of years. No prisoner sentenced as a serial sexual offender shall be eligible for parole. No prisoner may be paroled while there is pending against him any indictment or information for any crime suspected of having been committed by him while a prisoner.

Notwithstanding any other provisions of law to the contrary, a person convicted of a crime of violence and not otherwise ineligible for parole shall serve at least eighty-five percent of the sentence imposed, before being eligible for parole. The victim or victim's family shall be notified whenever the offender is to be released provided that the victim or victim's family has completed a Louisiana victim notice and registration form as provided in R.S. 46:1841 et seq., or has otherwise provided contact information and has indicated to the Department of Public Safety and Corrections, Crime Victims Services Bureau, that they desire such notification.

(2) Nothwithstanding any provision of law to the contrary, any person serving a life sentence, with or without the benefit of parole, who has not been convicted of a crime of violence as defined by R.S. 14:2(B), a sex offense as defined by R.S. 15:541, or an offense, regardless of the date of conviction, which would constitute a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S. 15:541, shall be eligible for parole consideration as follows:

(a) If the person was at least eighteen years of age and under the age of twenty-five years at the time he was sentenced to life imprisonment, he shall be eligible for parole consideration if all of the following conditions are met:

(i) The person has served at least twenty-five years of the sentence imposed.

(ii) The person has obtained a low risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.

(iii) The person has not committed any disciplinary offenses in the two consecutive months prior to the parole eligibility date.

(iv) The person has completed the mandatory minimum of one hundred hours of pre-release programming in accordance with the provisions of R.S. 15:827.1, if such programming is available.

(v) The person has completed substance abuse treatment, if applicable and such treatment is available.

(vi) The person has obtained a GED credential, unless the prisoner has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to learning disability or because such programming is not available. If the prisoner is deemed incapable of obtaining a GED credential, the person shall complete at least one of the following: a

literacy program, an adult basic education program, or a job skills training program.

(c) If the person was at least thirty-five years of age and under the age of fifty years at the time he was sentenced to life imprisonment, he shall be eligible for parole consideration if all of the following conditions are met:

(i) The person has served at least fifteen years of sentence imposed.

(ii) The person has obtained a low risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.

(iii) The person has not committed any disciplinary offenses in the twelve consecutive months prior to the parole eligibility date.

(iv) The person has completed the mandatory minimum of one hundred hours of pre-release programming in accordance with the provisions of R.S. 15:827.1, if such programming is available.

(v) The person has completed substance abuse treatment, if applicable and such treatment is available.

(vi) The person has obtained a GED credential, unless the prisoner has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability or because such programming is not available. If the prisoner is deemed incapable of obtaining a GED credential, the person shall complete at least one of the following: a literacy program, and adult basic education program, or a job skills training program.

(d) If the person was at least fifty years of age at the time he was sentenced to life imprisonment, he shall be eligible for parole consideration if all of the following conditions have been met:

(i) The person has served at least ten years of the sentence imposed.

(ii) The person has obtained a low risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.

(iii) The person has not committed any disciplinary offenses in the twelve consecutive months prior to the parole eligibility rate.

(iv) The person has completed the mandatory minimum of one hundred hours of pre-release programming in accordance with the provisions of R.S. 15:827.1, if such programming is available.

(v) The person has completed substance abuse treatment if applicable and such treatment is available.

(vi) The person has obtained a GED credential, unless the prisoner has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability or because such programming is not available. If the prisoner is deemed incapable of obtaining a GED credential, the person shall complete at least one of the following: a literacy program, and adult basic education program, or a job skills training program.

C. (1) At such intervals as it determines, the board or a member thereof shall consider all pertinent information with respect to each prisoner eligible for parole, including the nature and circumstances of the prisoner's offense, his prison records, the presentence investigation report, any recommendations of the chief probation and parole officer, and any information and reports of data supplied by the staff. A parole hearing shall be held if, after such consideration, the board determines that a parole hearing is appropriate or if such hearing is requested in writing by its staff.

(2) (a) In cases where the offender has been convicted of, or where adjudication has been deferred or withheld for the perpetration or attempted perpetration of a violation of a sex offense as defined in R.S. 15:541 and parole is permitted by law and the offender is otherwise eligible, the board shall consider reports, assessments, and clinical information, as available, including any testing and recommendations by mental health professionals, as to all of the following:

(i) Whether the offender has successfully completed the sex offender program.

(ii) Whether, in the expert's opinion, there is a likelihood that the offender will or will not repeat the criminal conduct and that the offender will or will not be a danger to society.

(b) The board shall render its decision ordering or denying the release of the prisoner on parole only after considering this clinical evidence where such clinical evidence is available.

D. (1) Notwithstanding any provision of law to the contrary, any person serving a sentence of life imprisonment who was under the age of eighteen years at the time of the commission of the offense, except for a

person serving a life sentence for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1), shall be eligible for parole consideration pursuant to the provisions of this Subsection if all of the following conditions are met:

(a) The offender has served thirty years of the sentence imposed.

(b) The offender has not committed any disciplinary offenses in the twelve consecutive months prior to the parole eligibility date.

(c) The offender has completed the mandatory minimum of one hundred hours of prerelease programming in accordance with R.S. 15:827.1.

(d) The offender has completed substance abuse treatment as applicable.

(e) The offender has obtained a GED certification, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED certification due to learning disability. If the offender is deemed incapable of obtaining a GED certification, the offender shall complete at least one of the following:

(i) A literacy program.

(ii) An adult basic education program.

(iii) A job skills training program.

(f) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.

(g) The offender has completed a reentry program to be determined by the Department of Public Safety and Corrections.

(h) If the offender was convicted of aggravated rape, he shall be designated a sex offender and upon release shall comply with all sex offender registration and notification provisions as required by law.

(2) For each offender eligible for parole consideration pursuant to the provisions of this Subsection, the board shall meet in a three-member panel and each member of the panel shall be provided with and shall consider a written evaluation of the offender by a person who has expertise in adolescent brain development and behavior and any other relevant evidence pertaining to the offender.

(3) The panel shall render specific findings of fact in support of its decision.

Code of Criminal Procedure Article 895 provides:

A. When the court places a defendant on probation, it shall require the defendant to refrain from criminal conduct and to pay a supervision fee to defray the costs of probation supervision, and it may impose any specific conditions reasonably related to his rehabilitation, including any of the following. That the defendant shall:

(1) Make a full and truthful report at the end of each month;

(2) Meet his specified family responsibilities, including any obligations imposed in a court order of child support;

(3) Report to the probation officer as directed;

(4) Permit the probation officer to visit him at his home or elsewhere;

(5) Devote himself to an approved employment or occupation;

(6) Refrain from owning or possessing firearms or other dangerous weapons;

(7) Make reasonable reparation or restitution to the aggrieved party for damage or loss caused by his offense in an amount to be determined by the court;

(8) Refrain from frequenting unlawful or disreputable places or consorting with disreputable persons;

(9) Remain within the jurisdiction of the court and get the permission of the probation officer before making any change in his address or his employment; and

(10) Devote himself to an approved reading program at his cost if he is unable to read the English language.

(11) Perform community service work.

(12) Submit himself to available medical, psychiatric, mental health, or substance abuse examination or treatment or both when deemed appropriate and ordered to do so by the probation and parole officer.

(13) (a) Agree to searches of his person, his property, his place of residence, his vehicle, or his personal effects, or any or all of them, at any time, by the probation officer or the parole officer assigned to him, with or without a warrant of arrest or with or without a search warrant, when the probation officer or the parole officer has reasonable suspicion to believe that the person who is on probation is engaged in or has been engaged in criminal activity.

(b) For those persons who have been convicted of a "sex offense" as defined in R.S. 15:541, agree to searches of his person, his property, his place of residence, his vehicle, or his personal effects, or any or all of them, at any time, by a law enforcement officer, duly commissioned in the parish or municipality where

the sex offender resides or is domiciled, designated by his agency to supervise sex offenders, with or without a warrant of arrest or with or without a search warrant, when the officer has reasonable suspicion to believe that the person who is on probation is engaged in or has been engaged in criminal activity for which the person has not been charged or arrested while on probation.

B. (1) In felony cases, an additional condition of the probation may be that the defendant shall serve a term of imprisonment without hard labor for a period not to exceed two years.

(2) In felony cases assigned to the drug division probation program pursuant to the provisions of R.S. 13:5304, the court may impose as a condition of probation that the defendant successfully complete the intensive incarceration program established pursuant to R.S. 15:574.4.1. If the defendant is not accepted into the intensive incarceration program or fails to successfully complete the intensive incarceration program, the court shall reconsider the sentence imposed as provided in Article 881.1.

(3) In felony cases, an additional condition of the probation may be that the defendant be ordered to be committed to the custody of the Department of Public Safety and Corrections and be required to serve a sentence of not more than six months without diminution of sentence in the intensive incarceration program pursuant to the provisions of R.S. 15:574.4.1. Upon successful completion of the program, the defendant shall return to supervised probation for a period of time as ordered by the court, subject to any additional conditions imposed by the court and under the same provisions of law under which the defendant was originally sentenced. If an offender is denied entry into the intensive incarceration program for physical or mental health reasons or for failure to meet the department's suitability criteria, the department shall notify the sentencing court, and the offender shall be resentenced in accordance with the provisions of Code of Criminal Procedure Article 881.1.

C. In cases of violations of the Uniform Controlled Dangerous Substances Law, the court may order the suspension or restriction of the defendant's driving privileges, if any, for all or part of the period of probation. In such cases, a copy of the order shall be forwarded to the Department of Public Safety and Corrections, which shall suspend the defendant's driver's license or issue a restricted license in accordance with the orders of the court. Additionally, the court may order the defendant to:

(1) Submit to and pay all costs for drug testing by an approved laboratory at the direction of his probation officer.

(2) Perform not less than one hundred sixty hours nor more than nine hundred sixty hours of community service work.

D. The court may, in lieu of the monthly supervision fee provided for in Paragraph A, require the defendant to perform a specified amount of community service work each month if the court finds the defendant is unable to pay the supervision fee provided for in Paragraph A.

E. Before the court places a sexual offender on probation, it shall order the offender who has not previously been tested to submit to a blood and saliva test in accordance with R.S. 15:535. All costs shall be paid by the offender. Serial sexual offenders sentenced pursuant to R.S. 15:537(B) shall not be eligible for parole or probation.

F. In cases of any violation of Subpart (A)(1) of Part V of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950 or R.S. 14:92(7), the court may order the defendant to submit to psychological evaluation and, if indicated, order him to obtain psychiatric or psychological counseling for all or part of the period of probation. All costs shall be paid by the defendant.

G. Before the court places the defendant on probation, it shall determine if the defendant has a high school degree or its equivalent and, if the defendant does not, it shall order the defendant to take a reading proficiency test. If the defendant scores below a sixth grade level on the reading proficiency test, the court shall condition probation upon the defendant's enrolling in and attending an adult education or reading program until he attains a sixth grade reading level or until his term of probation expires, whichever occurs first. All costs shall be paid by the defendant. If the court finds that there are no adult education or reading programs in the parish in which the defendant is domiciled, the defendant is unable to afford such a program, or attendance would create an undue hardship on the defendant, the court may suspend this condition of probation. The provisions of this Paragraph shall not apply to those defendants who are mentally, physically, or by reason of age, infirmity, dyslexia or other such learning disorders unable to participate.

H. (1) In cases where the defendant has been convicted of or adjudication has been deferred or withheld for the perpetration or attempted perpetration of a sex offense as defined in R.S. 15:541, and probation is permitted by law and when the court places a defendant on probation, the court shall order the offender to register as a sex offender and to provide notification in accordance with the provisions of R.S. 15:540 et seq.

(2) The defendant must state under oath where he will reside after sentencing and that he will advise the court of any subsequent change of address during the probationary period.

(3) No offender who is the parent, stepparent, or has legal custody and physical custody of the child who is the victim shall be released on probation unless the victim has received psychological counseling prior to the offender's release if the offender is returning to the residence or community in which the child resides. Such psychological counseling shall include an attempt by the health care provider to ease the

psychological impact upon the child of the notice required under Subparagraph (1) of this Paragraph, including assisting the child in coping with potential insensitive comments and actions by the child's neighbors and peers. The cost of such counseling shall be paid by the offender.

(4) Repealed by Acts 2007, No. 460, §3, eff. Jan. 1, 2008.

(5) The court may order that the conditions of probation as provided for in Subparagraph (1) of this Paragraph shall apply for each subsequent change of address made by the defendant during the probationary period.

I. The defendant shall be given a certificate setting forth the conditions of his probation and shall be required to agree in writing to the conditions.

J. In cases where the defendant has been convicted of an offense involving criminal sexual activity, the court shall order as a condition of probation that the defendant successfully complete a sex offender treatment program. As part of the sex offender treatment program, the offender shall participate with a victim impact panel or program providing a forum for victims of criminal sexual activity and sex offenders to share experiences on the impact of the criminal sexual activity in their lives. The Department of Public Safety and Corrections shall establish guidelines to implement victim impact panels where, in the judgment of the licensed professional responsible for the sexual treatment program, appropriate victims are available, and shall establish guidelines for other programs where such victims are not available. All costs for the sex offender treatment program shall be paid by the offender.

K. A conviction for any offense involving criminal sexual activity as provided for in Paragraph H of this Article, includes a conviction for an equivalent offense under the laws of another state. Criminal sexual offenders under the supervision and legal authority of the Department of Public Safety and Corrections pursuant to the terms and conditions of the interstate compact agreement provided for in R.S. 15:574.14 shall be notified of the registration requirements provided for in this Article at the time the department accepts supervision and has legal authority of the individual.

L. (1) In all cases where the defendant has been convicted of an offense of domestic abuse as provided in R.S. 46:2132(3) to a family or household member as provided in R.S. 46:2132(4), or of an offense of dating violence as provided in R.S. 46:2151(C) to a dating partner as provided in R.S. 46:2151(B), the court shall order that the defendant submit to and successfully complete a court-approved course of counseling or therapy related to family or dating violence, for all or part of the period of probation. If the defendant has already completed such a counseling program, said counseling requirement shall be required only upon a finding by the court that such counseling or therapy would be effective in preventing future domestic abuse or dating violence.

(2) All costs for the counseling or therapy shall be paid by the offender. In addition, the court may order that the defendant pay an amount not to exceed one thousand dollars to a family violence program located in the parish where the offense of domestic abuse occurred.

M. If a defendant is injured or suffers other loss in the performance of community service work required as a condition of probation, neither the state nor any political subdivision, nor any officer, agent, or employee of the state or political subdivision shall be liable for any such injury or loss, unless the injury or loss was caused by the gross negligence or intentional acts of the officer, agent, or employee of the state or political subdivision. No provision of this Paragraph shall negate any requirement that an officer, agent, or employee secure proper and appropriate medical assistance for a defendant who is injured while performing community service work and in need of immediate medical attention.

FEDERAL LAW AND ADVERTISING

There are several other federal laws that may be applicable to newspapers and advertising under certain circumstances, such as the Sherman Antitrust Act, 15 U.S.C. §1, *et seq*., the Clayton Act, 15 U.S.C. §12, *et seq*., and the Americans with Disabilities Act, 42 U.S.C. §12101, *et seq*., etc. However, discussions of these laws are beyond the scope of this publication.

UNITED STATES CURRENCY

Federal law provides for restrictions on publishing illustrations of United States currency, as follows:

18 U.S.C. §504. Printing and filming of United States and foreign obligations and securities

Notwithstanding any other provision of this chapter, the following are permitted:

(1) The printing, publishing, or importation, or the making or importation of the necessary plates for such printing or publishing, of illustrations of -

(A) postage stamps of the United States,

(B) revenue stamps of the United States,

(C) any other obligation or other security of the United States, and

(D) postage stamps, revenue stamps, notes, bonds, and any other obligation or other security of any foreign government, bank, or corporation. Illustrations permitted by the foregoing provisions of this section shall be made in accordance with the following conditions –

(i) all illustrations shall be in black and white, except that illustrations of postage stamps issued by the United States or by any foreign government and stamps issued under the Migratory Bird Hunting Stamp Act of 1934 may be in color;

(ii) all illustrations (including illustrations of uncanceled postage stamps in color and illustrations of stamps issued under the Migratory Bird Hunting Stamp Act of 1934 in color) shall be of a size less than three-fourths or more than one and one-half, in linear dimension, of each part of any matter so illustrated which is covered by subparagraph (A), (B), (C), or (D) of this paragraph, except that black and white illustrations of postage and revenue stamps issued by the United States or by any foreign government and colored illustrations of canceled postage stamps issued by the United States may be in the exact linear dimension in which the stamps were issued; and

(iii) the negatives and plates used in making the illustrations shall be destroyed after their final use in accordance with this section.

The Secretary of the Treasury shall prescribe regulations to permit color illustrations of such currency of the United States as the Secretary determines may be appropriate for such purposes.

(2) The provisions of this section shall not permit the reproduction of illustrations of obligations or other securities, by or through electronic methods used for the acquisition, recording, retrieval, transmission, or reproduction of any obligation or other security, unless such use is authorized by the Secretary of the Treasury. The Secretary shall establish a system to ensure that the legitimate use of such electronic methods and retention of such reproductions by businesses, hobbyists, press or others shall not be unduly restricted.

(3) The making or importation of motion-picture films, microfilms, or slides, for projection upon a screen or for use in telecasting, of postage and revenue stamps and other obligations and securities of the United States, and postage and revenue stamps, notes, bonds, and other obligations or securities of any foreign government, bank, or corporation. No prints or other reproductions shall be made from such films or slides, except for the purposes of paragraph (1), without the permission of the Secretary of the Treasury. For the purposes of this section the term ''postage stamp'' includes postage meter stamps.

TITLE 31 – MONEY AND FINANCE: TREASURY
CHAPTER IV – SECRET SERVICE, DEPARTMENT OF THE TREASURY

PART 411--COLOR ILLUSTRATIONS OF UNITED STATES CURRENCY--Table of Contents

Sec. 411.1 Color illustrations authorized.

(a) Notwithstanding any provision of chapter 25 of Title 18 of the U.S. Code, authority is hereby given for the printing, publishing or importation, or the making or importation of the necessary plates or items for such printing or publishing, of color illustrations of U.S. currency provided that:

(1) The illustration be of a size less than three-fourths or more than one and one-half, in linear dimension, of each part of any matter so illustrated;

(2) The illustration be one-sided; and

(3) All negatives, plates, positives, digitized storage medium, graphic files, magnetic medium, optical storage devices, and any other thing used in the making of the illustration that contain an image of the illustration or any part thereof shall be destroyed and/or deleted or erased after their final use in accordance with this section.

(b) [Reserved]

CHAPTER III
THE CIRCULATION DEPARTMENT AND THE LAW

"Paper boys" are not used as extensively today as they were in the past to deliver newspapers; however, newspapers continue to employ minors to perform various tasks suitable for minors and primarily associated with the circulation department. The employment of minors in Louisiana is heavily regulated by statute with various privileges and restrictions applicable to the employment of minors in Louisiana.

Several provisions relative to the employment of minors, including R.S. 23:168,[1] were repealed during the 1993 legislative session. Following are the Louisiana statutes applicable to the employment of minors that newspapers should be familiar with:

EMPLOYMENT OF MINORS

Employment Privileges and Restrictions

R.S. 23:161. Minors; prohibited employments

Minors, except those indentured as apprentices in accordance with Chapter 4 of this Title, shall not be employed, permitted, or suffered to work:

(1) In oiling, cleaning, or wiping machinery or shafting, or in applying belts to pulleys;…

* * *

(10) As a driver of any motor vehicle on a public road if they are minors sixteen years of age or younger. Minors seventeen years of age or older may be employed, permitted, or suffered to work as a driver of a motor vehicle only under the following restrictions:

(a) The driving constitutes no more than one-third of the minor's work time in any work day and no more than twenty percent of the minor's work time in any work week.

(b) Any further restrictions imposed by federal law on the driving of minors during employment under the provisions of the Teen Drive for Employment Act which amends the Fair Labor Standards Act (FLSA) 26 U.S.C. §§212-213.

* * *

(12) In spray painting or in occupations involving exposure to lead or its compounds, or to dangerous or poisonous dyes and chemicals.

---

[1] R.S. 23:168, prior to being repealed in 1993, provided:

§168. Minors twelve years of age or over; delivery of afternoon and Sunday papers

Minors twelve years of age and over may engage, after school hours and during vacations, in the delivery of, and in the collection for, afternoon and Sunday newspapers over fixed routes in residential areas, upon issuance of a street trades permit as provided in Subpart C of this Part.

R.S. 23:162. Minors under fourteen; general prohibition against employment

A. Except as otherwise provided in this Chapter, no minor under the age of fourteen years shall be employed, permitted, or suffered to work in any gainful occupation at any time.

B. Minors under the age of fourteen may be employed, if all of the following conditions are met:

(1) The minor is at least twelve years of age.

(2) The minor's parent or legal guardian is an owner or partner in the business in which the minor is to be employed.

(3) The minor shall work only under the direct supervision of the parent or legal guardian who owns or is a partner in the business.

(4) All of the protections afforded to minors fourteen and fifteen years of age shall be afforded to minors twelve and thirteen years of age.

(5) The minor obtains an employment certificate pursuant to R.S. 23:184.

R.S. 23:163. Minors under sixteen; prohibited employments

No minor under the age of sixteen years shall be employed, permitted, or suffered to work:

* * *

(2) In, or about, or in connection with power-driven machinery.

(3) In any manufacturing or processing establishment, or in any manufacturing, mechanical, or processing occupation.

* * *

(6) In the distribution or delivery of goods or messages for any person engaged in the business of transmitting or delivering of goods or messages.

R.S. 23:166. Minors fourteen and fifteen years of age; employments permitted

Minors fourteen and fifteen years of age may be employed in any gainful occupation not prohibited in this Part, only after school hours and during nonschool days.

Employment Certificates

R.S. 23:181. Secretary of labor to furnish forms

The executive director shall prescribe and furnish all forms to be used in connection with the issuance of employment certificates by each issuing authority.

R.S. 23:182. Employers to keep records

Every person employing minors shall procure and keep on file an employment certificate for each minor, except for those minors employed in approved federally funded youth training programs and those minors employed in theatrical,

modeling, motion picture or television production, musical occupations, or in other performing arts. Such certificate shall be accessible on the job site, or in the immediate area of the work location, at all times to any officer charged with the enforcement of the provisions of this Chapter.

R.S. 23:183. Persons authorized to issue

A. Except as provided in Subsection B of this Section, employment certificates may be issued by either of the following:

(1) The parish or city public school superintendent or by his designated representative.

(2) By the principal of a public or private school or by his designated representative.

B. If the student is a home study program participant, the employment certificate may be issued by any person authorized to issue an employment certificate pursuant to Subsection A of this Section.

C. The name of each designated representative shall be submitted in writing for approval to the executive director of the Louisiana Workforce Commission or his designee. The superintendent of the parish, city, or other public school governing authority or his designee, or the private school principal or his designee shall completely fill out and electronically submit the Employment Certificate Interactive Form located on the Louisiana Workforce Commission's website. The employment certificate shall be printed online from the website from the information that has been entered onto the department's employment certificate database. The original employment certificate shall be signed by the minor and the issuing authority and presented to the minor for delivery to his employer.

R.S. 23:184. Requirements for issuance

Employment certificates shall be issued only upon the personal application by the minor desiring employment, and upon submission to, and approval by the issuing authority, of the following papers:

(1) A statement signed by the prospective employer that it is his intention to employ the minor, and stating the specific nature of the occupation in which the minor is to be employed, the number of hours per day and per week he is to work, and the amount of wages he is to receive; and

(2) One of the following proofs of age:

(a) A birth certificate, or a signed statement thereof issued by the recorder of births.

(b) A baptismal certificate showing the date of birth and the place of baptism.

(c) A contemporaneous bible record of the birth.

(d) A passport or certificate of arrival in the United States, showing the age of the applicant, dated at least two years prior to the application.

(e) A life insurance policy covering the life of the minor, dated at least two years prior to the date of application.

(f) A school record or school identification showing the minor's age.

(g) A current valid Louisiana driver's license or other state-issued identification, including a special identification card, with the minor's date of birth.

(h) An affidavit signed by the minor's parent or legal guardian showing the name, date, and place of birth of the minor and stating that the proofs of age specified in the preceding Subparagraphs of this Paragraph cannot be produced.

R.S. 23:187. Signing of certificate by minor; return by employer after termination of employment

The employment certificate shall be signed by the minor in the presence of the issuing authority and then it shall be returned to the minor for delivery to the employer. An employment certificate shall be valid only for the employer for whom issued and the employer shall be required to maintain it on file for a period of fourteen days after the termination of the minor's employment.

R.S. 23:188. Filing copy with secretary; records kept by issuing authority

A copy of each employment certificate shall be retained in the office of the issuing authority together with the papers required to be submitted by the applicants under R.S. 23:184. The issuing authority shall also keep a record of all applications denied.

R.S. 23:191. Revocation

The executive director may revoke any employment or other certificate if in his judgment it was improperly issued or if the minor is illegally employed. If the certificate is revoked, the issuing authority, the employer, and the minor, shall be notified and the minor shall not thereafter be employed or permitted to work until a new certificate has been legally obtained.

R.S. 23:192. Certificates as evidence of age of minors

Employment certificates issued in accordance with the provisions of this Subpart shall be conclusive evidence of the age of the minor for whom issued in any proceeding involving the employment of the minor subsequent to the issuance thereof.

Hours Of Work

R.S. 23:211. Minors; maximum hours in general

No minor under the age of sixteen shall be employed, permitted, or suffered to work in any gainful occupation more than eight hours in any one day, nor more than six consecutive days in any one week.

R.S. 23:213. Recreation or meal period

No minor shall be employed, permitted, or suffered to work for any five-hour period without one interval of at least thirty minutes within such period for meals. If the period of work before the interval exceeds five hours by ten minutes or less, that difference shall be considered de minimis and shall not be considered a violation of this Section. Such interval shall not be included as part of the working hours of the day. This interval shall be thirty minutes. If the length of the meal break is at least twenty minutes, the difference between the actual break time and the required thirty-minute break time shall be considered de minimis, and shall not be considered a violation of this Section. The break shall be documented, using the employer's normal timekeeping system. If a minor fails to clock in or out for a work period or meal break, and a time edit is necessary, the time edit shall be documented and acknowledged in writing by the minor and the manager who performs the time edit.

R.S. 23:214. Minors under sixteen; maximum hours when school in session

A. Minors under sixteen years of age shall not be employed, permitted, or suffered to work more than three hours each day on any day when school is in session, nor more than eighteen hours in any week when school is in session.

B. The school calendar of the school in which the minor is enrolled or the public school calendar for the district in which the minor resides shall be used to determine a school day or week.

R.S. 23:215. Minors under sixteen; prohibited hours; maximum work week

A. (1) No minor sixteen years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 11:00 p.m. and 5:00 a.m. prior to the start of any school day.

(2) No minor seventeen years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 12:00 a.m. and 5:00 a.m. prior to the start of any school day.

B. No minor under sixteen years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 7:00 p.m. and 7:00 a.m.; except from June first through Labor Day at which time the permissible hours are extended to 9:00 p.m. Minors who are employed in the dairy industry shall be exempt from the provisions of this Section.

C. No minor under sixteen years of age who has not graduated from high school shall be employed, or permitted, or suffered to work in, about, or in connection with any occupation, more than forty hours in any one week.

D. For purposes of this Section, a school day is a day during which school is in session as designated by the local school superintendent for the school district in which the minor resides.

E. For purposes of this Section, a minor who has taken and passed a General Education Development test (GED) and who has been awarded a high school Equivalency Diploma from the Louisiana Department of Education will be considered to have graduated from high school.

F. Employment pursuant to this Section shall be subject to the provisions of any local curfew ordinance.

R.S. 23:217. Records to be kept by employers

Every employer of minors shall keep conspicuously posted at the place of employment:

(1) A printed abstract of the provisions of this Part prepared and furnished by the executive director.

(2) A list of the occupations prohibited to such minors, prepared and furnished by the executive director.

Penal Provisions

To enforce these labor laws relative to the employment of minors, R.S. 23:231 provides for both criminal and civil penalties. Further, a party can be made to pay for reasonable attorney fees. R.S. 23:231 provides:

§23:231. Specific violations; penalties; enforcement

A. No person shall:

(1) Employ, permit, or suffer a minor to work in violation of the provisions of this Part.

(2) Refuse, to the secretary or his authorized representatives, admission to the premises where minors are employed, or otherwise obstruct the secretary or his representatives in the performance of their duties.

(3) Hide or cause any minor to escape, or give him warning of the approach of any officer charged with the enforcement of the provisions of this Part.

B. Any person who violates Subsection A or any other provision of this Part for which a penalty is not otherwise provided shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not less than thirty days nor more than six months, or both.

C. (1) Any person violating the provisions of this Part shall, in addition to the criminal penalty provided in Subsection B, be liable for a civil penalty not to exceed five hundred dollars.

(2) Reasonable litigation expenses may be awarded to the prevailing party of the adjudicatory hearing. "Reasonable litigation expenses" means

any expenses, not exceeding seven thousand five hundred dollars, reasonably incurred in prosecuting, opposing, or contesting an agency action, including but not limited to attorney fees, stenographer fees, investigative fees and expenses, witness fees and expenses, and administrative costs.

D. Civil penalties for a violation of this Part may be imposed by the Department of Labor only by a ruling of the secretary pursuant to an adjudicatory hearing held in accordance with the Administrative Procedure Act.

E. The secretary may institute civil proceedings in the Nineteenth Judicial District Court to enforce his rulings. The court shall award to the prevailing party reasonable attorney fees and judicial interest from the date of judgment until paid and all court costs.

F. The secretary may institute civil proceedings in the Nineteenth Judicial District Court seeking injunctive relief to restrain and prevent violations of the provisions of this Part or of the rules and regulations adopted under the provisions of this Part. The court shall award reasonable attorney fees and court costs to the prevailing party.

G. The secretary is empowered to enforce the civil provisions of this Part and to adopt and promulgate such reasonable rules and regulations and to conduct such investigations as he deems necessary to ensure enforcement of this Part.

H. Out of the civil penalties collected for violations of this Chapter, expenses incurred in enforcing the provisions of this Chapter may be paid by the department.

§23:234. Continuing violations; penalty

Each day during which any violation of this Part continues shall constitute a separate offense and the employment of any minor in violation of this Part shall, with respect to such minor, constitute a separate offense.

Newspapers should also be aware of R.S. 23:233, which provides:

§23:233. Presence of minor at place of employment; presumption of employment

The presence of any minor under sixteen years of age in any place of employment prohibited to him under the provisions of this Chapter, and observed to be performing work duties on the employer's behalf, shall constitute prima facie evidence of his employment therein.

Therefore, the facts of each case must be examined to determine if the facts are sufficient to overcome the statutory refutable presumption of employment.[2]

[2] In ***Kelly Tickfaw Retreat, Inc.***, 333 So. 2d 285 (La. App. 1st Cir. 1976), the court held that testimony by a person who drove two boys to place of business that the boys did not perform any work on that day at the site, testimony by others that they observed the two boys, ages 11 and 12, on the property on the day in question and did not observe either of them doing anything but playing, and testimony by the owner of the business that the boys did not work for

SAFETY BELT USE

Louisiana law generally requires individuals to wear seat belts at all times when the vehicle is in forward motion. R.S. 32:295.1, amended in the 1997 regular legislative session, exempts newspaper delivery persons from the safety belt use requirement while he or she is engaged in the distribution of regularly published newspapers, as follows:

§295.1. Safety belt use

A. (1) Each driver of a passenger car, van, or truck having a gross weight of six thousand pounds or less, commonly referred to as a pickup truck, in this state shall have a safety belt properly fastened about his or her body at all times when the vehicle is in forward motion. The provisions of this Section shall not apply to those cars, vans, or pickups manufactured prior to January 1, 1981.

(2) A person operating or riding in an autocycle shall wear seatbelts while in forward motion.

(3) Each driver of a passenger car, van, sports utility vehicle, or truck having a gross weight of ten thousand pounds or less, commonly referred to as a pickup truck, shall not transport more persons than there are safety belts available in the vehicle.

B. Except as provided by R.S. 32:295 for children under the age of thirteen or as otherwise provided by law, each occupant of a passenger car, van, or truck having a gross weight of ten thousand pounds or less, commonly referred to as a pickup truck, in this state shall have a safety belt properly fastened about his or her body at all times when the vehicle is in forward motion.

C. This Section shall not apply to the following:

(1) A motor vehicle operated by a rural letter carrier of the United States Postal Service while performing his or her duties as a rural letter carrier, to a farm vehicle being operated within five miles of the place of its principal use, to a motor vehicle being operated by a newspaper delivery person while he or she is engaged in the distribution of regularly published newspapers.

TELEPHONIC SOLICITATION

Registration

In 1993, the Louisiana Legislature recognized that telephonic sales have a significant impact upon Louisiana's economy and that Louisiana purchasers have suffered substantial losses because of misrepresentations, lack of full and complete information regarding both the telephonic seller and the goods and investments the telephonic seller is offering, and failure of delivery, and enacted a group of statutes specifically pertaining to telephonic sales and telephonic sellers. These statutes, found at R.S. 45:821, *et seq*., provide registration procedures for "telephonic sellers" as

---

him, was sufficient to overcome the statutory presumption that a minor under sixteen years of age present at a place of employment prohibited to him is employed therein.

defined therein and penalties and other remedies for violations of these statutes. It is important to note that "telephonic seller" does not include "[a] person primarily soliciting the sale of a newspaper of general circulation." R.S. 45:822(B)(6).

"Do Not Call" List

In 2001, the Louisiana Legislature found a compelling state interest to protect the privacy of residential telephonic subscribers who wish to avoid unsolicited and unwanted telephonic solicitations, and enacted legislation providing for a "do not call" listing of residential telephonic subscribers and penalties for telephonic solicitors violating a person's right of privacy. These statutes, found at R.S. 45:844.11, *et seq*., authorize the Louisiana Public Service Commission ("PSC") to administer these "Do No Call" restrictions. No later than January 1, 2002, the PSC is mandated to promulgate rules to accomplish the purposes of the Telephone Solicitation Relief Act of 2001. It is unclear as of August 2001 whether newspapers will be exempt from these "Do Not Call" restrictions.

Following are the provisions of the Telephone Solicitation Relief Act of 2001 found in R.S. 45:844.11, *et seq*.:

CHAPTER 8-H. TELEPHONE SOLICITATION RELIEF ACT OF 2001

§844.11 Legislative findings.

Because the legislature recognizes that becoming a residential telephonic subscriber should not undermine or lessen a person's right of privacy, it finds that there is a compelling state interest to protect the privacy of such subscribers who wish to avoid the unsolicited and unwanted telephonic solicitations by enacting the "Telephone Solicitation Relief Act of 2001".

§844.12 Definitions

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

(1) "Commission" means the Louisiana Public Service Commission.

(2) "Doing business in this state" means conducting a telephonic solicitation either from a location within this state or from a location outside of this state to residential telephonic subscribers residing in this state.

(3) "Federal Do Not Call Law" shall mean the Telemarketing and Consumer Fraud and Abuse Prevention Act as set forth in 15 U.S.C. 6101 to 6108 and the Telephone Consumer Protection Act of 1991 as set forth in 47 U.S.C. 227, as well as any amendment or reenactment of either of those acts and any rule adopted or issued pursuant to either of those Acts, or any amendment of any such rule.

(4) "National Do Not Call Registry" shall mean the list of consumers maintained by the Federal Trade Commission who have indicated that they do not wish to receive unsolicited or unwanted telephonic solicitations pursuant to the Federal Do Not Call Law.

(5) "Residential telephonic subscriber" means any natural person who has subscribed to residential telephonic service from a telecommunications service provider or any other natural person living or residing with such person.

(6) "Telephonic solicitation" means any voice or data communication made by a telephonic solicitor to a residential telephonic subscriber for the purpose of encouraging a sale or rental of or investment in property, consumer goods, or services; or for the purpose of encouraging an extension of credit for property, consumer goods, or services; or for the purpose of obtaining information that will or may be used for the direct solicitation of a sale or rental of or investment in property, consumer goods, or services or an extension of credit for such purposes; or for the solicitation of a contribution to a charitable organization, but does not include voice or data communications made for any of the following reasons:

(a) In response to an express request of the person called.

(b) Primarily in connection with an existing debt or contract, payment or performance of which has not been completed at the time of such call.

(c) To any person with whom the telephonic solicitor has an existing business relationship, or a prior business relationship that was terminated or lapsed within six months of such call, except as provided in Subparagraph (g) of this Paragraph.

(d) On behalf of an organization which has nonprofit status under Section 501(c)(3) or (6) of the Internal Revenue Code, unless such organization utilizes the services of a paid professional solicitor, as defined in R.S. 51:1901(6).

(e) For the purpose of conducting marketing research, public opinion polling, or similar activities that do not involve telephonic solicitation or selling.

(f) Constituting political activity. For the purposes of this Chapter, communications constituting political activity shall include the following:

(i) Communications made for the sole purpose of urging support for or opposition to a political candidate or ballot issue provided that the callers identify themselves.

(ii) Communications made for the sole purpose of conducting political polls or soliciting the expression of opinions, ideas, or votes.

(iii) Communications made by any newspaper or periodical in the state which is qualified to be the official journal of the state or any parish, municipality, school board, or other political subdivision, as provided by Chapters 2 and 4 of Title 43 of the Louisiana Revised Statutes of 1950.

(g) By a person or business that conducts automobile sales and does not complete the sales presentation during the telephone solicitation and is made in contemplation of the sales presentation being completed at a later face-to-face meeting between the telephonic solicitor and the person contacted and where the contacted person has previously made purchases from the automobile dealership.

(h) Without completing or attempting to complete a sale, said sale to be completed only after a face-to-face meeting between the telephonic solicitor and the person called at the telephonic solicitor's primary place of business or at another location selected by the purchaser. The call must be the result of a referral of the person called to the telephonic solicitor or be placed to an individual who is personally known to the telephonic solicitor. If placed as a result of a referral, the telephonic solicitor must provide to the person called the name of the person who made the referral. If the person called does not wish to be called after such initial call, then the telephonic solicitor shall not call that person and shall maintain a list of such persons. This exemption shall not apply if directly following the sale the telephonic solicitor attempts to deliver an item or collect payment from the person called or causes another to do so.

(i) For the purpose of follow-up or periodic wellness care when the call is made to the patient by the patient's optometrist, dentist, or chiropractic physician, or an agent thereof.

(j) For the purpose of follow-up or periodic wellness care when the call is made to the client by the client's veterinarian or an agent thereof.

(k) On behalf of an organization which has nonprofit status under Section 501(c)(5) of the Internal Revenue Code and is composed entirely of public safety personnel, the majority of whom are state residents calling from a location within the state.

(7) "Telephonic solicitor" means any natural person, firm, organization, partnership, association, or corporation, or a subsidiary or affiliate thereof, doing business in this state, who makes or causes to be made a telephonic solicitation, including but not limited to any communication made by use of automated dialing or recorded message devices.

§844.13 Duties of the commission.

A. (1) The commission shall establish and provide for the operation of a database to compile a list of telephonic numbers of residential telephonic subscribers who object to receiving telephonic solicitations. It shall be the duty of the commission to have such database in operation no later than January 1, 2002.

(2) On or before January 1, 2006, the commission shall establish and maintain a single "do not call" list that shall also include Louisiana

consumers on the National Do Not Call Registry as provided in Subsection D of this Section.

B. Such database may be operated by the commission or by another entity under contract with the commission.

C. No later than January 1, 2002, the commission shall promulgate rules that accomplish all of the following:

(1) Require each telecommunication service provider, as defined by the commission, to notify its residential telephonic subscribers of the opportunity to provide notification to the commission or its contractor that such subscriber objects to receiving telephonic solicitations. The forms of notification shall include but not be limited to quarterly inserts in or messages on the billing statements mailed to its residential telephonic subscribers and conspicuous publication of the notice in the consumer information pages of the local telephone directories.

(2) Specify the methods by which each residential telephonic subscriber may give notice to the commission or its contractor of his objection to receiving such telephonic solicitations or revocation of such notice.

(3) Specify the length of time for which a notice of objection shall be effective and the effect of a change of a telephonic number on such notice.

(4) Specify the methods by which such objections and revocations shall be collected and added to the database.

(5) Specify the methods by which any person or entity desiring to make telephonic solicitations shall obtain access to the database as required to avoid calling the telephonic numbers of residential telephonic subscribers included in the database.

(6) Specify such other matters relating to the administration of this Chapter that the commission deems necessary.

D. If, pursuant to 47 U.S.C. Section 227(c)(3), the Federal Communications Commission establishes a single national database of telephonic numbers of subscribers who object to receiving telephonic solicitations, the commission shall include the part of such single national database that relates to Louisiana in the database established under this Chapter.

§844.14 Listing procedures; prohibited acts.

A. (1) Any residential telephonic subscriber desiring to be placed on a "do not call" listing shall be placed on that listing upon the commission's receipt of a request form. This listing shall be effective for five years and renewed by the commission upon receipt of a renewal notice.

(2) (a) The commission or its contractor shall update its "do not call" listing no less than quarterly. The listing shall include the telephonic numbers, but not the names or addresses of residential

telephonic subscribers, arranged by area code and numerical sequence, who do not want to receive telephonic solicitations, as defined in this Chapter.

(b) No later than January 1, 2006, the commission or its contractor shall update its "do not call" listing monthly.

(3) (a) Telephonic solicitors, as defined in this Chapter, doing business in this state shall obtain copies of the "do not call" listing by paying a fee to the commission in an amount not to exceed the costs incurred by the commission or its contractor in the presentation, production, and distribution of that listing. The commission shall offer a statewide listing and shall also offer listings of areas within the state. The determination of the number and definition of areas shall be within the discretion of the commission.

(b) In order to obtain copies of the "do not call" listing, a telephonic solicitor shall, in addition to paying the applicable fee, register with the commission, pay any registration fee as required by the commission, and provide all necessary documentation as required by the commission. Such telephonic solicitor, as defined in this Chapter, may maintain a bond in the amount of twenty thousand dollars in favor of the state of Louisiana to guarantee the payment of any administrative penalties assessed pursuant to this Chapter and file a copy of such bond with the commission.

(4) (a) All fees and penalties imposed pursuant to this Section shall be made payable to the Louisiana Public Service Commission for the administration of this Chapter and shall be dedicated to such purpose. The fees and penalties collected shall be remitted by the commission to the state treasury and credited to the Bond Security and Redemption Fund. After a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within the fiscal year, the treasurer, prior to placing such remaining funds in the state general fund, shall pay an amount equal to the total amount of funds paid into the state treasury by the commission into a special fund which is hereby created in the state treasury and designated as the "Telephonic Solicitation Relief Fund".

(b) The monies in the Telephonic Solicitation Relief Fund shall be used solely for the implementation, administration, and enforcement of this Chapter. Any surplus monies and interest remaining to the credit of the fund on June thirtieth of each year shall remain to the credit of the fund and no part thereof shall revert to the state general fund.

B. Repealed by Acts 2006, No. 418, § 2.

C. Any telephonic solicitation made by a telephonic solicitor to a residential telephonic subscriber whose number appears on the commission's then current "do not call" listing, or the National Do Not Call Registry, if applicable, is prohibited, except as authorized by this Chapter or the Federal Do Not Call Law.

§844.15. Violations; penalties.

A. The commission shall investigate any complaints received concerning violations of this Chapter. If, after investigating such complaint, the commission finds that there has been a violation of this Chapter, the commission, after notice and hearing, shall impose an administrative penalty against the telephonic solicitor not to exceed one thousand five hundred dollars for each violation. If the violation is committed against a residential telephonic subscriber over the age of sixty-five, then the commission, after notice and hearing, shall impose a penalty not to exceed three thousand dollars for each violation.

B. Any telephonic solicitor found by the commission to be in violation of this Chapter, who refuses to pay the fine assessed, shall after notice and hearing, be assessed additional costs and reasonable attorney fees related to the collection of the fine.

CHAPTER IV
THE PUBLISHER AND THE LAW

Many aspects of Louisiana law directly relate to the various departments of a newspaper organization. Other laws of equal importance to the publisher pertain to the newspaper as a viable, ongoing business entity. In general, the laws that apply to ordinary businesses also apply to newspapers. The Louisiana tax laws covered in this chapter are included because of their particular relevance to newspapers and because their interpretation has prompted numerous inquiries by publishers.

Keep in mind, Louisiana tax law changes almost every time the Legislature comes into session. Always consult an attorney or licensed tax professional when you have a question!

TAXES ON NEWSPAPERS

Taxes levied specifically against newspapers may generally be constitutionally challenged as abridgements of the First Amendment guarantees of freedom of speech and expression. Legislation which tends to curtail these constitutional guarantees requires proof that the legislative need greatly outweighs the potential restraint on free speech and expression. The U.S. Supreme Court systematically strikes down legislation which poses a prior restraint on the freedom of the press.

The First and Fourteenth Amendments were intended to preclude Congress and the states from adopting any form of restraint upon printed publications or their circulation, including restraints by means of censorship, license and taxation. Further, these Amendments were intended to preclude any government action which might prevent the free and general discussion of public matters that are essential to prepare the citizenry for an intelligent exercise of their rights. ***Grosjean v. American Press Co., Inc.***[1]

In ***Grosjean***, nine publishers of newspapers in Louisiana filed suit to enjoin the enforcement of a tax passed by the Louisiana Legislature. The Act stated:

> *That every person, firm, association or corporation, domestic or foreign, engaged in the business of selling, or making any charge for, advertising or for advertisements, whether printed or published, or to be printed or published, in any newspaper, magazine, periodical or publication whatever having a circulation of more than 20,000 copies per week, or displayed and exhibited, or to be displayed and exhibited, by means of moving pictures, in the State of Louisiana, shall, in addition to all other taxes and licenses levied and assessed in this State, pay a license tax for the privilege of engaging in such business in this State of two percent (2%) of the gross receipts of such business.*

The nine publishers represented thirteen newspapers in the state having a circulation of 20,000 or more copies a week. Failure to pay the tax constituted a misdemeanor and subjected the

[1] 297 U.S. 233 (1936).

offender to a fine not exceeding $500.00, or imprisonment not exceeding six months, or both, for each violation.

The tax was designated a "license tax for the privilege of engaging in such business." The U.S. Supreme Court held that the tax was a restraint in a double sense. First, its effect was to curtail the amount of revenue realized from advertising; and second, it directly tended to restrict circulation. Accordingly, the U.S. Supreme Court held that the Act was unconstitutional.

However, newspapers are generally not immune from the ordinary and generally applicable forms of taxation which support the general operations of government. However, taxes cannot be misused or disguised to curtail freedom of the press.

Thus, ordinary taxation is generally acceptable and extraordinary taxation is generally held to be unconstitutional.

An examination of Louisiana's tax laws, and the courts' interpretation of those laws, leads to the conclusion that Louisiana's "taxation structure" is complex and confusing. There are "general" state sales and use taxes (R.S. 47:302), "additional" state sales and use taxes (R.S. 47:331), state sales and use taxes levied by the Louisiana Recovery District (R.S. 39:2001, *et seq*.), and state sales and use taxes levied by the Louisiana Tourism Promotion District (R.S. 51:1281, *et seq*.). There are exemptions from one or more of these different taxes for certain tangible personal property, and prior to the 2007 legislative session, newspapers were among those items exempt.[2] (R.S. 47:305(D)(1)(e) was repealed by Acts 2007, No. 480, §2.) In 2008, newspapers were no longer included in the definition of tangible property, and therefore, excluded from the collection of state and local sales and use taxes.[3] During the budget crises of the early 2010's newspapers were again designated as tangible personal property and taxed at various rates.

The following is a brief review of the occupational license tax and state sales and use tax provisions as they relate to Louisiana's newspapers. Newspapers are encouraged to consult with their local taxing authorities or a local tax attorney to better understand the levying and collection of local taxes.

Occupational License Tax

R.S. 47:341 allows any municipality or parish to impose an occupational license tax on any person conducting any business within the territorial jurisdiction of the municipality or parish. However, R.S. 47:360(E) provides that certain businesses, including editors and publishers, shall be exempt from the occupational license tax. However, printers are not covered by the exemption. According to R.S. 47:359, for printers who are engaged in the practice of their profession as an individual, or as a firm, partnership, or corporation, the license shall be one-tenth of one percent of the annual gross receipts for professional fees for services rendered, with a minimum tax of fifty dollars and a maximum tax of two thousand dollars. However, "editors and publishers," who are otherwise exempt from the licensing tax, may be subject to an occupational license tax under certain circumstances.[4]

---

[2] For many years, the exemption for newspapers was suspended by the Legislature. For example, see R.S. 47:302(O).
[3] See Acts 2007, No. 480, enacting R.S. 47:301(16)(m).
[4] **Op. Atty. Gen. 1916-18,** p. 662: *Editor and publisher of newspaper, who sold paper on which letterheads or other matter was printed, was a retail dealer within meaning of general license law, and was liable for the payment of the license tax*. However, commercial printers are exempt where they carry in stock only a small amount of paper, cards,

Machinery and Equipment Exemption

Act 339 of the 2007 Louisiana Legislature Regular Session amended the definition of "machinery and equipment" in R.S. 47:301(3)(i)(ii)(aa)(I)(eee). This definition now includes machinery and equipment used primarily to produce a news publication whether sold at retail or for resale or at no cost. "Machinery and equipment used primarily to produce a news publication" are considered machinery and equipment used primarily in composing, creating, and other prepress operations, electronic transmission of pages from prepress to press, pressroom operations, and mailroom operations and assembly activities of a news publication. As defined in R.S. 47:301(3)(i)(ii)(aa)(I)(eee), a news publication is considered any publication issued daily or regularly at average intervals not exceeding three months, which contains reports of varied character, such as political, social, cultural, sports, moral, religious, or subjects of general public interest, and advertising supplements and any other printed matter ultimately distributed with or a part of such publications.

In accordance with the new statute, eligible manufacturers may qualify for an exclusion from sales and use tax on the purchase, importation and lease or rental of qualified manufacturing machinery or equipment.

History of State Sales and Use Taxation

Prior to July 1, 2008, the Louisiana state sales and use tax was four (4%) percent of the sales price of each item or service subject to the tax. Following is a synopsis of the makeup of the four (4%) percent sales and use tax rate.

R.S. 47:302(A) imposed a tax upon the sale at retail or distribution in this state of each item or article of tangible personal property at the rate of two (2%) percent of the sales price of each item or article of tangible personal property when sold at retail in this state or distributed in this state. For purposes of this 2% state sales and use tax, "retail sale" or "sale at retail" meant a sale to a consumer or to any other person for any purpose other than for resale as tangible personal property. R.S. 47:301(10)(a)(i). Therefore, items sold for resale, including newspapers, were not subject to the tax imposed by R.S. 47:302(A) since these sales did not constitute "sales at retail" as defined in R.S. 47:301(10)(a)(i). Effective January 1, 2009, newspapers that purchase items for resale will be required to provide their vendors with a Louisiana Resale Certificate, Form R-1042, to certify that the items being purchased are for resale and no sales tax will be charged.[5] R.S. 47:302(C) imposes a tax upon all sales of services at the rate of two (2%) percent of the amount paid or charged for such services. R.S. 47:301(14) provides:

> *(14) "Sales of services" means and includes the following:*
>
> * * *
>
> *(d) the furnishing of printing or overprinting, lithographic, multilith, blue printing, photostating or other similar services of reproducing written or graphic matter….*

etc., on which they print the customer's order, but do not carry in stock printed forms, books or other articles of commerce. **Op. Atty. Gen. 1936-38,** p. 1011.

[5] Please visit the Louisiana Department of Revenue's website, *www.revenue.louisiana.gov.*, to obtain a Resale Certificate Application.

R.S. 47:305(D) specifically exempted "newspapers" from the tax imposed by R.S. 47:302.[6] However, over the years, the Louisiana Legislature repeatedly suspended or nullified many of the exemptions, including the exemption for newspapers.

R.S. 47:305.44 provides a list of items, some of which relate to newspapers, which are exempt from the sales and use taxes imposed by the state, under R.S. 47:302, R.S. 47:321 and R.S. 47:331, and by political subdivisions, as follows:

(1)	Artwork	(8)	Press proofs and photo mechanical proofs
(2)	Blankets and bars	(9)	Layouts
(3)	Chemicals	(10)	Typesetting
(4)	Color separations	(11)	Rubber plates
(5)	Dye	(12)	Paper
(6)	Film, including negatives	(13)	Ink
(7)	Offset plates		

However, pursuant to R.S. 47:302(R)(1), 47:321(H)(1) and 47:331(P)(1), these exemptions were "inapplicable, inoperable, and of no effect."

R.S. 47:331 imposes an "additional" tax upon the sale at retail or distribution in this state of each item or article of tangible personal property at the rate of ninety-seven one hundredths of one (0.97%) percent of the sales price of each item or article of tangible personal property when sold at retail in this state or distributed in this state. For purposes of this additional tax, "retail sale" or "sale at retail" also means a sale to a consumer or to any other person for any purpose other than for resale as tangible personal property. Further, R.S. 47:331(C) imposes a tax upon all sales of services at the rate of ninety-seven one hundredths of one (0.97%) percent of the amount paid or charged for such services. R.S. 47:332 makes the "additional" sales and use tax imposed under R.S. 47:331 subject to the same definitions, exemptions, tax credits, penalties and limitations prescribed for the sales and use tax imposed under R.S. 47:302. Therefore, newspapers were exempt from the "additional" sales and use tax imposed under R.S. 47:331, pursuant to the exemption found in R.S. 47:305(D)(1)(e). However, Act No. 4 of the 2004 1st Extraordinary Legislative Session enacted R.S. 47:331(P)(1), which made certain exemptions to the tax levied pursuant to R.S. 47:331, including the exemption for newspapers, "inapplicable, inoperable, and of no effect" for the period July 1, 2004 through June 30, 2009.

In the late 1980s, due to a deficit crisis, the Louisiana Legislature enacted R.S. 39:2001, *et seq*., commonly known as the "Louisiana Recovery District Act," for the purpose of alleviating the state's financial difficulties. Under R.S. 39:2006, the Louisiana Recovery District was a special taxing district created to provide funds to assist the state and to reduce or eliminate its deficit, to remedy its cash flow shortfalls, and to pay obligations of the state. The Louisiana Recovery District was authorized to levy and collect a sales and use tax not to exceed one (1%) percent. However, the Louisiana Recovery District ceased to exist on September 30, 1996 by operation of statute when all bonds issued by it were retired. To make up for the potential shortfall, the Louisiana Legislature in the 1996 Regular Legislative Session enacted R.S. 47:321, creating a new one (1%)

[6] R.S. 47:305(D) provided, in pertinent part:

> *(D) (1) The sale at retail, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following tangible personal property is hereby specifically exempted from the tax imposed by this Chapter:*
>
> *(e) Newspapers….*

percent sales and use tax.[7] The new tax was subject to the same regulations and exemptions as the other sales taxes. Due to an amendment by the Louisiana Legislature in 2007, newspapers are now exempt from the one (1%) percent sales and use tax imposed by R.S. 47:321.[8]

In the 1990 Legislative Session, the Louisiana Legislature determined that the state should stimulate its tourism industry and, upon determining that a tourism assistance district was needed with a source of revenue for tourism promotion and development, the Louisiana Legislature enacted the Louisiana Tourism Promotion District Act, R.S. 51:1281, *et seq*. The Louisiana Tourism Promotion District Act was also designed as a means of assisting with the continuing economic problems of the state. Under R.S. 51:1286(A), the Louisiana Tourism Promotion District is a special taxing district authorized to levy and collect a sales and use tax upon the sale at retail, the use, the lease or rental, the distribution, the consumption, and the storage for use or consumption in this state of each item or article of tangible personal property, and on sales of services, not to exceed three one-hundredths of one (0.03%) percent. R.S. 51:1286(B) provides that the tax imposed by the Louisiana Tourism Promotion District shall be subject to the tax exemptions otherwise applicable to the sales and use taxes imposed under R.S. 47:331 and the suspensions of those exemptions. Newspapers were subject to the three one-hundredths of one (0.03%) percent sales and use tax imposed by the Louisiana Tourism Promotion District. However, newspapers are not currently subject to this special tax.

What follows is a table of taxation structure for newspapers based on the most recent revisions from the Louisiana Legislature.

[7] Act 5 of the 1996 Regular Legislative Session enacted R.S. 47:321 and R.S. 47:322, conditioned upon the termination of the Louisiana Recovery District, imposing a 1% sales and use tax subject to the same regulations and exemptions as R.S. 47:302.

[8] R.S. 47:321I. specifically suspended the exemptions to this 1% tax through June 30, 2007.

LPA Sales Tax Guide	*Reviewed with DOR/teleconference 7-26-18 (Emily Toler) and later follow up in Aug '18*	Effective 7/1/2018-6/30/2025
Louisiana Revised 8/18	*State sales tax only, not local tax*	**Act 1/Total**
		4.45%
Home/Internet Delivery	**Scenario**	
DOR says dealer/direct seller must apply for sales tax number, pays sales tax on subscription amount	**Newspaper sells to a dealer /direct seller/carrier**	**4.45%**
47:301(16)(p)	**Newspaper uses an agent/delivers using postal service. I**f newspaper pays contractors/post office to deliver, newspaper pays tax on subscription cost. Out-of-state subscriptions could be subject to sales tax in those states.	**4.45%**
DOR says tax due on subscriptions in-state, taxes may be due to other states	**Internet subscriptions**	**4.45%**
Single Copy	**Scenario**	
47:301(16)(p)	**Sales through retail outlets/paid by retail outlet on retail price/over-counter office**	**4.45%**
	Sales through company-owned coin racks are based on wholesale price or cost price but tax is applied to entire inventory per rack, not just on papers sold.*(LPA has asked DOR to discuss the application of this tax and is seeking an agreement to modify.)*	**4.45%**
News Publications	**Scenario**	
47:301(3)(h) and see also 47:301(13)(i)	**News publications distributed at no cost to readers**. Cost price is lower of (a) printing cost paid to unrelated third parties less itemized freight charges, paper and ink; or (b) payments to dealer or distributor as consideration for distribution.	**0.00%**
Got letter from Dept of Rev., Emily Toler, on 8-20-18 advising no sales tax due effective July 1, 2018.	**Newspapers/news publications distributed at no cost to readers. Printing plant owned by company distributing publication.** Cost price applies (cost of producing the piece). Generally cost of newsprint and ink Could include labor, other costs.	**0.00%**
47:305.14(A)(1)(a)	**Sale of newspapers by certain non-profit organizations**	**4.45%**

(Continued Next Page)

Other Taxes Applicable to the Industry		
47:301(10)(c)(i)(aa)	**Sales of materials for further processing** into articles of tangible personal property for sale at retail (Exempts newsprint and ink for newspapers and newspaper publications that are sold.).	0.00%
47:301(10)(t) and see also 47:301(18)(h)	**Acquisition and distribution of telephone directories distributed free of charge** by advertising companies not affiliated with telephone service providers.	4.45%
47:301(3)(i)	**Purchases of manufacturing machinery and equipment** used in manufacturing process (Presses, computers used for newspaper production, etc.).	**0.00%**
47:305(D)(1)(b)(c)(d)(g)	**Sales of electricity,natural gas, steam, water for nonresidential use.**	**2.00%**
52:05.4	**Raw materials used in a printing process**.(LPA: (1) Artwork, (2) Blankets and bars, (3) Chemicals, (4) Color separations, (5) Dies, (6) Film, including negatives, (7) Offset plates, (8) Press proofs and photomechanical proofs, (9) Layouts, (10) Typesetting, (11) Rubber plates). Paper and Ink are considered materials for further processing into articles of tangible personal property...and taxed at 0%	**4.45%**
47:302(D)	**Advertising services rendered by advertising business** including but not limited to advertising agencies, design firms, and print and broadcast media. Does not include advertising items that are mass produced.	**0.00%**
Notes:	**Mailed Subscriptions** sales tax based on address of customers, due to Louisiana for in-state only, taxes to other states may be due	
	Independent contractors who **buy papers wholesale from a newspaper and who then sell at retail** for home delivery need to get tax number, pay taxes on retail cost themselves	
	Independent contractors selling newspapers to retail outlets are required to register for a state sales tax account to be able to resell newspapers to a retail outlet. The retail outlet is responsible for collecting sales tax for over-counter sales.	
	For **Company-Owned Coin Racks**, the newspaper should pay the use tax on the number of papers put into the rack inventory (regardless of sales or theft)	
	Newsprint and Ink that are used in the final product (printed newspaper) may be exempted from tax if a resale certificate is used at purchase since the materials will be used in manufacturing the final product that is sold at home delivery or retail outlets. This would not apply to newspapers provided free to customer or office use?	

CHAPTER V
THE LEGAL NEWSPAPER

Statutory recognition of the newspaper as a "mouthpiece of the government" in certain circumstances inevitably required a statutory definition of a "newspaper". Thus, the laws of Louisiana and most other states provide certain basic definitions and rules of eligibility for newspapers used for judicial advertisements and legal notices, just as legislatures define the minimum qualifications of persons elected or appointed to government office.

The applicable laws defining "newspaper," the qualifications for newspapers used for judicial advertisements and legal notices, and the laws outlining the rate structure for publication notices are set forth below for reference purposes. They were substantially revised in 2014 to reflect the changing media landscape, particularly in Orleans and Jefferson Parishes.

R.S. 43:200. Definitions

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

(1) "Bona fide paying subscribers" means persons who have subscribed at a subscription rate which is not nominal, whether by mail subscriptions, purchases through dealers and carriers, street vendors and counter sellers, or any combination thereof, but shall not include free circulation, sales at token or nominal subscription price, and sales in bulk for purposes other than for resale for individual subscribers.

(2) "General paid circulation" shall not include publications when one-half or more of all copies circulated are provided free of charge to the ultimate recipients, or are paid for at nominal rates by the ultimate recipients.

(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:

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

(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.

(iii) Has not been published primarily for advertising purposes and has not contained more than seventy-five percent advertising in more than one-half of its issues, excluding

separate advertising supplements inserted into but separately identifiable from any regular issue or issues.

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

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

(4) "Nominal rate(s)" means a price which is so small or slight that it is not considered real or substantial in comparison with what might reasonably be expected.

(5) "Office" means the newspaper's principal public business office and need not be the place at which the newspaper's printing presses are physically located. A newspaper shall have only one principal public business office; however, any newspaper with a principal business office in a parish adjoining Jefferson Parish which, within one year prior to June 1, 1986, has actually published official proceedings of any municipal corporation, police jury, or school board in Jefferson Parish shall be deemed to be published in an office physically located in both the parish where the newspaper maintains its principal business office and Jefferson Parish.

R.S. 43:201. Judicial advertisements and legal notices; parishes outside parish of Orleans

A. All parishes of the state, outside of the parish of Orleans, 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, shall publish them in an English language newspaper published in an office physically located in the parish in which the proceedings are carried on. The newspaper shall be selected by the sheriff, constable, clerk, or other officer, as the case may be, who is charged with the conduct of the sale or proceeding. The official whose responsibility it is to select a newspaper shall make his selection in June of each year for a term of one year. If there is no newspaper published in the parish, all advertisements or notices shall be made by posting them at or near the front door of the courthouse, or the place used as such, and at two other public places in different parts of the parish.

B. The newspaper:

(1) Shall have been published in an office physically located in the parish in which the body is located for a period of five years preceding the selection.

(2) Shall not have missed during that period as many as three consecutive issues unless caused by fire, flood, strike, or natural disaster.

(3) Shall have maintained a general paid circulation in the parish in which the body is located for five consecutive years prior to the selection.

(4) Shall have been entered in a U.S. post office in that parish under a periodical permit in that parish for a period of five consecutive years prior to the selection.

C. 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 being selected to publish judicial advertisements and legal notices in Jefferson Parish when the publication 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 Parish.

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

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

(3) In Jefferson Parish, the total circulation of every publication or newspaper shall be proved not less than annually by an experienced publication auditing firm prior to the selection of the publication or newspaper under this Section. The audit shall reflect the circulation of the publication or newspaper by parish, and shall be submitted as an attachment to any proposal by a publication or newspaper to publish judicial advertisements and legal notices in Jefferson Parish.

R.S. 43:201.1. Judicial advertisements and legal notices; alternative method of publication

A. Notwithstanding any provision of law to the contrary, when advertisements are required to be made in relation to judicial proceedings, in the sale of property under judicial process, or in any other legal proceedings of whatever kind in a parish which contains a municipality with a population of three hundred thousand or more as determined by the latest federal decennial census, such advertisements and legal notices shall be published in a newspaper or other publication which (i) is domiciled in such parish, (ii) is published in the English language at least weekly, (iii) meets the requirements of R.S. 43:200(3)(a), (b), and (c), and (iv) has maintained a total circulation of at least thirty thousand for at least five consecutive years prior to it being selected. The newspaper or other publication shall be selected in June of each year, for a term of one year, by the sheriff, constable, clerk, or other officer, as the case may be, who is charged with the conduct of such sales requiring the advertisement.

B. The total circulation of a newspaper or other publication selected to publish judicial advertisements under this Section shall be proved not less than annually by an experienced publication auditing firm prior to the selection of the newspaper or other publication. The audit shall reflect the total circulation of the newspaper or other publication, and a copy of the most recent audit shall be submitted as an attachment to any proposal by a qualifying newspaper or other publication to publish judicial advertisements and legal notices.

C. Notwithstanding any provision of law to the contrary, when additional judicial advertisements are required to be inserted in an auxiliary journal in a parish with a population of three hundred thousand or more as determined by the latest federal decennial census, such auxiliary journal must have been published for at least seventy-five years prior to the insertion of the advertisement or publication, have been previously selected for no less than five years as an auxiliary journal for such parish, and not be eligible to be selected, pursuant to Subsection A of this Section, by the sheriff, constable, clerk, or other officer, as the case may be, of such 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.

D. The provisions of this Section shall supersede and control to the extent of conflict with any other provisions of law.

R.S. 43:202. Judicial advertisements in parish of Orleans

A. In the parish of Orleans, when advertisements 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 whatever kind, the advertisement shall be inserted in a daily newspaper published in an office physically located in the parish of Orleans and published in the English language, and which has been published as a daily paper for at least five years prior to the insertion of the advertisement or publication. The newspaper shall be selected by the sheriff, constable, clerk, or other officer, as the case may be, who is

charged with the conduct of the sale. The responsible official selecting the newspaper to publish judicial advertisements and legal notices shall make his selection in June of each year for a term of one year. The newspaper selected shall meet the requirements of a newspaper as defined in R.S. 43:200(3) and shall have been entered in a U.S. post office in Orleans Parish under a periodical permit for a period of five years preceding its selection to publish legal advertisements and legal notices.

B. In the parish of Orleans, when advertisements are required to be made in relation to judicial proceedings, or in the sale of immovable property under judicial process, or in any other legal proceedings of whatever kind, additional judicial advertisements shall also be inserted in an auxiliary journal which satisfies the requirements of law pertaining to official journals of political subdivisions. The requirements of this Subsection shall not apply to the advertisement of movable property in any proceeding.

C. Should either of the notices as provided in Subsection A or B of this Section, but not both, contain errors or omissions which make it legally deficient to accomplish the requirements of notice as provided by law then in such event the advertisement which is legally sufficient to accomplish notice as provided by law shall be sufficient to fulfill the notice requirements of law notwithstanding that only one such notice was in proper form and published correctly.

D. Notwithstanding any provision of this Section, in Orleans Parish a daily newspaper with a general paid circulation may be selected to publish judicial advertisements and legal notices if such newspaper has maintained a public business office in Orleans Parish for eight consecutive months prior to January 1, 2014.

R.S. 43:209. Publication in supplement to newspaper valid

In all cases when it is required by law that orders, notices, or advertisements of any kind, by any public officer, shall be inserted in public newspapers, the publications and insertions shall be as valid when made in supplements to newspapers as if they had been made in the newspaper sheets.

RATE STRUCTURE FOR PUBLICATION NOTICES

R.S. 43:205. Costs of legal advertisements; penalty for accepting rebate

A. In all parishes, the cost of all advertisements in relation to judicial proceedings, or in the sale of property under judicial process, or in any other legal proceedings of any kind, shall be a maximum of ninety percent of the commercial display advertising rate charged by the newspaper for a similar volume of business. Notwithstanding any law to the contrary, the cost of advertisements charged to a state agency when said publication is required by law in all parishes which do not contain a city of over one hundred thousand population shall not exceed the rate of five dollars per square of one hundred words or a fraction thereof. When the insertion contains

material to be set in tabular form, the tabulated matter shall be computed on the basis of the number of words of straight matter which would occupy identical space.

B. Notwithstanding any law to the contrary, the agate line shall be the unit or basis of measurement and charges for all advertisements placed by a state agency when said publication is required by law, including bidding advertisements in all parishes containing a city of more than one hundred thousand but less than three hundred thousand population. The printing shall not be let at over twenty-eight cents per agate line for each insertion.

C. Notwithstanding any law to the contrary, the agate line shall be the unit or basis of measurement and charges for all advertisements placed by a state agency when said publication is required by law, including bidding advertisements in all parishes containing a city of over three hundred thousand population. The printing shall not be let at a charge of over thirty-one cents per agate line for each insertion.

D. If the newspaper refuses to publish at the rate herein specified, the advertisements shall be published in the manner provided for in cases where there are no newspapers.

E. It is unlawful for any sheriff, tax collector, clerk of court, or any other public official, or any auctioneer, administrator, executor, tutor, trustee or other legal representative of any party in any judicial proceeding or other legal proceeding to demand or accept any part of the charge for the printing or publishing in the form of a rebate or otherwise from any newspaper or publisher of a newspaper.

F. Whoever is found guilty of accepting any rebate or any other form of payment shall be fined not less than two hundred and fifty dollars nor more than one thousand dollars or shall be imprisoned for not less than thirty days nor more than six months, or both.

ADDITIONAL PUBLICATION IN FRENCH PERMITTED

R.S. 43:204. Advertisements to be in English; duplication in French permitted

A. When advertisements are required to be made in relation to judicial process, or in the sale of property for unpaid taxes, or under judicial process or any other legal process of whatever kind, they shall be made in the English language and may in addition be duplicated in the French language.

B. State and local officials and public institutions are reconfirmed in the traditional right to publish documents in the French language in addition to English.

CHAPTER VI
THE OFFICIAL JOURNAL

The governing bodies of both state and local governmental units in Louisiana are required by law to select a newspaper as the official journal in which the respective units shall publish certain proceedings and other notices required by law.

The legislature has enacted specific laws governing the selection and qualifications of the official journal of the state. Parish governments, municipal governments and school boards are grouped together in the law relative to the selections and qualifications of the official journals for these respective units. In addition, certain qualifications for the official journal of other political subdivisions appear elsewhere.

Although the qualifications for official journals are similar in many respects to those provided for the legal newspaper, there are some significant differences which must be noted carefully by newspaper publishers and executives. One of the chief uses of an official journal is to publish certain proceedings and various official acts of the governing body, the intent of which is to safeguard the public against misfeasance and malfeasance by public officials. The legislature, therefore, has provided for penalties against public officials who fail to make the required publication within certain time limits. Further, the law prescribes maximum rates which newspapers selected as official journals may charge the governmental units.

The applicable laws defining "newspaper" and relating to qualifications for newspapers selected as official journals are set forth below for reference purposes.

R.S. 43:81. Official journal of state

A. The printing of advertisements, public notices, proclamations, and all public notices and advertising to be done by the legislature, or the executive or other departments and institutions of the state government, shall be published in a daily newspaper to be known and designated as the "Official Journal of the State", which newspaper shall have and possess the following qualifications:

(1) It shall possess the periodicals class mailing privilege.

(2) It shall be published in the city of Baton Rouge, Louisiana.

(3) It shall have been so published for at least six days per week for a period of not less than two years prior to the time that it is awarded the contract as the Official Journal of the State, as provided herein.

(4) It shall have an audited paid daily circulation of not less than ten thousand for at least one year prior to the time it is awarded the contract.

B. (1) For the purposes of Article III, Section 19 of the Constitution of Louisiana, the Official Journal of State shall be the Internet website or portal of the Official Journal of the State.

(2) All laws and joint resolutions shall be accessible through the Official Journal of the State as defined in this Subsection prior to the sixtieth

day after final adjournment of the session in which they are enacted and shall remain accessible for at least one year. Any act that contains an effective date prior to the sixtieth day after final adjournment shall be accessible prior to the effective date contained therein, if possible, or if not possible, as soon as possible after such effective date.

R.S. 43:82. Contract to be let by bids; duration of contract

The contract for printing by the "State Printer of the Official Journal of the State" shall be let to the lowest bidder possessing the qualifications enumerated in R.S. 43:81(A), and shall run for a period of two years beginning July first and ending June thirtieth.

R.S. 43:83. Invitation for bids

The Division of Administration, Office of the Governor, shall give notice of the letting of the contract by having an invitation for bids inserted in three or more of the leading newspapers published in the state, for three weeks prior thereto, and all printing as provided for in this Chapter shall be let in one contract.

R.S. 43:85. Information in bids; price

All bids for printing as provided for under the provisions of this Chapter shall contain the price per agate line, and shall name a daily newspaper possessing the qualifications enumerated in R.S. 43:81, as the medium of publication, but no bid shall be accepted and no contract shall be let which allows a price per agate line in excess of the maximum price per agate line permitted to be paid for advertisements in judicial proceedings or any other legal proceedings in the Parish of East Baton Rouge.

ACCESS VIA THE INTERNET

In 2004, the Legislature enacted R.S. 43:19.1, which allows documents of the state, which have previously been published in the official journal of the state, to be made accessible on the website of the Legislature. R.S. 43:19.1 provides:

§19.1. Legislative web site

Any legislative or governmental instrument, journal, index, order, report, or other official document of the state which has previously been published in the official journal of the state as provided for in this Title may be made accessible on the official Internet web site or portal of the Louisiana State Legislature.

PARISHES, MUNICIPALITIES AND SCHOOL BOARDS

R.S. 43:140. Definitions

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

(1) "Bona fide paying subscribers" shall mean persons who have subscribed at a subscription rate which is not nominal, whether by mail subscriptions, purchases through dealers and carriers, street vendors and counter sellers, or any combination thereof, but shall not include free circulation, sales at token or nominal subscription price, and sales in bulk for purposes other than for resale for individual subscribers.

(2) "General paid circulation" shall not include publications when one-half or more of all copies circulated are provided free of charge to the ultimate recipients, or are paid for at nominal rates by the ultimate recipients.

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

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

(b) 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.

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

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

(4) Nominal rate(s)" shall mean a price which is so small or slight that it is not considered real or substantial in comparison with what might reasonably be expected.

(5) "Office" shall mean the newspaper's principal public business office and need not be the place at which the newspaper's printing presses are physically located. A newspaper shall have only one principal public business office; however, any newspaper with a principal place of business office in a parish adjoining Jefferson Parish which within one year prior to June 1, 1986, has actually published official proceedings of any municipal corporation, parish council, police jury, or school board in Jefferson Parish shall be deemed to be published in an office physically located in both the parish where the newspaper maintains its principal business office and Jefferson Parish.

R.S. 43:141. Official journal to be selected by police juries, city and parish councils, municipal corporations, and school boards

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

B. In any parish which is divided by the Mississippi River and has a population of not less than one hundred thousand the governing body shall have the authority 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 and no act heretofore performed shall be considered invalid because of any such parish having heretofore designated two such official journals.

R.S. 43:142. Qualifications of newspaper

A. The newspaper:

(1) Shall have been published in an office physically located in the parish in which the body is located for a period of five years preceding the selection.

(2) Shall not have missed during that period as many as three consecutive issues unless caused by fire, flood, strike, or natural disaster.

(3) Shall have maintained a general paid circulation in the parish in which the body is located for five consecutive years prior to the selection.

(4) Shall have been entered in a U.S. post office in that parish under a periodical permit in that parish for a period of five consecutive years prior to the selection.

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 Parish 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 Parish.

A municipality may not limit newspapers considered for selection as the "official journal" to daily, rather than weekly newspapers; any newspaper must simply meet the necessary qualifications. ***Op. Atty. Gen., No. 89-347,*** *June 13, 1989.*

Official journal must have publication office within parish but need not have printing facilities within the parish. ***Op. Atty. Gen., No. 89-347A,*** *May 18, 1990.*

R.S. 43:143. Newspaper selected to be known as official journal; duties

The newspaper selected shall be known as the official journal of the parish, town, city or school board, and it shall publish all minutes, ordinances, resolutions, budgets and other official proceedings of the policy jury, town or city councils, or the school board.

A charter school is an independent public school that is operated pursuant to a charter between a non-profit corporation and the Board of Elementary and Secondary Education. A charter school is not a school board or a political subdivision of the state, and therefore, not subject to the mandates set forth in R.S. 43:143. In addition, *La. R.S. 17:3996(B)* provides that:

[N]otwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades….

* * *

(9) Open meetings, R.S. 42:4.1 et seq,

(10) Public records, R.S. 44:1 et seq.

In **La. Op. Atty Gen. No. 04-0317,** the attorney general noted that La. R.S. 17:3996 made no reference to laws requiring the publication of minutes. Further, had the legislature intended for charter schools to be subject to the laws pertaining to the publication of minutes, it could have so provided by including such provisions in this listing. Accordingly, the attorney general opined that charter schools are not subject to the mandates set forth in Title 43, Chapter 4, of the Louisiana Revised Statutes requiring the publication of minutes, unless a school's approved charter subjects the school to such publication requirements.

R.S. 43:144. Penalty for failure to have proceedings published

The official of any municipal corporation, police jury or school board by law responsible for the preparing and recording of the official proceedings who, within twenty days from the date of any meeting at which the official proceedings were had, wilfully neglects or fails to furnish the official journal with a copy of the minutes, ordinances, resolutions, budgets, and proceedings for publication, shall be fined not less than twenty-five dollars nor more than five hundred dollars, or be imprisoned for not less than ten days nor more than six months, or both.

R.S. 43:145. Municipalities to select newspaper located within their boundaries

Municipal corporations shall select an official journal published in an office physically located within their municipal boundaries if a newspaper as defined in R.S. 43:140(3) is published therein. If no qualified newspaper is published within the municipal boundaries, a newspaper published in the parish of the municipal corporation which meets the requirements of a newspaper as defined in R.S. 43:140(3) shall be selected.

R.S. 43:146. Designation of other newspaper when no newspaper published in the parish

Where there is no newspaper published in an office physically located within the parish which meets the requirements of R.S. 43:140(3), a newspaper in an adjoining parish may be designated as the official journal.

R.S. 43:147. Compensation for printing

A. The police juries, municipal corporations, and school boards throughout the state, may, at their option, have their official proceedings published by contract, which contract may not provide for a cost in excess of the maximum amounts hereinafter provided for. Payment may be made monthly or quarterly at the option of the police jury, municipal corporation, or school board, unless otherwise provided in any contract entered into for the publication of official proceedings.

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

C. The agate line shall be the unit of basis of measurement and charges for all official proceedings published in parishes containing a city of more than one hundred thousand, but less than three hundred thousand population. When the publication of the proceedings is not done by contract providing for a lesser amount, the printing shall be let at not over thirty-three cents per agate line of space occupied by each insertion.

D. The agate line shall be the unit or basis of measurement and charge for all official proceedings published in parishes containing a city of more than three hundred thousand population. When the publication of the proceedings is not done by contract providing for a lesser amount, the printing shall be let at not over thirty-seven cents per agate line of space occupied by each insertion.

R.S. 43:148. Bids may be required

In printing what is generally designated as job work, or commercial printing, bids may be required for any work exceeding twenty-five dollars, and the contract shall then be awarded to the lowest bidder.

R.S. 43:149. Vacancy; how filled

In case of vacancy the governing body shall select an official journal for the unexpired term.

R.S. 43:150. Official Journal; notification of secretary of state

Prior to January 1, 1985, and at least thirty days after effecting any change in its official journal, each parish, municipality, and school board shall file with the secretary of state the name and address of its official journal, the effective date of the selection, and the period for which the selection is effective. For purposes of meeting the requirements of Article III, Section 13 of the Constitution of Louisiana, the official journal on file with the secretary of state shall be the official journal of the parish, municipality, or school board.

OTHER POLITICAL SUBDIVISIONS

R.S. 43:171. Selection of newspaper

A. (1) Levee, drainage, subdrainage, road, subroad, navigation, and sewerage districts, or other political subdivisions of the state and parishes, shall have the proceedings of their board and such financial statements required by and furnished to the legislative auditor published in a newspaper. The newspaper shall be selected at their first meeting in June of each year for a term of one year.

(2) The newspaper:

(a) Shall have been published in an office physically located in the political subdivision for at least five years prior to its selection.

(b) Shall not have missed during that period as many as three consecutive issues unless caused by fire, flood, strike, or natural disaster.

(c) Shall have maintained a general paid circulation in the district or political subdivision for five consecutive years prior to the selection.

(d) Shall have been entered in a U.S. post office in that district or political subdivision under a periodical permit in that district or political subdivision for a period of five consecutive years prior to selection.

(3) If there is no newspaper published in the district or political subdivision, a newspaper published in the parish in which the board is domiciled for five consecutive years prior to selection shall be selected provided that it meets the other qualifications contained in this Section.

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 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.

C. If no newspaper is published in an office physically located in the district, political subdivision, or the parish of the domicile of the board which meets the requirements of this Chapter, a newspaper published in an office physically located in an adjoining parish may be selected, which has a general paid circulation within the limits of the district or political subdivision and which meets the requirements of a newspaper as defined in R.S. 43:140(3).

R.S. 43:172. Contracts

The governing authorities of the political subdivisions listed in R.S. 43:171 may make a contract with the official journal for its publishing, or if no contract is entered into, then the rate allowed by law shall govern as in the matter of all legal printing.

R.S. 43:174. Notification of secretary of state

Prior to January 1, 1985, and at least thirty days after effecting any change in the official journal, the governing authority of each political subdivision subject to the provisions of this Part shall file with the secretary of state the name and address of its official journal, the effective date of the selection, and the period for which the selection is effective. For purposes of meeting the requirements of Article III, Section 13 of the Constitution of Louisiana, the official journal on file with the secretary of state shall be the official journal of the political subdivision. If any political subdivision subject to the provisions of this Part fails to file with the secretary of state the information required by this Section, the official journal of the parish or parishes in which the political subdivision is situated shall be the official journal for purposes of meeting the requirements of Article III, Section 13 of the Constitution of Louisiana.

AUXILIARY OFFICIAL JOURNALS

R.S. 43:181. Auxiliary official journals of political subdivisions

A. (1) The governing authority of political subdivisions or the official charged with the selection may annually select an auxiliary official journal for a term not exceeding one year. An auxiliary official journal shall be a newspaper which has been published in an office physically located in the parish in which the body is located for a period of five years preceding the selection.

(2) The newspaper:

(a) Shall not have missed during that period as many as three consecutive issues unless caused by fire, flood, strike, or natural disaster;

(b) Shall have maintained a general paid circulation in the parish in which the body is located for five years prior to the selection; and

(c) Shall have been entered in a U.S. post office in that parish under a periodical permit in that parish for a period of five consecutive years prior to the selection.

(3) Selection of an auxiliary official journal shall be confined to those cities in excess of one hundred thousand population.

(4) 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.

B. In each instance where the governing authority of a political subdivision is required by law to publish more than one notice, advertisement, legal notice, judicial advertisement, or other publication in an official journal or otherwise, the governing authority of the political subdivision or the official charged with the selection may elect to publish one of the required publications in an auxiliary official journal at a rate not exceeding the rate to publish the same in the official journal; and, the said publication shall constitute publication in an official journal for the purposes of any law.

C. In addition to publishing the publications required by law, the governing authority of a political subdivision or the official charged with the selection may elect to publish the required publication for any public purpose in an auxiliary official journal not in excess of the number of times required for the official publication and at a rate not exceeding the rate for publication of the same in the official journal, and said additional publications made pursuant to this Subsection shall not constitute official publications.

D. Political subdivisions may appropriate and spend funds pursuant to the authority granted in this Section.

CHAPTER VII
NOTICE BY NEWSPAPER PUBLICATION

LEGISLATIVE CONCEPT OF NOTICE

The term "notice" as defined by lawmakers in the statutes of Louisiana and other states often has a broader meaning than the definitions of "notice" utilized by the courts. Notice in judicial proceedings constitutes only one part of the legal publications required by law. Two additional classifications are now embraced in the term. The first is the large group of required publications which might be described as "government advertising." The second is the growing body of required publications designed by lawmakers to keep people informed of the legislative and executive acts of governing units.

PRINCIPLE OF NOTICE

The principle of notice is as old as the term "just government." Notice and opportunity to be heard generally form "due process of law" which safeguards the citizen in the enjoyment of life, liberty and property.[1] In the structure of a free government for free peoples, notice is the force which makes both government and the governed mutually responsive and responsible.

ORAL NOTICE

In earlier ages, notice was given by heralds and criers. Oral notice, whether by town crier, by face-to-face statement, by telephone or by radio, always has had and still has the objection of intangibility, or the difficulty of proof of service.

WRITTEN NOTICE

The written record is its own proof of publication. Notice by writing has become the most acceptable form of notice. Written notice through personal service is the preferred method, but its cost in money and time is usually prohibitive, and personal service often fails because the names and addresses can be inaccurate or unknown. Notice by mail, while used effectively in certain cases, also can be expensive and impracticable in many instances. Notice by posting, except for very small governing units, has declined in importance, due to its inherent inability to reach a significant percentage of persons affected by government acts.

NEWSPAPER PUBLICATION

Written notice by newspaper publication has gradually developed in this country as the most economical and effective method of service and ensuring due process. Notice by newspaper is generally required as a medium for notice in all states and also the federal government. Broadly classified, notice by newspaper publication performs three major functions: It provides due process of law, it is a report of stewardship, and it is an instrument of administrative procedure.

[1] ***Cleveland Board of Education v. Loudermill***, 470 U.S. 532, 542 (1985).

DUE PROCESS OF LAW

An individual's right to life, liberty and property are guaranteed by the Constitution of the United States. Notice is the forewarning to the citizen that his constitutional rights may be jeopardized by an act of government or of another individual. "Notice that some particular judicial proceedings are already instituted or proposed to be instituted, and of the time and place where such hearings are to be had, and a reasonable opportunity to be heard, are essential to due process of law." (Thomas M. Cooley, "Constitutional Limitations".)

REPORT OF STEWARDSHIP

Public officials use notice by newspaper publication to report their stewardship and to avoid unjust criticism from citizens who want to know how tax money is spent and as to what legislation is enacted. At the same time and through the same process, the public is afforded a safeguard against fraud, graft, malfeasance and misfeasance of officials entrusted with public office. Complete and regular publication of the acts and records of public officials also stimulates continued public interest in government. Democratic government is successful only to the degree that the electorate is informed.

INSTRUMENT OF ADMINISTRATIVE PROCEDURE

A third major function of notice is advertising. Governing bodies operate in much the same way as business enterprises. Governing bodies advertise for bids in the purchase of material and services. They also announce sales of bonds, public lands or other property. These advertisements serve both as announcements of the intention to buy or sell and the means of stimulating competitive bidding. In the field of property tax collection, notice has become an important agent in aiding collection of these taxes through periodic publication of delinquent tax notices.

ROLE OF THE NEWSPAPER

The three-fold function of notice, coupled with the choice of newspapers as the chief medium for service of notice, highlights the newspaper's key role in government. By clear legislative intent, the newspaper in the United States today has become the:

1. Official Agent of Government
    a. Judicial Procedure
       Notice of tax sales, probate, suit filings, criminal proceedings, etc.
    b. Legislative Procedure
       Promulgation of acts, ordinances, resolutions, regulations, etc.
    c. Administrative Procedure
       Notice of elections, hearings, referendums, etc.
2. Information Medium of Government
   Reports of stewardship: proceedings, budget, financial statements.
3. Advertising Medium of Government
   Solicitation of competitive bids, sales of bonds and debentures, etc.

DIGEST OF LOUISIANA LAW - "NOTICE"

The following digest of Louisiana Law is intended to provide to the publisher or public official the essential information, in tabular form, relative to notice, under the following headings:

(a) Kind of Publication - a brief description of its purpose arranged by subject.

(b) In What Newspaper - the newspapers which are eligible or required to publish the particular notice under consideration.

(c) Date of Publication - unless otherwise indicated, the first day of publication.

(d) Number of Insertions - the required number of insertions.

THE SPECIFIC LAWS CITED DO NOT, IN EVERY CASE, GIVE ALL OF THE DESIRED INFORMATION, WHICH ACCOUNTS FOR THE BLANK SPACES IN THE COLUMNS OF THE DIGEST. However, when the information, such as the number of insertions, may be plainly inferred from the wording of the law, or is covered in blanket provisions of other laws, this information has been placed under the proper heading.

CLASSIFICATION AND ARRANGEMENT

An attempt has been made both to classify the law relative to notice according to function and to arrange it according to subject. This has been done in order to facilitate reference. Under this arrangement, the digest serves both as an analysis of the law and also as a subject index.

CLASSIFICATION OF GOVERNMENT UNITS

For convenience, the digest arranges required notices according to the government unit or agency responsible for its publication, as follows:

(1) State Government;

(2) Parishes;

(3) Municipalities;

(4) School Boards/Districts;

(5) Other Political Subdivisions;

(6) Private Institutions;

(7) Judicial Notices.

Note: The digest is not intended to replace the need to seek the advice of legal counsel at appropriate times.

NOTICE BY NEWSPAPER PUBLICATION

SECTION 1
NOTICES BY STATE GOVERNMENT

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Abandoned property--notice and publication of lists of abandoned property. R.S. 9:161.	Newspaper of general circulation in parish in which is located the last known address of any person named in notice.	Not later than November 30th of the year following the year in which abandoned property has been paid or delivered to the administrator.	Once a week for two consecutive weeks.
Abandoned property--notice of public sale of abandoned property. R.S. 9:164.	Newspaper of general circulation in parish in which property is to be sold.	At least three weeks in advance of sale.	Once.
Acts of the Legislature--publication. La. Const. Art. III, §19; R.S. 43:81(B)(2).	Official journal of state.	Prior to 60th day after final adjournment of session; if stated effective date is prior to 60th day, then prior to effective date, if possible; if not possible, as soon as possible thereafter.	Once.
Acts of the Legislature--publication of local and special laws. La. Const. Art. III, §13.	Newspaper in locality affected.	Last date of publication at least 30 days before introduction of bill.	On two separate days.
Aeronautics--notice of hearing for reviewing priority list of projects for fiscal year. R.S. 2:803.	Prior to each hearing, the Department of Transportation and Development shall publish the appropriate official notice in the necessary journals.		
Agriculture--co-operative associations--notice of meetings. R.S. 3:79.	Newspaper of general circulation, published at principal place of business of association.	If required by by-laws.	

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Agriculture--co-operative associations--notice of general and special meetings. R.S. 3:130.	Newspaper of general circulation, published at principal place of business of association.	If required by by-laws.	
Agriculture--commodities marketing--notice of intent to terminate or suspend marketing order. R.S. 3:3519.	*Louisiana Register* and newspapers of general and statewide circulation.		
Agriculture--public livestock market--notice of hearing on application for charter. R.S. 3:667.	Official journal of state and official journal of municipality or parish in which proposed public livestock market located.		On two separate days.
Agriculture--promulgation of rules regarding crop pests and diseases. R.S. 3:1652.	Official journal of state.	Five days after their promulgation.	
Agriculture--boll weevil eradication zones--promulgation of rules designating prohibitions and requirements. R.S. 3:1609.	Newspaper having general circulation in affected area.		One day each week for three successive weeks.
Agriculture--imported fire ant eradication areas--promulgation of notice establishing areas. R.S. 3:2353.	Official journal of state.		
Agriculture--impounded livestock--notice to owners to prove ownership. R.S. 3:2805.	Newspaper of general circulation within parish.		
Agriculture--impounded livestock--notice of sale of unclaimed livestock. R.S. 3:2806.	Newspaper of general circulation in parish where sale to take place.	At least 10 days before sale.	Once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Agriculture--swine--notice of disposition and sale of swine running at large. R.S. 3:2893.	Official journal in parish where swine taken into possession.	At least five days before public auction.	
Agriculture--impounded livestock--notice to owners to prove ownership of livestock impounded on public highway. R.S. 3:3005.	Newspaper of general circulation within parish.		
Agriculture--unclaimed livestock--notice of sale of livestock impounded on public highway. R.S. 3:3006.	Newspaper of general circulation in parish where sale to take place.		Once.
Agriculture--publication of stock election results. R.S. 3:3012.	Official journal of parish in which ward situated.	Not more than 15 days after date of election.	Once.
Airport zoning regulations--notice of hearing on adopting. R.S. 2:386.	An official paper or newspaper of general circulation in subdivision where airport located.	At least 30 days before hearing.	Once.
Alcoholic beverages--local option—publication of petition. R.S. 26:585.	Official journal of parish or municipality.	Within 15 days after petition is filed.	Once.
Alcoholic beverages--permit to sell low alcoholic content beverages. R.S. 26:277.	Newspaper in the municipality of business or paper published nearest business if business not located in municipality in which newspaper published.	Prior to making application.	Once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Alcoholic beverages--permit for retail dealers to seller alcoholic beverages. R.S. 26:77.	Newspaper in the municipality of business or paper published nearest business if business not located in municipality in which newspaper published.	Prior to making application.	Once.
Alcoholic beverages--local option--promulgation of results of election. R.S. 26:594.	Official journal of parish.	After first regular meeting after election.	Once.
Aliens--war emergency--proclamation mandating registration. R.S. 53:3.	Newspapers designated by the governor.		
Amusements and sports--publication of ticket prices for boxing or wrestling contests. R.S. 4:73.	Local newspaper.	At least two days prior to contest.	
Archaeology and Historic Preservation District--notice of public hearing concerning certificates of appropriateness. R.S. 25:785.	Official journal of state.	At least seven days prior to hearing.	
Bonds--sale of general obligation bonds by state or any of its agencies--notice of intention to issue. R.S. 39:1365.	Official journal of state.		Once.
Bonds--State Bond Commission--notice of sale and advertisement of bonds. R.S. 39:1366.	Newspapers or financial journals published at places determined by State Bond Commission.	At least seven days in advance of sale.	

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bonds--Office Facilities Corporation--publication of intent to issue bonds. R.S. 39:1798.7.	Newspaper of general circulation in parish of corporation's domicile.	After authorization to issue.	Once.
Bonds--Nuclear and Space Authority--resolution authorizing issuance of bonds in amount not to exceed $10,000,000. R.S. 51:1355.	Official journal of state.		Once.
Bonds--Fuel Protection Act of 1979--resolution authorizing issuance of bonds. R.S. 51:1605.	Official journal of state.		Once.
Bonds--Fuel Protection Act of 1979--advertisement for sale of bonds on sealed bids. R.S. 51:1605.	Publication carrying municipal bond notices devoted primarily to financial news or state and municipal bonds, published in New York, and in newspaper of general circulation published in either New Orleans or Baton Rouge.	Not less than seven days prior to sale.	At least once.
Bonds--Louisiana Transportation Authority--Notice of intent to issue bonds. R.S. 48:2082.	Official journal of Authority.		
Constitution--notice of election for proposed amendments. La. Const. Art. XIII, §1.	Official journal of each parish.	At least 30 but not more than 60 days preceding the election for the proposed amendment.	Once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Contraband--advertisement for sale of seized or forfeited property at public auction to highest bidder. R.S. 40:2608.1.	Official journal of parish where property is located, and if ordered by seizing agency, in newspaper with smaller or larger circulation than official journal.	Prior to sale.	
Contracts for professional services for proposed projects--advertisement for bids of applicants. R.S. 38:2312.	Official state journal.		Once.
Contracts--Department of Transportation and Development--consulting service contracts of $50,000 or more--public notice of requests for proposals. R.S. 39:1595.	Official journal of state and in one or more newspapers of general circulation in state.	First advertisement at least 30 days before last day proposals accepted.	At least once a week for three different weeks.
Contracts--Department of Transportation and Development--social service contracts--request for proposals. R.S. 39:1595.	Official journal of state, official journal of parish where services performed and in other media appropriate under the circumstances.	First advertisement at least 14 days before last day proposals accepted.	At least once in official journals of state and parishes.
Contracts--Department of Transportation and Development--consulting service contracts with the Department of Transportation and Development with maximum of $50,000 or more--public notice of request for proposals. R.S. 39:1595.	Official journal of state.	First advertisement at least 15 days before last day proposals accepted.	At least once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Contracts--reverse auction of materials, supplies, services, products or equipment.	Official journal of the state.	20 days before opening of auction.	One time.
Contracts--reverse auction of materials, single budget unit.	Official journal of the state and newspaper of general circulation in parish.		
Cooperative marketing of seafood products--notice of meeting of association. R.S. 12:451.	Newspaper of general circulation published at location of registered office of association.	At least five days prior to meeting.	Once if required by by-laws.
Corporations (Limited Liability Company)--notice of revocation of articles of organization by Secretary of State for failure to perform certain duties. R.S. 12:1363.	Official journal of state.		
Crime Prevention and Security Districts--Notice of Intent to introduce bill for the creation of the special district. La. Const. Art. III, §13.	Official journal of locality where special district situated.	Last publication at least 30 days prior to introduction of bill.	Three separate days.
Department of Agriculture and Forestry--advertisement for future sales of timber. R.S. 39:330.1.	Official journal of state.	At least 30 days prior to deadline for accepting bids.	Two occasions.

Department of Culture, Recreation and Tourism--advertisement for sale, lease or sublease of state park lands. R.S. 36:204.	Official journal of parish or parishes where land located; If in daily newspaper in locality.	First publication 15 days before opening bids. First publication at least 10 days before opening bids.	Once a week for three different weeks. Three times within 10 days.
Department of Transportation and Development--publication of requests for bids on construction or improvement of facility. R.S. 48:252.	Official journal of state or through an electronic bid system approved by the Department.	Period between date of first advertisement and receipt of bids shall not be less than 21 days.	Once a week for three different weeks.
Department of Transportation and Development--advertisement of notice of intent to employ consultants. R.S. 48:287.	Department's Internet Website.	A minimum of 10 days prior to deadline for receipt of responses.	
Economic Development--Transportation Infrastructure Model--notice of completion of master plan for roadside. R.S. 47:820.6.	Official state journal.	Prior to requests for bids.	
Elections--notice of vacancy in the office of state legislators and dates of qualifying period and election. R.S. 18:601.	Official journal of each parish in which election is to be held.	Within 24 hours of receipt of vacancy information by Secretary of State.	
Elections--proclamation ordering special election to fill vacancy for U.S. Senator. R.S. 18:1278.	Official journal of each parish in which election is to be held.	Immediately after issuance of proclamation.	
Elections--proclamation ordering special election to fill vacancy for congressional representative. R.S. 18:1279.	Official journal of each parish in which election is to be held.	Immediately after issuance of proclamation.	

Elections--recall--proclamation ordering special election for recall of officer. R.S. 18:1300.7.	Official journal of each parish in which election is to be held.	Immediately after issuance of proclamation.	
Emergency--publication of proclamation of state of emergency. R.S. 14:329.6.	Newspaper of general circulation in area affected by order.	As soon as practicable.	
Environmental Quality--La. Water Control Law--notice of application for certification. R.S. 30:2074.	Official journal of state. (If significant public interest, newspaper of general circulation in affected area.)	After filing of application.	Once.
Flood control program--public notice of hearing on proposed drainage basin projects. R.S. 38:90.6.	Necessary journals.	Prior to hearing.	
Food and drugs--publication of notices, orders, rules or regulations pertaining to flour and bread. R.S. 40:783.	Newspapers of general circulation in three different sections of state.		At least three times in 10 days.
Government Deferred Compensation Plan--notice of the Louisiana Deferred Compensation Commission's intent to enter into or amend contract. R.S. 42:1307.	Official journal of state.	At least 10 days prior to action.	
Hazardous waste disposal--notice by commercial solid waste facility of pending disposal of nonhazardous waste. R.S. 30:2154.	Official journal of parish where facility located.	Not less than 30 days prior to commencement of disposal.	

Hazardous waste sites--inactive and abandoned sites--notification of intent to declare hazardous waste site abandoned. R.S. 30:2225.	Official journal of parish where site to be declared abandoned.	Prior to declaring site abandoned.	Three consecutive occasions.
Hazardous waste sites--inactive and abandoned sites--notification of hearing on site closure plan. R.S. 30:2225.	Newspaper of general circulation of parish where hearing held.		Once.
Health Education--notice of public hearings by health education authority. R.S. 17:3059.	Official journal of state and in newspaper having general circulation in Orleans Parish.	10 days in advance of hearing.	
Hospitals--notice by attorney general of application to acquire hospital. R.S. 40:2115.14	Newspaper of general circulation in parish where hospital located.	Within five days after receipt of application.	
Insurance--notice of hearing to persons affected by hearing held regarding insolvent domestic insurance company. R.S. 22:2194.	Daily newspaper in each congressional district of state.		At least once each week during four weeks immediately preceding week hearing held.
Labor and industry--rules and regulations of Department of Labor--notice of hearing. R.S. 23:8.	Such newspaper as Executive Director may prescribe.	Not less than 10 days before hearing.	Once.
Labor and industry--boiler inspection (New Orleans excepted)--notice of hearing on rules and regulations. R.S. 23:532.	One or more newspapers of general circulation in state.	10 days before hearing.	Once.

Labor and industry--boiler inspection (New Orleans excepted)--rules and regulations. R.S. 23:532.	One or more newspapers of general circulation in state.	Six months before rules become effective if new boilers; otherwise, before effective date.	Once.
Lease--purchase of state equipment--publication of proposed lease with nonprofit lessor. R.S. 39:1766.	Official state journal.	Last publication at least seven days prior to proposed execution date.	At least twice within 15 days.
Lottery Corp.--quarterly expenditure statements. R.S. 47:9022.	Official journal of state.	Quarterly.	Once.
Lottery Corp.--quarterly financial statements. R.S. 47:9022.	Official journal of state.	Quarterly.	Once.
Louisiana Economic Development and Gaming Corporation--publication of proposed rules and regulations. R.S. 27:220.	Official journal of state or the *Louisiana Register*.		
Louisiana Expressway Law--construction expenditures in excess of $1,500--advertisement for bids to construct. R.S. 48:1255.	Newspaper of general circulation published in East Baton Rouge Parish, and in other publications as authority determines.		Not less than two consecutive weeks.
Louisiana Expressway Law--traffic control--notice of rules and regulations. R.S. 48:1272.	Newspaper of general circulation published in East Baton Rouge and in others as the authority determines.		
Louisiana State Museum--notice of meeting at which lease program for French Quarter properties is discussed and established. R.S. 25:349.	By "Public Advertisement."	No more than 10 days before meeting.	At least once.

Minerals--oil and gas--order fixing allowable production. R.S. 30:7.	Official journal of state.	Immediately on or before 23rd of month preceding month order becomes effective.	Once.
Minerals--oil and gas--notification by Commissioner of Conservation of intent to declare an oilfield waste site abandoned. R.S. 30:75.	Official journal of parish where waste site located.		Three consecutive occasions.
Minerals--oil and gas--notice of Mineral Board's approval for execution of unitization, royalty or other agreements involving minerals. R.S. 30:129.1.	Official journal of state or in *Louisiana Register*.	Prior to exercise of Board's powers.	
Minerals--oil and gas--advertisement concerning acquisition and use of in-kind natural gas royalties. R.S. 30:142.	Official journal of state.	At least 10 but not more than 60 days prior to approval of contract.	
Minerals--oil and gas--advertisement by Mineral Board soliciting bids on contract. R.S. 30:142.	Official journal of state.		Need not be more than once a week.
Minerals--oil and gas--publication of notice by Mineral Board to persons having claim or interest in deposited funds. R.S. 30:187.	Official journal of parish where suit filed and in official journal of state.	Within 60 days immediately following filing of petition.	Six times during 60 days.
Minerals--oil and gas--notice by Commissioner of Conservation of intent to rent or lease facilities to finance construction and operation of pipelines. R.S. 30:557.	Official journal of state.		

Minerals--oil and gas--publication by Commissioner of Conservation of intent to exercise authority to construct pipelines. R.S. 30:557.	Official journal of state.		
Minerals--oil and gas--notice by Commissioner of Conservation to land owners that Office of Conservation may enter property. R.S. 30:905.3.	Newspaper of general circulation in parish where land located.	Prior to entering land.	Once.
Minerals--coal mining--notice by Commissioner of Conservation of scheduled conference for objections to proposed initial or revised application for surface mining permit. R.S. 30:913.	Newspaper of general circulation in locality of proposed mining operation.	At least two weeks prior to scheduled conference date.	
Museums--notice to present proof of claim for property loaned to museum. R.S. 25:345, 377, 379.5, 380.4, 881.	At least one newspaper of general circulation in parish in which particular museum facility located.	After property held by museum for more than 10 years and no claim made.	At least once a week for two consecutive weeks.
Parks--Department of Culture, Recreation and Tourism--advertisement to sell, lease, or sublease lands under jurisdiction of department. R.S. 56:1687.	Newspaper in locality and in official journal of parish. If in daily newspaper in locality.	First advertisement to appear at least 15 days before opening bids. 10 days before opening bids.	Once a week for three different weeks. Three times within 10 days.

Procurement Code--notice of invitation for bids for purchases of $25,000 or more. R.S. 39:1594.	Official journal of state; if purchase to meet needs of single budget unit, then publish also in newspaper of general circulation in parish where budget unit situated; if none, then in newspaper printed in nearest parish having general circulation in parish where budget unit situated.	At least 10 days prior to date set for opening of bids on all matters; except for housing of state agencies, their personnel, operations, equipment, or lease of 2,500+ sq. ft. of space in privately owned building by state agency, at least 20 days prior to date set for opening of bids.	Once.
Procurement Code--public notice of request for proposals--high technology and complex acquisitions. R.S. 39:1593.	Official journal of state.	At least 30 days before last day that proposals will be accepted.	
Public lands--advertisement for sale upon application of proposed purchaser. R.S. 41:133.	Official journal of state and official journal of parish where located.	At least 30 days prior to sale of land.	30 days.
Public lands--homestead on tax adjudicated lands--notice of filing of application. R.S. 41:542.	Official journal of parish where land located.	After filing of affidavit and application.	Once a week for 30 days or four successive weeks.
Public lands--homesteads--notice of intention to make final proof. R.S. 41:545.	Newspaper published nearest to the land.	After filing of notice.	30 days.
Public lands--sale of public lands. R.S. 41:133.	Official journal of state and official journal of parish where land located.	After filing of application to purchase.	30 days.
Public lands--school indemnity lands--sale at public auction. R.S. 41:802.	Newspaper published in parish. (No land to be sold shall be advertised in any paper outside parish where land is situated.)		30 days.

Public lands--notice of intent to submit final proof for issuance of patent. R.S. 41:505.	Newspaper published nearest to the land.	After filing of written notice.	30 days.
Public lands--notice of sale of timber on levee board lands. R.S. 41:1043.	Official journal of parish where land located.	After filing of application.	Not less than 15 days and at least once a week during three consecutive weeks.
Public lands--leases with right to erect storage or transportation facilities-advertisement of lands. R.S. 30:148.4.	In the official journal of the parish wherein the land and bodies of lakes, bays or coves, sea, arms of the sea, or other navigable waters and beds thereof are located.	Upon receipt of application for lease.	Not more than 60 days prior to the date for the opening of bids and at least once a week during three consecutive weeks within those 60 days.
Public lands--lease (minerals excepted)--advertisement for bids. R.S. 41:1214.	Official journal of all parishes where land located.		Not less than 15 days and at least once a week during 3 consecutive weeks.
Public lands--publication of notice of proposed lease of public lands. R.S. 41:1215.	Official state journal.	Last publication at least seven days prior to proposed execution.	At least twice within 15 days.
Public lands--mineral leases--advertisement of offer to lease state-owned lands. R.S. 30:126.	Official journal of state and official journal of all parishes where land located.	Not more than 60 days prior to date for opening of bids.	Once.
Public lands--timber on lands owned by state. R.S. 41:1003.	Official journal of parish where land located.	Upon receipt of application.	Not less than 15 days and at least once a week during three consecutive weeks.
Public lands--timber on lands owned by Interagency Recreation Board. R.S. 41:1083.	Official journal of parish where land located.	Upon receipt of application.	Not less than 15 days and at least once a week during three consecutive weeks.
Public officers--publication annually of defaulters to state. R.S. 42:306.	Official journal of state.	Annually on December 15th.	30 days.

Public officers--governor to annually publish list of defaulters reported to him. R.S. 42:307.	Official journal of state.	Annually.	Once.
Public trusts--resolution authorizing issuance of obligations. R.S. 9:2341.	Official journal of state.		Once.
Public utilities--notice of rates fixed by Louisiana Public Service Commission when companies have failed to fix rates between points. R.S. 45:1095.	Official journal of Public Service Commission.	30 days before rate is effective.	Once.
Retirement Benefits--notice of proposal to affect any change in existing laws or constitutional provisions relating to any retirement system for public employees. La. Const. Art. X, §29.	Official journal of state.	60 days before introduction of bill.	Two separate days.
Revenue Estimating Conference--publication of official forecast. R.S. 39:24.	*Louisiana Register* and in official state journal.		
Service stations--offering for lease, upon sealed bids, gasoline service station or site for private operation. R.S. 48:1261.	Newspaper having general circulation in state.		At least four weeks' notice.
Severance tax--publication of "gas base rate adjustment" and "gas tax rate." R.S. 47:633.	Official state journal.	May 1st of each year.	

Solid waste disposal facility--notice of authorization to dispose of solid waste. R.S. 30:2154.	Official journal of parish where waste to be disposed.	At least 15 days prior to disposal.	
State official journal--advertisement for bids on unexpired contract term due to cancelled contract. R.S. 43:89.	Three or more leading newspapers published in state.	Three weeks prior to accepting bids.	
Tax collectors--powers and duties--promulgation of rules and regulations. R.S. 47:1511.	Official state journal.		At least three times during 10 day period.
Tax increment development corporations--notice of public hearing on need to activate corporation. R.S. 47:8004.	Newspaper having general circulation in parish or municipality.	At least 21 days preceding hearing.	
Tax increment development corporations--notice of public informational meeting on plan submitted by corporation to governing body. R.S. 47:8013.	Newspaper of general circulation in parish or municipality.	21 days prior to meeting.	
Tax increment development corporations--notice of public hearing on plan. R.S. 47:8013.	Newspaper having general circulation in parish or municipality.	At least 14 days prior to hearing.	
Tax increment development corporations--resolution authorizing issuance of bonds. R.S. 47:8017.	Official journal of corporation.		Once.

Tax increment development corporations--publication of annual report. R.S. 47:8024.	Newspaper of general circulation in parish or municipality.	At the time of filing report (on or before March 31st, annually).	
Taxes--Bi-State Corridor Commission--public notice of intention to submit tax, fee, or charge for voter approval. R.S. 48:1707.	Official journal of each parish included within Commission's boundaries.	At least 30 days prior to date board considers resolution.	
Unemployment compensation--publication of general rules by administrator of division of employment security. R.S. 23:1654.	One or more newspapers of general circulation in state.	Prior to effective date of rules.	
Wildlife and Fisheries--curtailment of open season by governing authority. R.S. 56:114.	Official journal of parish.	Prior to regular annual open seasons for hunting.	Not less than once a week for four consecutive weeks.
Wildlife and Fisheries--oyster and oyster industries--notice of determination by department on state-owned natural oyster reefs--size limitations. R.S. 56:433.	Newspapers of general circulation in coastal zone.	Prior to implementation.	Once weekly for two weeks.
Wildlife and Fisheries--notice of selection of state-owned lands for preserves. R.S. 56:782.	Newspaper published or having circulation in parishes where preserve located.	Prior to dedication.	Not less than 30 days.
Wildlife and Fisheries--notice of selection of preserves on leased lands. R.S. 56:783.	Newspaper published or having circulation in parishes where preserve located.	At least 30 days before establishment.	Not less than 30 days.
Wildlife and Fisheries--public hunting grounds--notice of establishment. R.S. 56:109.	Official journal of state and official journal of parish where land located.	At least 30 days before establishment.	30 days.

Wildlife and Fisheries--Natural and Scenic Rivers Systems--notice of public hearing on inclusion in or declassification of river in system. R.S. 56:1845.	Official journal of state and in official journal of each parish through which river flows.	Not less than 30 days prior to hearing.
Wildlife and Fisheries--Natural and Scenic Rivers System--notice of public hearing on recommendations and comments to management plan. R.S. 56:1846.	Official journal of state and each parish through with the river flows.	Not less than 30 days prior to hearing.

NOTICE BY NEWSPAPER PUBLICATION

SECTION 2
NOTICES BY PARISHES

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
	LEGISLATIVE		
Health and safety regulations--publication of ordinance ordering removal of remains of dead. LA. R.S. 33:4812.	Official journal of parish.		Once a week for five weeks.
Special counsel--publication of resolution authorizing employment of special counsel. LA. R.S. 42:263.	Official journal of parish.	After approval.	
Subdivision regulations--notice of hearing for recommending regulations. LA. R.S. 33:140.17.	Newspaper of general circulation in municipality and parish.	At least 10 days prior to hearing.	
Taxes--ad valorem tax assessors--notice of intention to introduce proposal changing compensation of assessors. LA. R.S. 47:1907.1.	Official journal for parish where office located and, if proposal would change compensation of all parish assessors, then in official journal of state.	Last day of publication at least 30 days prior to introduction of bill.	Two separate days.
	ADMINISTRATIVE		
Alcoholic beverages--petition for local option election--publication of. LA. R.S. 26:585.	Official journal of parish or municipality.	Earliest possible time.	Once.
Alcoholic beverages--results of local option election--publication of. LA. R.S. 26:594.	Official journal of parish.		Once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Amusements and sports--notice of parish-wide election on horse racing meet. LA. R.S. 4:181.	Official journal of parish; or if official journal not published daily, then in daily newspaper of general circulation in parish.	Completed at least five days prior to date of election.	At least twice at five-day intervals.
Assessment in general--notice to unknown owners of completion of assessment rates. LA. R.S. 47:1966.	Daily newspaper published in New Orleans and in other parishes.	Before assessment is final.	Twice during 10-day period.
Assessment in general--notice to unknown owners of completion of assessment rates. (In parish which contains municipality with a population of 300,000 or more.) LA R.S. 47:1966.	Newspaper or other publication domiciled in parish, published in English at least weekly, meets requirements of R.S. 43:200(3)(a-c), and maintained circulation of at least 30,000 for five years.	Before assessment is final.	Twice during 15-day period.
Assumption of debts of districts--notice of election to assume debts of any road, drainage, levee or school district within parish. LA. R.S. 39:663.	Official journal of political subdivision; if none, then in newspaper of general circulation in parish; if none, then in newspaper of general circulation of adjoining parish. LA. R.S. 18:1285.	Not less than 45 nor more than 90 days between date of first publication and date of assumption. LA. R.S. 18:1285.	Once a week for four consecutive weeks. LA. R.S. 18:1285.
Bond, debt & tax elections by political subdivisions--notice of election. LA. R.S. 18:1285.	Official journal of political subdivision; if none, then in newspaper of general circulation in parish; if none, then in newspaper of general circulation of adjoining parish.	Not less than 45 nor more than 90 days between date of first publication and date of election.	Once a week for four consecutive weeks.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bond, debt & tax election returns by political subdivisions--publication of election returns. LA. R.S. 18:1292.	Newspaper of general circulation in political subdivision; if none, then in newspaper of general circulation in parish; if none, then in newspaper of general circulation in adjoining parish.		Once.
Bonds--public trusts--notice of intention to issue and notice of public meeting. LA. R.S. 9:2347.	Newspaper in locality of beneficiary or parish where it is located.	First publication at least 30 days before public meeting.	Once a week for four weeks.
Bonds--public trusts--notice of intent to sell bonds. LA. R.S. 9:2347.		At least seven days in advance of sale.	
Bonds--public trusts--notice of sale. LA. R.S. 9:2347.	Newspaper of general circulation in parish of beneficiary's situs; if state is beneficiary, then in official state journal, and in financial journal or newspaper containing section devoted to municipal bond news published in either New Orleans or New York.	At least seven days prior to sale.	
Bonds--public trusts--notice of resolution authorizing sale of bonds. LA. R.S. 9:2347.	Newspaper of general circulation in parish of beneficiary's situs; if state is beneficiary, then in official state journal.	After adoption of resolution.	
Bonds--industrial park development--publication of resolution authorizing issuance of revenue bonds. LA. R.S. 33:130.53.	Official journal of local governmental subdivision.	Prior to issuing bonds.	Once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bonds--publication of resolution authorizing issuance of bonds and pledging and dedicating sales tax revenues. LA. R.S. 47:338.102.	Official journal of municipality.		Once.
Bonds--Parish Gasoline Fund--advertisement for sale of bonds. LA. R.S. 39:642.	Newspaper of general circulation within parish, in one or more daily newspapers published in city of New Orleans and in financial newspaper or journal published in New York or Chicago.	First publication not less than 21 days prior to sale.	At least once a week for three weeks.
Bonds--Parish Gasoline Fund--promulgation of resolution authorizing issuance of bonds. LA. R.S. 39:642.	Newspaper of general circulation in parish.		Once.
Bonds--funding taxes for new indebtedness--notice of intention of political subdivisions to issue bonds. LA. R.S. 39:1105.	Newspaper published in political subdivision; if none, then in newspaper published in parish; if none, then in newspaper published in adjoining parish.	At least 15 days before issuance of bonds.	Once a week for three weeks.
Bonds--funding taxes for new indebtedness--promulgation of resolution issuing bonds. LA. R.S. 39:1111.	Newspaper published in political subdivision; if none, then in newspaper published in parish; if none, then in newspaper published in adjoining parish.		Once.
Bonds--funding taxes for new indebtedness--advertisement for bids on bonds. LA. R.S. 39:1120.	Official journal of parish or municipal corporation.	First publication at least 15 days preceding date fixed for reception of bids.	Once a week for three weeks. If not sold pursuant to public offering or to private offering, then re-advertise in same manner.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bonds--funding taxes for previous debts--advertisement for public sale of certificates. LA. R.S. 39:1178.	Newspaper published in subdivision; if none, in parish where subdivision situated; if none, in newspaper published in adjoining parish. Also, in newspaper of general circulation in city having population of not less than 20,000.	Seven clear days before date fixed for reception of bids.	Once a week for three weeks. If not sold pursuant to public offering or to private offering, then re-advertise in same manner.
Bonds--funding taxes for existing indebtedness--resolution or ordinance for supplementary method of paying claims. LA. R.S. 39:1174.	Official journal or any other newspaper in general circulation in parish where issuing body situated.		Once.
Bonds--advertisement for sale of bonds on sealed bids. LA. R.S. 39:570.	Official journal of governing authority. Also, in financial paper published in New York or Chicago, or paper of general circulation in city in Louisiana having population of not less than 20,000.	First publication at least 15 days preceding date fixed for reception of bids.	Once a week for three weeks. If not sold pursuant to public offering or to private offering, then re-advertise in same manner.
Bonds--advertisement for sale of bonds, issued for encouragement of industrial enterprises, on sealed bids. LA. R.S. 39:570.1.	Newspaper of general circulation or financial journal or newspaper containing section devoted to municipal bond news published in New Orleans or New York. Also, publish in manner provided by LA. R.S. 39:1426.	At least seven days in advance of date scheduled for reception of bids.	Once a week for three weeks. If not sold pursuant to public offering or to private offering, then re-advertise in same manner.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bonds--minerals--oil and gas--advertisement for sale by parishes with royalty interests. LA. R.S. 30:147.	Newspaper published in parish and in newspaper of general circulation or other periodical containing section devoted to municipal bond matters published in New Orleans, Chicago or New York.	At least seven days prior to date fixed for reception of bids.	Once.
Bonds--minerals--oil and gas--publication of resolution authorizing issuance of bonds. LA. R.S. 30:147.	Official journal of parish.		Once.
Bonds--Parish Transportation Fund--advertisement for sale. LA. R.S. 48:754.	Newspaper published in parish and in newspaper of general circulation or other periodical containing section devoted to municipal bond matters published in New Orleans, Chicago, or New York.	At least seven days prior to date of reception of bids.	Once.
Bonds--Public Transportation Fund--resolution authorizing issuance of bonds. LA. R.S. 48:754.	Official journal of parish.		Once.
Bonds--Parish Transit Authority--advertisement for sale. LA. R.S. 48:1607.	Newspaper of general circulation within jurisdiction of authority and in a financial newspaper or journal published in New York or Chicago.	First publication not less than 21 days prior to sale.	At least once a week for three weeks.
Bonds--Regional Transit Authority--advertisement for public sale. LA. R.S. 48:1658.	Newspaper of general circulation within jurisdiction of authority and in financial newspaper or journal published in New York or Chicago.	First publication not less than 21 days prior to date of sale.	At least once a week for three weeks.

NOTICES BY PARISHES

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bonds--Industrial Development Boards--resolution authorizing issuance. LA. R.S. 51:1158.1.	Newspaper published in parish where corporation located; if none, then in newspaper having general circulation therein.		Once.
Boundaries of parish--promulgation of results of election. LA. R.S. 33:144.	Official journal of each parish.	Within three days of election.	Once.
Budgets--political subdivisions with proposed expenditures totaling $250,000 or more--notice of availability for public inspection and public hearing. LA. R.S. 39:1307.[1]	Official journal of political subdivision; if none, then in official journal of governing authority of parish where political subdivision located. If political subdivision located within boundaries of more than one parish, then in official journal of governing authority of each parish.	At least 10 days prior to date of first public hearing.	Once.
Charter commission--publication of proposed charter. LA. R.S. 33:1395.1.	Official publication of municipality or parish. If parish and municipality involved, then in parish official journal.	Within 30 days after submission to local governing authority of municipality or parish.	Once.
Compensation--notice of public meeting to determine compensation for members of police juries. LA. R.S. 33:1233.	Official journal of parish.	At least 15 days prior to meeting.	At least two separate occasions.

[1] For political subdivisions with proposed expenditures totaling less than $250,000, the procedure for adoption of their budgets requires only that the action necessary to adopt and otherwise finalize and implement the budget must be taken in an open meeting; however, this does not require such political subdivisions to publicize a notification in the official journal advising the public of the meeting to be held or the contents of the budget to be adopted. **Op. Atty. Gen., No. 89-512,** Sept. 12, 1989.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Compensation of sheriffs and ex officio tax collectors, particular parishes--notice of intention to propose changes in compensation. LA. R.S. 13:5521.	Official journal of parish where office located.	30 days prior to introduction of bill.	Two separate days.
Compensation of sheriffs and ex officio tax collectors--statewide changes--notice of intention to propose changes in compensation. LA. R.S. 13:5521.	Official journal of state.	30 days prior to introduction of bill.	Two separate days.
Consolidated Service Districts--notice of intention to create district; notice of public hearing. LA. R.S. 33:7704.	Official journal of parish.	Not less than 15 days prior to hearing.	At least once.
Consolidated Service Districts--notice of creation and boundaries of district. LA. R.S. 33:7705.	Official journal of parish.	After creation of district.	Once.
Consolidated waterworks/sewerage districts--Terrebonne and Caddo Parishes--notice of creation and statement of boundaries. LA. R.S. 33:7712.	Official journal of parish.	After creation of district.	

NOTICES BY PARISHES

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Contracts--public improvements and works contracts--advertisement for bids when work exceeds $30,000 (in some cases, $10,000) or purchase of materials exceeds $10,000. LA. R.S. 38:2212.	Contract for public works--newspaper in locality. Contract for materials--newspaper in locality.	First publication at least 25 days before opening of bids; however, first publication not on Saturday, Sunday, or legal holiday. First publication at least 15 days before opening of bids; however, first publication not on Saturday, Sunday, or legal holiday.	Once a week for three different weeks. Twice.
Disposal of prisoner's property--Orleans Parish--notice of sheriff's intention to petition court for approval. C.Cr.P. 228.1.	Official journal of New Orleans.	At least 10 days prior to filing petition.	Once.
Disposal of prisoner's property—Orleans Parish excepted--notice of sheriff's intention to petition court for approval. C.Cr.P. 228.2.	Official journal of parish.	At least 10 days prior to filing petition.	Once.
Disposal of unclaimed property seized in criminal investigation--Orleans Parish excepted--notice of sheriff's intention to petition court for approval. C.Cr.P. 228.3.	Official journal of parish.	At least 10 days prior to filing petition.	Once.
Drainage ditches--improvement of--notice of intention. LA. R.S. 33:3522.	Newspaper published in municipality; if none, newspaper published in parish where municipality located.	First publication at least 15 days before date fixed for hearing of objections.	Once a week for three consecutive weeks.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Drainage ditches--improvement of--notice of request for bids. LA. R.S. 33:3523.	Newspaper published in municipality; if none, any newspaper with general circulation in parish where municipality located.	First publication not less than 15 days before receiving bids.	Three consecutive weeks.
Drainage ditches--improvement of--awarding of contract--publication of full resolution. LA. R.S. 33:3524.	Official journal of municipality.		Once.
Elections--publication of times and places of registration. LA. R.S. 18:134.	"…advertised in advance…by means of the news media."		
Elections--publication of list of names on inactive list. LA. R.S. 18:193.[2]	Official journal of parish governing authority or in newspaper calculated to provide maximum notice in parish.	90 days prior to regularly scheduled first party primary election.	One day.
Elections--parish board of election supervisors--notice of meeting to select commissioners and alternate commissioners for each precinct. LA. R.S. 18:434.	Official journal of parish.	At least five days prior to date of meeting.	At least once.
Elections--parish executive committee--call for public meeting to elect parish executive committee. LA. R.S. 18:445.	Official parish journal or in newspaper of general circulation in parish.	At least 21 days before date fixed for meeting.	Three times.

[2] In 2012, Act 13, HB 1 allowed that the inactive voters list publication may be suspended or adjusted for purposes of creating efficiencies and or savings during the 2012-2013.

NOTICES BY PARISHES

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Elections--primary and general elections--notice to electorate that election for primary is voided. LA. R.S. 18:469.	Official journal of each parish included in election district.	Immediately.	
Elections--primary and general elections--notice of qualifying of additional candidates. LA. R.S. 18:469.	Official state journal.	After qualification of additional candidates.	
Elections--precinct or polling place--publication of establishment or change of location. LA. R.S. 18:535.	Official journal of parish.		Once.
Elections--primary--publication of location of polling places. LA. R.S. 18:535.	Official journal of parish.	During the third week before each primary or first party primary election.	At least once.
Elections--polling place--publication of notice of change of location. LA. R.S. 18:536.	Official journal of parish and in any other newspaper of general circulation in precinct(s) affected.	If reasonable time exists during the period commencing on the date the qualifying period opens and ending on the date of the election.	Once.
Elections--candidates and propositions--promulgation of returns. LA. R.S. 18:574.	Official journal of state.	On or before 12th day after election. If 12th day falls on Saturday, Sunday or legal holiday, then on next day not a Saturday, Sunday or legal holiday.	Once.
Elections--proclamation ordering special election to fill vacancy in local and municipal offices. LA. R.S. 18:602.	Official journal of each parish in which election is to be held.	Immediately after receiving proclamation.	

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Elections--proclamation ordering special election to fill vacancy in office of marshal of city or municipal court. LA. R.S. 18:604.	Official journal of parish in which election is to be held.	Within 10 days after vacancy occurs.	
Elections--proclamation ordering special election to fill vacancy in office of judge. LA. R.S. 18:621.	Official journal of parish in which election is to be held.	Immediately after issuance of proclamation.	
Elections--opinion regarding challenge to domicile and residency requirements of officeholders. LA. R.S. 18:673.	Official journal of parish of officeholder's designated domicile.	Within 20 days of receipt of written complaint.	
Election--voting machines delivery and return--notice of invitation for bids. LA. R.S. 18:1371.	Newspaper of general circulation printed in parish; if none, then in newspaper printed in nearest parish that has general circulation in parish covered by contract.	At least 30 days prior to opening of bids.	
Election--voting machines storage--notice of invitation for bids. LA. R.S. 18:19.	Newspaper of general circulation printed in parish; if none, then in newspaper printed in nearest parish that has general circulation in parish covered by contract.	At least 30 days prior to opening of bids.	
Ferries--advertisement for bids to lease. LA. R.S. 48:993.	In manner prescribed for judicial advertisements in official journal of parish of municipality.	First advertisement at least 15 days prior to opening of bids.	Three weeks.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Fiscal agency--bids to be invited by local depositing authorities of intention to select a fiscal agency. LA. R.S. 39:1214.	Official journal of depositing authority.	First publication at least 15 days preceding date for selection of fiscal agency.	At least three times.
Garage/oil station--publication of ordinance adopting permit for operation of garage or oil station. LA. R.S. 32:533.	Official journal of parish.		At least 30 days.
Housing Authorities and Slum Clearance--operation of authorities--advertisement of intention to receive proposals for housing construction. LA. R.S. 40:580.4.	Newspaper of general circulation within Authority's jurisdiction.	Second publication no less than seven days prior to consideration of proposals.	At least once a week for two consecutive weeks.
Housing Authorities and Slum Clearance--notice of public hearing. LA. R.S. 40:416.	Newspaper published in municipality; if none, then in newspaper published in state having general circulation in municipality.	At least 10 days prior to date of hearing.	
Housing Development Area--notice of hearing on proposed housing development area. LA. R.S. 40:582.5.	Newspaper of general circulation in municipality.	Seven days prior to hearing.	At least once.
Industrial area--notice of hearing to create and designate industrial area. LA. R.S. 33:130.13.	Newspaper of general circulation throughout parish.	Not less than 10 days prior to date of hearing.	Once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Intergovernmental agreements among parishes and municipalities. LA. R.S. 33:1325.	Official journal of parish or municipality.	Same manner as other proceedings of governing body.	
Investments in corporations for internal improvements--notice of election to approve ordinance. LA. R.S. 33:2953.	One or more newspapers in parish or municipal corporation.	30 days before election.	30 days.
Lease--purchase of local government equipment--publication of contract with nonprofit lessor. LA. R.S. 38:2319.5.	Official journal of local government entity.	Within 15 days before execution of lease. Last publication at least seven days prior to proposed execution date.	At least twice.
Levees--construction and maintenance of back and side levees--ordinance pertaining thereto. LA. R.S. 38:143.	Newspaper of the parish.	Immediately after passage of ordinance.	During 60 days.
Natural gas systems--improvements--advertisements for bids for construction. LA. R.S. 33:4160.3.	Official journal of municipality or parish, or in any newspaper having general circulation in municipality or parish.	First insertion not less than 15 days prior to reception and opening of bids.	Once a week for three consecutive weeks.
Natural gas systems--improvements--notice of awarding contract. LA. R.S. 33:4160.4.	Official journal of municipality or parish.		Once.
Planning commission--notice of hearing to adopt plan. LA. R.S. 33:108.	Newspaper of general circulation throughout parish or in municipality.	At least 10 days before hearing.	Once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Planning commission--subdivision regulations-publication of. LA. R.S. 33:112.		Same manner as provided for publication of ordinances.	
Planning commission--notice of hearing on subdivision regulations. LA. R.S. 33:112.	Newspaper of general circulation in parish or municipality.	10 days before hearing.	Once.
Police Jury--Calcasieu Parish--notice of hearing for planning and zoning regulations. LA. R.S. 33:120.5	Official journal of parish; if none, then in paper of general circulation therein.	At least five days shall elapse between first publication and date of hearing.	Once a week in three different weeks.
Police jury--Calcasieu Parish--notice to property owner to remove or cut grass, obnoxious weeds or other debris and unhealthful matter. LA. R.S. 33:1236.	Official journal of parish.		Once a week for two consecutive weeks.
Police jury--Iberville Parish--advertisement for bids on contract for operation and maintenance of any sewerage system and related services. LA. R.S. 33:1236.	Newspaper of general circulation in parish.	At least 30 days before adoption.	At least once.
Police jury--Rapides Parish--notice of public hearings on imposition of fees for operation of judicial system. LA. R.S. 33:1236.	Official journal of parish.	Final publication at least 10 days, but no more than 20 days, prior to hearing.	At least twice.
Police jury--designated parishes--notice of public hearing on building safety codes and requirements. LA. R.S. 33:1236.	Official parish journal.	At least 10 days prior to hearing.	

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Police jury--notice of public hearing to pass zoning ordinances, regulations, etc. LA. R.S. 33:1236.	Official journal of affected parishes.	At least 10 days prior to hearing.	
Police jury--Jefferson Parish--notice to property owner of additional charges to ad valorem tax bill. LA. R.S. 33:1236.	Official journal.		Once a week for two consecutive weeks.
Police jury--Jefferson Parish--resolution authorizing contract with public or private entities for treatment and disposal of sewage, liquid and solid waste disposal services. LA. R.S. 33:1236.	Newspaper of general circulation in parish.	At least 30 days before adoption of resolution or ordinance.	At least once.
Police jury--notice of estimate of expenditures. LA. R.S. 33:2742.	Official newspaper of parish.	At least 30 days before meeting to fix amount of taxes.	30 days.
Political subdivisions--budget--notice of availability for public inspection and public hearing. LA. R.S. 39:1307.	Official journal of political subdivision; if none, then in official journal of governing authority of parish where political subdivision located. If political subdivision located within boundaries of more than one parish, then in official journal of governing authority of each parish.	Upon completion of proposed budget and, if applicable, submission to governing authority.	Once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Political subdivisions--budget--publication of general summary indicative of proposed budget. LA. R.S. 39:1307.	May be published in same advertisement as notice of availability and public hearing.	At least 10 days prior to date of first public hearing.	Once.
Political subdivisions--budget--publication of completion certification. LA. R.S. 39:1307.	In same manner as provided for notice of availability, public hearing and general summary.	Upon completion of all action required by LA. R.S. 39:1306.	Once.
Public improvements--Parish Redevelopment law--notice of public hearing on redevelopment plan. LA. R.S. 33:4625.	Newspaper having general circulation in parish or municipality.	At least 10 days prior to hearing.	
Public improvements--Parish Redevelopment law--invite proposals from private persons for real property in a redevelopment area. LA. R.S. 33:4625.	Newspaper having general circulation in community.	15 days prior to execution of any contract to sell, lease or otherwise transfer real property.	Once each week for two consecutive weeks.
Public improvements--Parish Redevelopment law--notice of sale of bonds. LA. R.S. 33:4625.	Newspaper having general circulation in area of operation and in other medium of publication as municipality or parish may determine.	Prior to sale.	
Public improvements--Parish Redevelopment law--advertisement for proposed sale of bonds. LA. R.S. 33:4625.	Financial newspaper or journal published in New Orleans, New York or Chicago.		At least once a week for not less than 30 days.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Public lands--City of Mandeville--advertisement of ordinance proposing disposition of immovable property. LA. R.S. 48:725.	Official journal of city.	At least three weeks in advance but no more than 90 days in advance of adoption of ordinance.	
Public officers--bonds--notice of application for cancellation. LA. R.S. 33:1882.	Newspaper published in parish.		During 30 days.
Public property--notice of proposed sale or demolition when costs exceed $30,000 on houses, buildings or other structures acquired by department. LA. R.S. 48:221.	Official journal of parish where property located.	At least 15 days prior to receipt of bids.	Once.
Public property--advertisement for sale of excess property of department. LA. R.S. 48:221.	Official journal of parish where property located.	Final advertisement at least 15 days prior to sale.	Twice within 30 days.
Public utilities--sewage and liquid and solid waste treatment and disposal--parishes with population over 100,000--notice of public hearing regarding contract for treatment and disposal and pledge of revenues. LA. R.S. 33:4169.2.	Newspaper of general circulation in parish.	At least 30 days prior to adoption of resolution or ordinance.	At least once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Public utilities--sewage and liquid and solid waste treatment and disposal--parishes with population in excess of 100,000--notice of intention to adopt ordinance authorizing agreement with private utility company. LA. R.S. 33:4170.	Official journal of municipality.	At least seven days prior to adoption of ordinance.	Once.
Public utilities and carriers--owned by political subdivisions--publication of resolution authorizing issuance of bonds. LA. R.S. 45:1148.	Newspaper in subdivision; if none, then in newspaper published in parish where subdivision located; if none, then in newspaper published in adjoining parish.		Once.
Public utilities--gas utility districts--notice of intention to create; hearing. LA. R.S. 33:4302.	Newspaper published in each parish where proposed district lies.	First publication not less than 30 days before date fixed for hearing.	Once a week for four successive weeks.
Public utilities--gas utility districts--notice of resolution authorizing the issuance of bonds. LA. R.S. 33:4308.	Newspaper published in gas utility district; if none, then in newspaper published in each parish in which gas utility located in whole or part.		Once.
Public utilities--public ownership--notice of elections on offer to dispose or lease utilities. LA. R.S. 33:4344.	Official journal of parish or municipality where election held; if none, then in any newspaper published in parish or municipality.	At least 30 days before election.	
Public utilities--public ownership--promulgation of election results on offer to dispose or lease utilities. LA. R.S. 33:4345.	Official journal of parish or municipality; if none, then in newspaper published in parish.	Not later than two weeks after election.	Once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Railway franchise--advertisement of sale. LA. R.S. 33:4363.	Official journal of parish; if none, then in any newspaper published in parish.	At least 30 days before public auction sale.	30 days.
Refunding bonds--advertisement calling for bids. LA. R.S. 39:695.	Newspaper of general circulation published in parish where governing authority located or has its domicile.	First publication at least seven days in advance of date scheduled for reception of bids.	Only two times with a period of not less than five days.
	Newspaper of general circulation, or financial journal or newspaper containing section devoted to municipal bond news published in New Orleans or New York.	At least seven days in advance of date scheduled for reception of bids.	Once.
River Parishes Transit Authority--notice of public hearing to determine fares, rates, rentals and charges. LA. R.S. 48:1606.	At least newspaper having largest paid circulation in area.	Not more than 10 days nor less than five days prior to hearing.	Three times on different days.
River Parishes Transit Authority--expenditures in excess of $1,000--advertisement for disposition of property (unique property excepted). LA. R.S. 48:1610.	Newspaper having largest paid circulation in parish where property located and in parish where board domiciled.		One a week for two successive weeks.
Sabine River Authority--notice of resolution authorizing execution of any lease or contract. LA. R.S. 38:2336.	Newspaper having general circulation in the area under jurisdiction of Authority.	After adoption.	Once.

NOTICES BY PARISHES

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Sales and use taxes--East Baton Rouge Parish--notice of public hearing describing proposed funding of projects with tax revenue. LA. R.S. 47:338.159.	Official journal of parish.	Prior to imposition of additional taxes.	
Sales and use taxes--East Baton Rouge Parish--notice of public hearing to propose additional taxes. LA. R.S. 47:338.174.	Official journal of parish.	Prior to imposition of additional taxes.	
Securities--public entities--advertising for public sale of securities on sealed bids. LA. R.S. 39:1426.	Newspaper of general circulation published in parish where public entity located or has its domicile.	First notice at least seven clear calendar days before date scheduled for receipt of bids.	Once.
	Newspaper of general circulation, or financial journal or newspaper containing section devoted to bond news published in either New Orleans or New York.	Second notice at least 48 hours in advance of date scheduled for receipt of bids.	Once.
Ships and watercraft--notice of seizure of vessel. LA. R.S. 34:806.	Daily newspaper of general circulation at place where proceeding pending; if none, then in any manner court directs.		Three times within 10 days.
Ships and watercraft--notice of removal of vessel or abandoned or unattended equipment. LA. R.S. 34:843.	Official journal of parish where object located.		

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Shreveport Metropolitan Planning Commission--notice of hearing for adoption of code, ordinance, plan, etc. LA. R.S. 33:140.38.	Newspaper of general circulation in municipality or parish.	10 days prior to public hearing.	
Street improvements--parish--notice of intention to make. LA. R.S. 33:3689.2.	Newspaper published in parish.	First insertion not less than 15 days before hearings of objections.	Once a week for three consecutive weeks.
St. Landry Parish Economic and Industrial Development District--publication of resolution authorizing lease, sale or disposition of land, buildings or other property of district. LA. R.S. 33:130.304.	Official journal of district.	As soon as possible.	Once.
Street improvements--parish--advertisement for bids for construction or materials. LA. R.S. 33:3689.4.	Newspaper published in parish.	First insertion not less than 15 days before receiving bids.	Three consecutive weeks.
Street improvements--parish--publication of resolution in full authorizing execution of contract for construction of street improvements. LA. R.S. 33:3689.5.	Official journal of parish.		Once.
Street improvements--police juries--advertising for bids. LA. R.S. 33:3683.	Official journal of parish.	First insertion not less than 15 days before receiving bids.	At least weekly for three weeks.
Street improvements--Jefferson Parish--notice of intention to make improvements. LA. R.S. 33:3690.3.	Newspaper published in parish.	First publication not less than 15 days before date fixed for hearing of objections.	Once a week for three consecutive weeks.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Streams--notice of meeting to authorize closing of stream. LA. R.S. 33:1238.	Official journal of parish.	At least 30 days before meeting.	30 days.
Subdividing of land--correcting errors in subdivision plats. LA. R.S. 33:5054.	Official journal of parish; if none, then in official journal of adjoining parish.	Before oppositions referred to district court.	During 30 days.
Terrebonne Parish Artificial Reef Act--publication of annual financial report. LA. R.S. 56:2033.	District's official journal.	Annually.	
Water systems--contracts for purchase of water. LA. R.S. 33:3836.	Newspaper of general circulation in parish or municipality.	Prior to final ratification of contract.	Once.
Zoning regulations--St. Bernard Parish--notice of hearing prior to adopting regulations and restrictions. LA. R.S. 33:140.54.	Official journal of parish; if none, then in paper of general circulation therein.	At least 15 days before hearing.	At least once a week during three different weeks.
Zoning regulations--St. Bernard Parish--notice of zoning commission's recommendations. LA. R.S. 33:140.56.	Official journal of parish; if none, then in paper of general circulation in parish.	At least 10 days prior to hearing.	Three times.
Zoning regulations--Grant Parish--notice of public hearing to consider restrictions and boundaries. LA. R.S. 33:140.124.	Official journal of parish; if none, then in paper of general circulation in parish.	At least 15 days prior to hearing.	At least once a week during three different weeks.
Zoning regulations--Grant Parish--notice of public hearing on zoning commission's recommendations. LA. R.S. 33:140.126.	Official journal of parish; if none, then in paper of general circulation in parish.	At least 10 days between first publication and hearing.	At least three times.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Zoning regulations--Natchitoches Parish--notice of hearing on proposed regulations or restrictions. LA. R.S. 33:140.154.	Official journal of parish; if none, then in paper of general circulation therein.	At least 15 days between publication and hearing.	At least once a week during three different weeks.
Zoning regulations--Natchitoches Parish--notice of zoning commission's recommendations. LA. R.S. 33:140.156.	Official journal of parish; if none, then in paper of general circulation in parish.	At least 10 days between first publication and hearing.	At least three times.
Zoning regulations--Acadia Parish--notice of hearing on proposed regulations or restrictions. LA. R.S. 33:140.164.	Official journal of parish; if none, then in paper of general circulation therein.	At least 15 days between publication and hearing.	At least once a week during three different weeks.
Zoning regulations--Acadia Parish--notice of zoning commission's recommendations. LA. R.S. 33:140.166.	Official journal of parish; if none, then in paper of general circulation in parish.	At least 10 days between first publication and hearing.	At least three times.
Zoning regulations--West Baton Rouge--notice of hearing on proposed regulations or restrictions. LA. R.S. 33:140.174.	Official journal of parish; if none, then in paper of general circulation therein.	At least 15 days between publication and hearing.	At least once a week during three different weeks.
Zoning regulations--West Baton Rouge--notice of zoning commission's recommendations. LA. R.S. 33:140.176.	Official journal of parish; if none, then in paper of general circulation in parish.	At least 10 days between first publication and hearing.	At least three times.
Zoning regulations--St. Helena Parish--notice of public hearing to discuss rezoning. LA. R.S. 33:4780.4.	Official journal of parish.	At least 15 days between first publication and date of hearing.	Once a week in three different weeks.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Zoning regulations--St. Helena Parish--notice of public hearing by zoning commission to consider recommendations. LA. R.S. 33:4780.6.	Official journal of parish.	At least 10 days between first publication and date of hearing.	At least three times.
	JUDICIAL		
Clerk of court--reopening of its offices following closure for a hazardous or unsafe condition. LA. R.S. 1:55.	All official parish journals of the parishes within the court's district.	As soon as possible after the office is reopened.	
Courts--Ninth JDC--notice by governing authority that budget of District Court and D.A. is available for public inspection. LA. R.S. 15:571.11.	Official journal of Rapides Parish.	No later than 15 days prior to beginning of each fiscal year.	
Courts--juvenile court for parish of Orleans--notice seeking information concerning party at interest prior to using money represented by unclaimed bonds. LA. R.S. 13:1568.1.	Official daily journal of parish seeking information.	Prior to the appropriation of funds.	
Courts--juvenile court for parish of Orleans--notice regarding unclaimed restitution funds. LA. R.S. 13:1568.2.	Official journal of parish.	Prior to distribution of unclaimed restitution funds.	

NOTICE BY NEWSPAPER PUBLICATION

SECTION 3
NOTICES BY MUNICIPALITIES

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
	ANNEXATION OF TERRITORY		
Notice of election by landowners desiring annexation. R.S. 33:154.	One or more newspapers published in such city or town.	10 days or more before election.	10 days or more.
Notice of election in municipality. R.S. 33:158.	One or more newspapers published in the city or town.	10 days before election.	10 days.
Notice of hearing for approval of plat. R.S. 33:113.	Newspaper of general circulation in area surrounding proposed subdivision.	Not less than five days prior to hearing date.	At least once.
Promulgation of results of election by landowners desiring annexation. R.S. 33:156.	One or more newspapers in the city or town. If none, by posting as required by sheriff's sale.	Within 10 days after election.	For 10 days.
Promulgation of results of election in municipality. R.S. 33:160.	One or more newspapers published in the city or town.	Within 10 days after election.	For 10 days.
	BONDS		
Advertisement for sale on sealed bids. R.S. 39:570.	Official journal of governing authority. Also, in financial newspaper published in New York or Chicago, or paper of general circulation in city in Louisiana having population of not less than 20,000.	First publication at least 15 days preceding date fixed for reception of bids.	Once a week for three weeks. If not sold pursuant to public offering nor to private offering, then re-advertise in same manner.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bond Anticipation Notes of public entities--resolution authorizing issuance of bond anticipation notes. R.S. 39:1460.2.	Official journal of public entity; if none, then in newspaper of general circulation within jurisdiction of public entity.		Once.
Bond, debt & tax elections by political subdivisions--notice of election. R.S. 18:1285.	Official journal of political subdivision; if none, then in newspaper of general circulation in parish; if none, then in newspaper of general circulation of adjoining parish.	Not less than 45 nor more than 90 days between date of first publication and date of election.	Once a week for four consecutive weeks.

NOTICES BY MUNICIPALITIES

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bond, debt & tax election returns by political subdivisions--publication of election returns. R.S. 18:1292.	Newspaper of general circulation in political subdivision; if none, then in newspaper of general circulation in parish; if none, then in newspaper of general circulation in adjoining parish.		Once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bonds--notice of intention of parish commissions to issue bonds. R.S. 33:1334.	Newspaper of general circulation published within area of municipality or parish creating commission; if none, then in newspaper having general circulation therein.	30 days prior to issuance of bonds.	At least once.
Bonds--taxation and fiscal affairs--advertisement for sale on sealed bids. R.S. 33:2717.10.	Official journal of municipality and financial paper published in New York, Chicago, or New Orleans, or in newspaper of general circulation published in city in state having population not less than 50,000.	First publication at least 21 days preceding date fixed for reception of bids.	At least once a week for three weeks.
Bonds--taxation and fiscal affairs--publication of resolution authorizing issuance of bonds and pledging and dedicating sales tax revenues. R.S. 47:338.46.	Official journal of municipality.		Once.

NOTICES BY MUNICIPALITIES

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bonds--taxation and fiscal affairs--publication of supplemental resolutions or proceedings on issuance of bonds and pledging and dedicating sales tax revenues. R.S. 47:338.46.	Official journal of municipality.		Once.
Bonds--advertisement for sale of bonds, issued for encouragement of industrial enterprises, on sealed bids. R.S. 39:570.1.	Newspaper of general circulation or financial journal or newspaper containing section devoted to municipal bond news published in New Orleans or New York. Also, publish in manner provided by R.S. 39:1426.	At least seven days in advance of date scheduled for reception of bids.	Once. If not sold pursuant to public offering nor to public negotiations, then may re-advertise in same manner.
Bonds--dedicating sales tax revenues for payment--publication of resolution authorizing issuance of bonds. R.S. 39:698.13.	Official journal of governing body; if none, then in newspaper having general circulation in parish.		Once.
Bonds--publication of resolution giving notice of intent to issue bonds--no requirement of election. R.S. 39:824.	Newspaper of general circulation published in political subdivision or in parish where political subdivision located.		Once a week for four consecutive weeks.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bonds--funding for new plant sites--notice of intention to sell at private sale. R.S. 39:998.	Newspaper of general circulation, published in parish where entity issuing bonds located or domiciled and in newspaper of general circulation or financial journal or newspaper containing section devoted to municipal bond news published in either New Orleans or New York.	At least seven days prior to sale.	
Bonds--funding for new plant sites--resolution authorizing issuance of bonds. R.S. 39:1000.	Newspaper published in municipality; if none, then in newspaper published in parish where municipality located; if none, then in newspaper published in adjoining parish.		Once.
Bonds--works of public improvement--resolution giving notice of intent to issue bonds. R.S. 39:1022.	Newspaper of general circulation published in political subdivision or parish where political subdivision located.		Four consecutive weekly issues.
Bonds--City of New Orleans--resolution authorizing the issuance of bonds. R.S. 39:1041.	Official journal of New Orleans.		Once.
Bonds--funding taxes for new indebtedness--notice of intention of political subdivisions to issue bonds. R.S. 39:1105.	Newspaper published in political subdivision; if none, then in newspaper published in parish; if none, then in newspaper published in adjoining parish.	At least 15 days before issuance of bonds.	Once a week for three weeks.

NOTICES BY MUNICIPALITIES

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bonds--funding taxes for new indebtedness--promulgation of resolution issuing bonds. R.S. 39:1111.	Newspaper published in political subdivision; if none, then in newspaper published in parish; if none, then in newspaper published in adjoining parish.		Once.
Bonds--funding taxes for new indebtedness--advertisement for bids on bonds. R.S. 39:1120.	Official journal of parish or municipal corporation.	First publication at least 15 days preceding date fixed for reception of bids.	Once a week for three weeks. If not sold pursuant to public offering or to private offering, then re-advertise in same manner.
Bonds--funding taxes for existing indebtedness--resolution or ordinance for supplementary method of paying claims. R.S. 39:1174.	Official journal or any other newspaper in general circulation in parish where issuing body situated.		Once.
Bonds--funding taxes for previous debts--advertisement for public sale of certificates. R.S. 39:1178.	Newspaper published in subdivision; if none, in parish where subdivision situated; if none, in newspaper published in adjoining parish. Also, in newspaper of general circulation in city having population of not less than 20,000.	Seven clear days before date fixed for reception of bids.	Once. If not sold pursuant to public offering or to private offering, then re-advertise in same manner.
Grant anticipation notes--publication of resolution authorizing issuance of grant anticipation notes. R.S. 39:1808.	Official journal of issuing public entity.		Once.
Municipal bonds--publication of resolution authorizing issuance. R.S. 39:683.	Official journal of municipality.	Before delivery of bonds.	Once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Refunding bonds--advertisement calling for bids. R.S. 39:695.	Newspaper of general circulation published in parish where governing authority located or has its domicile.	First publication at least seven days in advance of date scheduled for reception of bids.	Only two times within a period of not less than five days.
	Newspaper of general circulation, or financial journal or newspaper containing section devoted to municipal bond news published in New Orleans or New York.	At least seven days in advance of date scheduled for reception of bids.	Once.
Refunding bonds--resolution authorizing issuance of refunding bonds. R.S. 39:1451.	Official journal of issuer; if none, then in newspaper of general circulation within jurisdiction of issuer.		Once.
Repurchase obligations--publication of resolution giving notice of intent to issue repurchase obligations. R.S. 39:828.1.	Newspaper of general circulation published in political subdivision or parish where political subdivision located.		Once a week for total of two publications within four-week period.
STREETS, SIDEWALKS AND DRAINAGE DITCHES			
Advertisement of bids for improvements on petition of property owners (except New Orleans). R.S. 33:3333.	Newspaper published in municipality.	First publication at least 10 days prior to date fixed for reception of bids.	At least twice.
Improvements along streets--cities with population over 100,000--publication of petition. R.S. 33:3492.	Official journal of municipality.		Four times within 15 days.

NOTICES BY MUNICIPALITIES

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Improvements along streets--cities with population over 100,000--advertisement for bids. R.S. 33:3492.	Official journal of municipality.	First publication not less than 10 days prior to date fixed for reception of bids.	At least twice.
Improvements along streets in cities with population over 100,000--tabulation and publication of bids. R.S. 33:3496.	Official journal of municipality.		Once.
Improvements along streets in cities with population over 100,000--notice of intention to redeem greater amount of issued certificates. R.S. 33:3498.	Official journal of municipality.	During the preceding November.	For two weeks.
Improvements of drainage ditches--notice of intention to make improvements in drainage ditches. R.S. 33:3522.	Newspaper published in municipality; if none, then in some newspaper published in parish where municipality located.	First publication not less than 15 days prior to date fixed for hearing of objections.	Once a week for three consecutive weeks.
Improvements of drainage ditches--notice calling for sealed bids for construction to improve drainage ditches. R.S. 33:3523.	Newspaper published in municipality; if none, then in any newspaper having general circulation in parish where municipality located.	First publication not less than 15 days prior to reception and opening of bids.	Three consecutive weeks.
Improvements of drainage ditches--publication of resolution in full authorizing execution of contract for construction to improve drainage ditches. R.S. 33:3524.	Official journal of municipality.		Once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Municipalities with population exceeding 500 and parish seats--advertisement for bids for improvements. R.S. 33:3356.	Newspaper published in municipality; if none, then in newspaper of general circulation therein.	First publication not less than 10 days prior to date fixed for reception of bids.	At least twice.
Municipalities with population exceeding 1,000 and parish seats--advertisement for bids (except New Orleans). R.S. 33:3386.	Newspaper published in municipality; if none, then in newspaper having general circulation therein.	First publication not less than 10 days before date fixed for reception of bids.	At least twice.
Municipalities with population of 1,000 to 200,000--notice of filing of petition for improvement. R.S. 33:3421.	Official journal; if none, then in any other newspaper published in municipality.		
Municipalities with population of 1,000 to 200,000--on petition of owners--advertisement for bids. R.S. 33:3423.	Newspaper published in municipality.	First publication not less than 10 days prior to date fixed for reception of bids.	At least twice.
Shreveport Metropolitan Planning Commission--hearing for municipal improvements in streets; buildings not on map. R.S. 33:140.27.	Newspaper of general circulation in city and parish.	Prior to issuing building permit.	
Shreveport Metropolitan Planning Commission--notice of hearing on enacting zoning ordinance. R.S. 33:140.30.	Newspaper of general circulation in parish.	10 days prior to hearing.	
Sidewalks and curbings--municipalities with population of 1,000 or more--advertisement for bids. R.S. 33:3622.	Newspapers published in municipality.	At least 10 days before receipt of bids.	10 days' notice.

NOTICES BY MUNICIPALITIES

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Special street, sidewalk and neutral ground improvements--municipalities with population over 2,500--publication of petition for improvements. R.S. 33:3452.	Official journal of municipality.		Four times within 15 days.
Special street, sidewalk and neutral ground improvements--municipalities with population over 2,500--notice calling for sealed bids. R.S. 33:3452.	Newspaper published in municipality; if none, then in any newspaper having general circulation in parish where municipality located.	First insertion not less than 13 days prior to reception and opening of bids; last publication in last week.	Three times in at least two consecutive weeks.
Special street, sidewalk and neutral ground improvements--municipalities with population over 2,500--publication of resolution authorizing execution of contract. R.S. 33:3453.	Official journal of municipality.		Once.
Street improvements--municipalities with population over 1,000 and parish seats--advertisement for bids. R.S. 33:3403.	Newspaper published in municipality.	Last insertion not less than 10 days prior to date of opening bids.	At least twice.
Street improvements--adjacent to stream or canal--municipalities with population over 1,000 (New Orleans excepted) and parish seats--advertisement for bids. R.S. 33:3555.	Newspaper published in municipality; if none, then in newspaper with general circulation therein.	First insertion not less than 10 days prior to date fixed for reception of bids.	At least twice.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Street improvements--publication of notice of intention to improve. R.S. 33:3302.	Newspaper published in municipality; if none, then in some newspaper published in parish of municipality.	First publication not less than 13 days before date set for hearing of objections and last publication in the last week.	Three times within at least two consecutive weeks.
Street improvements--advertisement for bids. R.S. 33:3303.	Newspaper published in municipality; if none, then in any newspaper of general circulation in parish where municipality located.	First publication not less than 13 days prior to receiving bids and last publication in last week.	Three times in at least two consecutive weeks.
Street improvements--publication of resolution awarding the contract. R.S. 33:3304.	Official journal of municipality.	After contract awarded.	Once.
Street improvements--awarding of contracts--publication of resolution and contract. R.S. 33:3675.4.	Official journal of municipality.		Once.
Street improvements, additional--notice of intention to make improvements and manner of paying. R.S. 33:3675.2.	Newspaper published in municipality; if none, then in some newspaper published in parish where municipality located.	First publication not less than 13 days before the date fixed for hearing of objections; last publication in last week.	Three times during at least two consecutive weeks.
Street improvements, additional--notice calling for sealed bids for construction of improvements. R.S. 33:3675.3.	Newspaper published in municipality; if none, then in any newspaper having general circulation in parish where municipality located.	First publication not less than 13 days prior to reception and opening of bids.	Three times during at least two consecutive weeks.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
PUBLIC UTILITIES			
Energy Resource Contracts--notice of intent to adopt ordinance. R.S. 33:1335.	Official journal of municipality and/or joint commission.	At least seven days prior to adoption of ordinance.	Once.
Louisiana Energy and Power Authority--notice of municipality's intention to enter into contract to purchase capacity and output of one or more specified projects. R.S. 33:4545.9.	Official journal of municipality.	Not less than 30 days before date of public hearing.	Once.
Louisiana Energy and Power Authority--notice of hearing on proposed contract. R.S. 33:4545.9	Official journal.	First publication at least 30 days before public meeting.	Once a week for four weeks.
Louisiana Energy and Power Authority--notice of election for voters to decide on local option. R.S. 33:4545.35.	Newspaper of general circulation in municipality.	Not less than 30 days nor more than 90 days between first publication and election.	Once a week for four consecutive weeks.
Municipal hydroelectric facilities--notice of intention to adopt ordinance allowing for a contract to purchase the sale or capability of hydroelectric generating facility. R.S. 33:4263.	Official journal of municipality.	At least seven days prior to adoption of ordinance.	Once.
Municipal hydroelectric facilities--ordinance or resolution authorizing issuance of bonds to finance hydroelectric project. R.S. 33:4263.	Official journal of issuer of bonds.		At least once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Municipalities (New Orleans excepted)--election to authorize bonds secured by mortgage to issue in order to acquire or improve public utilities--notice of election. R.S. 33:4222.	Newspaper published in municipality or district; if none, then in newspaper published in parish.	At least 30 days before election.	30 days or four successive weeks if 30 days between first publication and date of election.
Municipal corporations--election to authorize bonds secured by pledge of revenues of utility. R.S. 33:4258.	Official journal of political subdivision; if none, then in newspaper of general circulation in parish; if none, then in newspaper of general circulation of adjoining parish.	Not less than 45 nor more than 90 days between date of first publication and date of election.	Once a week for four consecutive weeks.
Municipal corporations--publication of resolution authorizing issuance of bonds after election. R.S. 33:4260.	Newspaper published in municipality; if none, then in newspaper published in parish where municipality located; if none, then in newspaper published in adjoining parish.		Once.
Municipal corporations--promulgation of returns of election to authorize bonds. R.S. 33:4258.	Newspaper of general circulation in political subdivision; if none, then in newspaper of general circulation in parish; if none, then in newspaper of general circulation in adjoining parish.		Once.
Municipalities with population of 25,000 to 250,000--advertisement of sale of certificates of indebtedness issued to obtain funds for public utilities. R.S. 33:4283.	Newspaper in municipality or in newspaper in parish where municipality located.		30 days.

NOTICES BY MUNICIPALITIES

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Municipalities with population of 25,000 to 250,000--issuance of certificates of indebtedness--notice of election to authorize. R.S. 33:4289.	Newspaper published in municipality or parish where municipality located.		30 days.
Municipalities with population of 75,000 to 200,000--notice of ordinance to authorize bonds secured by mortgage. R.S. 33:4333.	Newspaper published in municipality.	First publication at least 10 days before introduction of ordinances.	Three times in 10 days.
Municipalities with population of 75,000 to 200,000--advertisement for sealed bids for bonds. R.S. 33:4336.	Newspaper published in municipality and in newspaper published in New Orleans.		Three times in 10 days.
Notice of election to surrender public utility regulation to Public Service Commission--publication of ordinance. R.S. 33:4492.	Daily newspaper printed and published in city, town, or parish; if none, then in a weekly newspaper.		Six times if daily; three times if weekly.
Public power authority--notice of intention to create; public hearing. R.S. 33:4172.	Official journal of municipality creating authority.	First publication not less than 30 days before date fixed for hearing.	Once a week for four successive weeks.
Public Service Commission--publication of petition for election. R.S. 45:1164.4.	Official journal of municipality.	Earliest possible time.	
Public Service Commission--publication of election results. R.S. 45:1164.13.	Official journal of political subdivision.		

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Public utilities and carriers--notice of issuance of refunding bonds. R.S. 45:1148.	Newspaper published in political subdivision; if none, then in newspaper published in parish where political subdivision located; if none, then in newspaper published in adjoining parish.		Once.
Special election to dispose of or lease utility property--publication of notice of election. R.S. 33:4344.	Official journal of municipality; if none, then in any newspaper published in municipality or parish.	At least 30 days before election.	30 days.
Special election to dispose of or lease utility property--promulgation of returns. R.S. 33:4345.	Official journal of municipality; if none, in any newspaper published in parish.	Not later than two weeks after election.	Once.
Water systems--contracts for purchase of water. R.S. 33:3836.	Newspaper of general circulation in parish or municipality.	Prior to final ratification of contract.	Once.
	SEWERAGE DISTRICT		
Advertisement for bids for construction of system. R.S. 33:3983.	Official journal of district or in any newspaper having general circulation in parish where district located.	First insertion not less than 15 days prior to reception and opening of bids.	Once a week for three consecutive weeks.
Improvements--publication of notice of intention. R.S. 33:3965.	Newspaper published within district; if none, then in some newspaper in parish where district located.		Once a week for three consecutive weeks.

NOTICES BY MUNICIPALITIES

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Improvements--advertisement for bids for construction. R.S. 33:3966.	Newspaper published in district; if none, then in some newspaper of general circulation published in parish where district located.		Three consecutive weeks.
Improvements--notice of awarding of contract. R.S. 33:3967.	Newspaper published in district; if none, then in some newspaper in parish where district located.		Once.
New Orleans--advertisement for bids on supplies or materials exceeding $5,000. R.S. 33:4084.	Official journal of New Orleans.	First advertisement to appear at least 10 days before opening of bids.	At least three times during 10-day period.
New Orleans--bids for construction work exceeding $10,000. R.S. 33:4085.	Official journal of New Orleans.		At least six notices in 15-day period.
Notice of intention to establish sewerage system. R.S. 33:3982.	Official journal of governing authority.	First publication at least 15 days prior to date set for hearing.	Once a week for three consecutive weeks.
Notice of intention to redeem unmatured certificates of indebtedness. R.S. 33:4046.	Official journal of district.	At any time preceding date of maturity of any series.	Once a week for 15 days.
Publication of resolution awarding contract for construction. R.S. 33:3984.	Official journal of district.		Once.
Publication of ordinance creating, enlarging or consolidating sewerage district (New Orleans excepted). R.S. 33:3911.	Newspaper published in municipality where sewerage district located.	30 days before effective date.	Once a week for four weeks or 30 days.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Publication of ordinance creating, enlarging or consolidating sewerage districts--additional procedures. R.S. 33:3961.	Newspaper published in municipality where sewerage district located.	30 days before effective date.	Four times for four consecutive weeks.
Sewerage improvements--municipalities with population less than 1,000--notice of filing of a petition for improvements. R.S. 33:3953.	Official journal of municipality; if none, then in any other newspaper in municipality; if none, then in newspaper published in parish where municipality located.		Once a week for 30 days.
Sewerage improvements--municipalities with population less than 1,000--advertisement for bids. R.S. 33:3955.	In same manner as letting of public contracts for such municipality.		
Sewers and other public works--advertisement for bids for connecting private premises to public sewerage system. R.S. 33:4042.	Newspaper published in district or in municipality.	First insertion not less than 10 days prior to date fixed for reception of bids.	At least twice.
	ORDINANCES		
Adopting new name--municipalities with population less than 2,500--publication of ordinance. R.S. 33:8.	Newspaper of general circulation in municipality.	Before change is effective.	Once.
Extension of corporate limits by petition and ordinance--notice of filing of petition. R.S. 33:172.	Some newspaper published or having general circulation in municipality.	At least 10 days before adoption of ordinance.	Once.

NOTICES BY MUNICIPALITIES

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Extension of corporate limits by petition and ordinance--Jefferson Parish--notice of filing of petition. R.S. 33:172.1.	Some newspaper published or having general circulation in municipality.	At least 10 days before adoption of ordinance.	Once.
Extension of corporate limits by petition and ordinance--publication of ordinance. R.S. 33:173.	Newspaper of general circulation in municipality.	30 days before effective date.	Once.
Government by mayor and aldermen--publication of notice of proposed ordinances. R.S. 33:406.	Official journal of municipality.		Once.
Government by mayor and aldermen--publication of adopted ordinances. R.S. 33:406.	Official journal of municipality.	With 20 days of adoption and prior to effective date.	Once.
Government by mayor and aldermen--publication of proposed amendments to charter of municipalities with population of 200,000 or less. R.S. 33:1181.	Newspaper published in municipality.	Before submission to governor.	Three weeks.
Investment by municipalities in corporations for internal improvements--notice of election to ratify ordinance. R.S. 33:2953.	One or more newspapers in municipality.	30 days before election.	30 days.
Notice of introduction of ordinance proposing adoption of code. R.S. 33:1369.	Official journal.	At least one week before date which final action taken.	Once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Promulgation of revised ordinances. R.S. 33:1366.	Official journal of municipality or parish.		Once.
Publication of amendments to code. R.S. 33:1363.	Published in the manner that ordinances are required to be promulgated by Charters of said municipality.		
Publication of code adopted by municipalities. R.S. 33:1363.	Official journal of municipality.		Once a week for three consecutive weeks.
Publication of ordinance ordering franchise revision--municipalities with population over 70,000 and less than 250,000. R.S. 33:4431.	Official journal or other newspaper published in municipality.	One week before final passage.	Once.
Removal of remains of dead--notice of adoption of ordinance. R.S. 33:4812.	Official journal of parish.	First publication 40 days before removal, or longer as ordinance may provide.	Once a week for five weeks.
Sewerage districts--publication of ordinances creating, enlarging or consolidating sewerage districts (New Orleans excepted). R.S. 33:3911.	Newspaper published in municipality where sewerage district located.	30 days before effective date.	Once a week for four weeks or 30 days.
Slum clearance law--publication to owners whose address is unknown. R.S. 40:580.4.	Newspaper printed and published in municipality; if none, then in newspaper printed and published in parish and circulated in municipality where dwellings located.		Once each week for two successive weeks.

NOTICES BY MUNICIPALITIES

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
ILLUMINATED DISTRICT			
Advertisement for bids for installing and constructing lighting system--municipalities with population over 2,500. R.S. 33:3654.	In same manner as provided for letting of public contracts.		
Publication of petition to create--municipalities with population over 2,500. R.S. 33:3652.	Official journal of municipality; if none, then in any other newspaper published in municipality.		Once.
DISSOLUTION OF CHARTER			
Notice of election to dissolve--municipalities with population of not more than 2,500. R.S. 33:252.	Newspaper published in municipality; if none, then in newspaper published in parish where municipality located; if none, then in newspaper published in adjoining parish.	At least 30 days before election.	Once a week for four consecutive weeks or 30 days.
Promulgation of results of election to dissolve--municipalities with population of not more than 2,500. R.S. 33:262.	Newspaper published in municipality; if none, then in newspaper published in parish where municipality located; if none, then in newspaper published in adjoining parish.		Once.
PLANNING COMMISSION			
Notice of hearing on subdivision regulations. R.S. 33:112.	Newspaper of general circulation in parish.	At least 10 days prior to date set for hearing.	
Publication of subdivision regulations. R.S. 33:112.	Same manner as provided for ordinances.		

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
	MISCELLANEOUS		
Abandoned or blighted properties--New Orleans--List of properties acquired by the City and sold. R.S. 19:136.13		Quarterly.	Once.
Abandoned or blighted properties--Notice of public sale. R.S. 19:136.13		Prior to the sale.	At least twice.
Academic Scholarships--Village of Palmetto in St. Landry Parish--notice of hearing to establish. R.S. 33:363.	Official journal of village.	At least 15 days prior to adoption of resolution.	At least once.
Automobiles--advertisement for sale of abandoned vehicle to highest bidder. R.S. 32:476.	Official journal of municipality or parish.	At least 10 days prior to date of sale.	Not less than three times within a 10-day period.
Automobiles--municipalities with population over 100,000--advertisement for sale of recovered lost or stolen automobiles for storage charges. R.S. 33:2332.	Newspaper published in municipality.	At least 30 days before sale.	30 days.
Board of aldermen and mayor--public notice of meetings. R.S. 33:405.	Official journal of public body. R.S. 42:7.	No less than 24 hours before the meeting. R.S. 42:7.	Once. R.S. 42:7.
Bonds--Flood Control Program--publication of resolution authorizing issuance of drainage service revenue bonds. R.S. 38:90.17.	Official journal or in any newspaper of general circulation published in jurisdiction of municipal drainage authority.		

NOTICES BY MUNICIPALITIES

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Building and zoning regulations--notice of hearing for proposed zoning regulations and restrictions. R.S. 33:4724.	Official journal of municipality; if none, then in newspaper of general circulations therein.	At least 15 days between first publication and date of hearing.	Once a week in three different weeks.
Civil Service--police and fire departments--municipalities with population of 13,000 to 250,000--public notice of examination. R.S. 33:2492.	Official journal of municipality in which tests are to be held.	30 days in advance of test.	At least four times during 30-day period.
Civil Service--notification of tests to determine eligibility of applicants for entry upon promotional and competitive employment lists. R.S. 33:2552.	Official journal of municipality, parish or fire protection district, as case may be, where tests held.	Prior to administering tests.	At least four times during 30 days.
Consolidation of municipalities--notice of election to consolidate. R.S. 33:195.	Official journal of municipality; if none, then in newspaper of general circulation in municipality.	First publication at least 21 days prior to election.	Once a week in three consecutive weeks.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Contracts--public improvements and works contracts--advertisement for bids when work exceeds $30,000, (in some cases, $10,000) or purchase of materials exceeds $30,000. R.S. 38:2212.1.	Contract for public works--newspaper in locality.	First publication at least 30 days before opening of bids; however, first publication not on Saturday, Sunday or legal holiday.	Once a week for three different weeks.
	Contract for materials--newspaper in locality.	First publication at least 15 days before opening of bids; however, first publication not on Saturday, Sunday or legal holiday.	Twice.
Development Agreements--notice of intention to consider application for an agreement. R.S. 33:4780.28.	Official journal of municipality or parish.	At least 10 days between first publication and hearing.	At least three times.
Drainage systems--City of Lafayette--notice of intention to create, acquire, improve or maintain; notice of hearing for objections. R.S. 33:4160.22.	Official journal of city.	Beginning not later than 15 days before date of proposed hearing.	Once a week for three consecutive weeks.
Drainage systems--City of Lafayette--publication of resolution authorizing execution of contract. R.S. 33:4160.24.	Official journal of Lafayette.		Once.
Elections--primary--publication of location of polling places. R.S. 18:535.	Official journal of parish.	During the third week before each primary or first primary election.	At least once.

NOTICES BY MUNICIPALITIES

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Elections--polling place--publication of notice of change of location. R.S. 18:536.	Official journal of parish and in any other newspaper of general circulation in precinct(s) affected.	If reasonable time exists during the period commencing on the date the qualifying period opens and ending on the date of the election.	Once.
Fire and police departments--disposition of property lawfully seized or relinquished; noncontraband. R.S. 33:2333.	Newspaper published in municipality.	Prior to disposing of property.	Twice within 30 days.
Flood Control Program--notice of public meetings to discuss rates and/or service charges. R.S. 38:90.17.	Official journal.	At least 30 days prior to setting rates and/or service charges.	No less than three times within week prior to each meeting.
Historic Preservation Districts--notice of public hearing on study committee's recommendations. R.S. 25:733, 753.	Official journal; if none, then in newspaper of general circulation in area served by governmental unit.	At least a minimum of seven days prior to hearing.	At least once.
Historic Preservation Districts--publication of final action taken by governing body concerning study committee's recommendations. R.S. 25:734, 754.	Official journal or in any other newspaper having general circulation within governmental unit.		At least once.
Historic Preservation Districts--notice of proposed landmark designation. R.S. 25:759.	Official journal of governmental unit.	At least seven days prior to public hearing.	

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Historic Preservation Districts--notice of public hearing concerning certificates of appropriateness. R.S. 25:738, 760.	Official journal of governmental unit or in newspaper having general circulation in area served by governmental unit.	At least seven days before hearing.	
Housing Agency--notice by parish or municipality governing authority of hearing to consider creating regional or consolidated housing agency. R.S. 40:416.	Newspaper published in parish or municipality; if none, then in newspaper published in state having general circulation in parish or municipality.	At least 10 days prior to date hearing scheduled.	
Housing authorities--regional and consolidated authorities--notice of hearing to create or increase are of operation. R.S. 40:416.	Newspaper published in municipality or parish; if none, then in newspaper published in state and having general circulation in municipality or parish.	At least 10 days prior to date of hearing.	Once.
Incorporation--publication of results of election to incorporate. R.S. 33:3	Official journal of parish where are located. If area located in more than 1 parish, then publish in official journals of each of the parishes where located.	At least 30 days prior to the date the municipality will be legally incorporated.	Once.
Intergovernmental agreements among parishes and municipalities--publication of agreement, ordinance or resolution. R.S. 33:1325	Official journal of municipality.	In same manner as other proceedings of governing body.	
Jefferson Parish Council--notice of intent to establish special service district. R.S. 3:1420.14.	Official journal of parish.	In accordance with Jefferson Parish Charter.	

NOTICES BY MUNICIPALITIES

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Jefferson Parish Council--notice of establishment of special service district and boundaries. R.S. 33:1420.14	Official journal of parish.	In accordance with Jefferson Parish Charter.	
Navigable waterways improvements--advertisement for bids for contracts exceeding $2,500. R.S. 34:367.	Official journal of municipality and in any other newspaper at discretion of authorities.	First publication at least 15 days before opening of bids.	Once a week for three different weeks.
Property and Buildings--City of Pineville--notice of intention to transfer property. R.S. 33:4712.4.		Beginning at least 14 days prior to date such action is contemplated.	Once a week for two consecutive weeks.
Property and Buildings--City of Pineville--publication of ordinance which authorizes transfer of property. R.S. 33:4712.4.	Official journal of city.	As soon as possible after adoption.	Once.
Property and Buildings--City of Covington--exchange of city owned immovable property valued at $100,000 or more. R.S. 33:4712.6.		Prior to introduction of ordinance.	A minimum of three times in 30 days.
Property and Buildings--City of Covington--notice of proposed ordinance authorizing disposition of property. R.S. 33:4712.6.	Newspaper published in city; if none, then in newspaper having general circulation in city.	Before disposition of property.	Three times in 15 days one week apart.
Property--City of Covington--publication of summary of ordinance authorizing disposition of property. R.S. 48:726.	Official journal of city.	At least three weeks but no more than 90 days in advance of adoption of ordinance.	

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Property and Buildings--notice of intention to transfer property for industrial inducement purposes. R.S. 33:4717.2.		Beginning at least 14 days prior to transfer.	Once a week for two consecutive weeks.
Property and Buildings--publication of resolution authorizing transfer of property. R.S. 33:4717.2.	Official journal.	As soon as possible after adoption.	Once.
Property and Buildings--Parishes of St. Tammany and St. Mary--notice of intention to transfer property. R.S. 33:4717.2.		Beginning at least 14 days from date of such action.	Once a week for two consecutive weeks.
Public bodies--written public notice of regular meetings. R.S. 42:19.	Official journal of public body.	No less than 24 hours before the meeting.	Once.
Public finance--depositing authority--notice for bids to select fiscal agency. R.S. 39:1214.	Official journal of depositing authority.	First publication at least 15 days preceding date for selection of fiscal agency.	At least three times.
Public finance--funding taxes to pay indebtedness--notice of resolution or ordinance. R.S. 39:1174.	Official journal of governing authority or in any other newspaper of general circulation in parish where issuing body located.		Once.
Public lands--advertisement of application for lease of land or water bodies. R.S. 30:148.4.	Official journal where land or water located.	Upon receipt of application for lease.	Not more than 60 days prior to the date for the opening of bids and at least once a week during three consecutive weeks within those 60 days.

NOTICES BY MUNICIPALITIES

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Public officers--bonds--notice of application for cancellation. R.S. 33:1882.	Newspaper published in parish.		During 30 days.
Public officers--municipalities with population of 5,000 or less--notice of financial institution(s) in which municipal funds to be deposited and amount of deposits. R.S. 42:1123.	Official journal of parish.	First publication at least 15 days prior to public hearing.	Two separate occasions.
Public records--purchase or expropriation of records--publication of order or rule, petition and resolution. R.S. 44:363.	Official journal of parish and in one or more newspapers printed and published in parish.		Once in each calendar week for four weeks.
Sale or lease of real property not needed for public purposes--advertisement to receive proposals for exchange of property valued at $100,000 or more. R.S. 33:4712.	Newspaper published in municipality or, if none, a newspaper of general circulation in municipality.		Three times in 30 days.
Sale or lease of real property not needed for public purposes--notice of proposed ordinance to sell, exchange or lease real property. R.S. 33:4712.	Newspaper published in municipality; if none, then in a newspaper of general circulation in municipality.		Three times in 15 days, one week apart.
Subdividing of land--correcting errors in subdivision plats. R.S. 33:5054.	Official journal of parish; if none, then in official journal of adjoining parish.	Before oppositions referred to district court.	During 30 days.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Tuberculosis--publication of petition and ordinance for election to tax property to combat. R.S. 33:2661.	In same manner as general elections--30 days before election can be held.		
Used fire and emergency response vehicles/equipment--notice of request for proposals. R.S. 38:2238.2.	Newspaper in the locality.	At least 10 days prior to date of opening bids.	At least once.
Weed cutting in municipalities with population less than 400,000--notice of intention to remove. R.S. 33:5062.	Official journal of municipality.	At least 10 days prior to cutting.	Two consecutive days.

NOTICE BY NEWSPAPER PUBLICATION

SECTION 4
NOTICES BY SCHOOL BOARDS/DISTRICTS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Ad valorem tax--special purpose--promulgation of results of special tax election. R.S. 39:813.	Official journal of political subdivision.		Once.
Apportionment Plan--East Baton Rouge Parish--publication of summary and map of proposed plan. R.S. 17:58.2.	Newspaper published within the parish.	At least 20 days prior to date of hearing.	
Southeast Baton Rouge Community School Board--publication of summary and map of proposed plan. R.S. 17:58.2	Newspaper within the parish, with parishwide circulation.	At least 20 days prior to date of hearing.	
Apportionment Plan--publication of resolution regarding apportionment. R.S. 17:71.4.	Official journal of board.	Prior to effective date.	
Baker Municipal School System--publication of general summary and map of proposed plan. R.S. 17:58.2.	Newspaper published within East Baton Rouge Parish.	At least 20 days prior to the date of the hearing.	
Baker School District--publication of general summary and map of proposed new districting plan. R.S. 17:72.	Newspaper published within Baker.	At least 20 days prior to hearing.	

Bienville Parish School Board Loan Program--notice by school board of public hearing to establish loan program. R.S. 17:3042.47.	Official journal of Board.	At least once.

NOTICES BY SCHOOL BOARDS/DISTRICTS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bonds--L.S.U. State Board--advertisement for sale of bonds on sealed proposals. R.S. 17:2196.5.	Newspapers or financial journals published in New Orleans and New York.	At least 10 days in advance of sale.	

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bonds--particular parish school boards--advertisement for sale on sealed bids. R.S. 47:338.86, 338.87, 338.88, 338.89, 338.90, 338.91.	Official journal of board and financial paper published in New York, Chicago, New Orleans, or in newspaper of general circulation published in city of state having population of not less than 50,000.	First publication at least 21 days prior to reception of bids.	At least once a week for three weeks.

NOTICES BY SCHOOL BOARDS/DISTRICTS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bonds--particular parish school boards--resolution authorizing the issuance of bonds and pledging and dedicating sales and use tax revenues. R.S. 47:338.86, 338.87, 338.88, 338.89, 338.90, 338.91.	Official journal of Board.		Once.

Bonds--particular parish school boards--publication of supplemental resolutions or proceedings on issuance of bonds and pledging and dedicating sales tax revenues. R.S. 47:338.86, 338.87, 338.88, 338.89, 338.90, 338.91.	Official journal of Board.	Once.

NOTICES BY SCHOOL BOARDS/DISTRICTS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bonds--Orleans Parish--advertisement for sale on sealed bids. R.S. 47:338.107.	Newspaper of general circulation published in Orleans Parish and a financial journal or newspaper containing a section devoted to municipal bonds in New York.	First publication at least 14 days prior to date set for reception of bids. Second publication at least five clear calendar days subsequent to first and at least seven clear calendar days in advance of receipt of bids.	Twice.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bonds--Orleans Parish--resolution authorizing issuance of bonds and pledging and dedicating sales tax revenues. R.S. 47:338.107.	Official journal of Board.		Once.
Bonds--Orleans Parish--publication of supplemental resolutions or proceedings on issuance of bonds and pledging and dedicating sales tax revenues. R.S. 47:338.107.	Official journal of Board.		Once.
Bonds--sale by school district. R.S. 39:570.	Newspaper in the subdivision.	21 days before receipt of bids.	Once a week for three weeks.

NOTICES BY SCHOOL BOARDS/DISTRICTS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bonds--advertisement for sale of bonds on sealed bids. R.S. 39:570.	Official journal of governing authority. Also, in financial paper published in New York or Chicago, or paper of general circulation in city in Louisiana having population of not less than 20,000.	First publication at least 15 days preceding date fixed for reception of bids.	Once a week for three weeks. If not sold pursuant to public offering nor to private offering, then re-advertise in same manner.
Bonds--advertisement for sale of bonds, issued for encouragement of industrial enterprises, on sealed bids. R.S. 39:570.1.	Newspaper of general circulation or financial journal or newspaper containing section devoted to municipal bond news published in New Orleans or New York. Also, publish in manner provided by R.S. 39:1426.	At least seven days in advance of date scheduled for reception of bids.	Once. If not sold pursuant to public offering or to public negotiations, then may re-advertise in same manner.
Compensation--notice of meeting to vote on matters relating to compensation for board members. R.S. 17:56.	Official journal of parish of school board.	Prior to meeting.	At least two separate days during 15 days immediately preceding meeting.
Compensation--notice of intent to introduce proposal to change compensation. R.S. 17:56.	Official journal of parish where board located.	Prior to change in compensation.	Two separate days.
Contracts--public improvements and works contracts--advertisement for bids when work exceeds $30,000 (in some cases,	Contract for public works--newspaper in locality.	First publication at least 30 days before opening of bids; however, first publication not on Saturday, Sunday or legal holiday.	Once a week for three different weeks.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
$10,000) or purchase of materials exceeds $30,000. R.S. 38:2212.1.	Contract for materials--newspaper in locality.	First publication at least 15 days before opening of bids; however, first publication not on Saturday, Sunday or legal holiday.	Twice.
Educational Cooperative--notice of liquidation proceedings. R.S. 17:2819.	Newspaper of general circulation in parish where principal office of cooperative located.	Immediately after filing of the certificate and affidavit by secretary of state.	Once a week for two successive weeks.
Financial statements and proceedings of board--all those required to be furnished to legislative auditor. R.S. 43:171.	Official journal of school board.		Once.
Fiscal agency--bids to be invited by local depositing authorities of intention to select a fiscal agency. R.S. 39:1214.	Official journal of depositing authority.	First publication at least 15 days preceding date for selection of fiscal agency.	At least three times.
Public finance--funding taxes to pay indebtedness--notice of resolution or ordinance. R.S. 39:1174.	Official journal of governing authority or in any other newspaper of general circulation in parish where issuing body located.		Once.

NOTICES BY SCHOOL BOARDS/DISTRICTS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Public finance--funding taxes to pay indebtedness--advertisement of public sale of certificates. R.S. 39:1178.	A newspaper in the subdivision of issuing body; if none, then in newspaper published in parish where subdivision located; if none, then in newspaper published in adjoining parish. Also, in newspaper of general circulation in city in Louisiana with population not less than 20,000.	Seven clear days before date fixed for reception of bids.	At least once.
Public land--publication of notice of intent to sell property to original granter, donor, vendor or successors in title. R.S. 41:1338.	Official journal of school board.	First publication not less than 30 days prior to sale.	Once a week for three consecutive weeks.
Public lands--advertisement of application for lease of land or water bodies. R.S. 30:148.4.	Newspaper of general circulation in all parishes wherein land or bodies of water located; if none, then in newspaper of general circulation in adjoining parish.	Upon receipt of application for lease.	At least once a week during three consecutive weeks.
Quarterly reports and proceedings of school boards--Orleans Parish excepted--publication. R.S. 17:91.	Official journal of school board.	"Regularly."	Once.
School buses--notice of intent to sell bus at private sale. R.S. 17:158.2.	Official journal of school board.	At least 15 days prior to date of sale.	

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
School lands--application for right-of-way across 16th section lands. R.S. 17:87.2.	Official journal of parish where 16th section located.		Twice within 10 days.
School lands--notice of sale of timber on 16th sections. R.S. 41:717.	Official journal of all parishes where land located.		At least 30 days.
School lands--sale of 16th section land in swamp or marsh. R.S. 41:762.	Newspaper in parish where property located.	At least 30 days before sale.	30 days.
School lands--sale of indemnity lands from U.S. government. R.S. 41:802.	Newspaper in parish where land located.	30 clear days.	30 clear days.
School lands--notice of sale at private auction or under sealed bids. R.S. 41:892.	Official journal of parish where land situated or, if no newspaper, by posting written notice 30 days at or near front door of school board, courthouse, or other public place.	At least 30 days prior to sale.	At least three separate days.
School lands--notice of public hearing and intent to consider exchange of unused school land. R.S. 41:893, 894, 895.	Official journal of parish where land situated.	At least 30 days prior to hearing.	At least three separate days.
School lands--DeSoto Parish School Board--notice of public hearing and intent to consider exchange of unused school land. R.S. 41:896.	Official journal of parish where land situated.	At least 30 days prior to hearing.	At least two separate days.

NOTICES BY SCHOOL BOARDS/DISTRICTS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
School lands--sale of timber on 16th section school lands. R.S. 41:1111.	Official journal of parish.	"Due advertisement."	
School lands belonging to state--advertising of sale after election. R.S. 41:714.		After 30 days advertisement.	
School lands belonging to state--advertisement of lease to highest bidder. R.S. 41:716.	Official journal of parish or any paper published regularly in parish containing land to be leased.	Before leasing.	At least 30 days.
Superintendent of schools--notice of vacancy and request for applications. R.S. 17:54.	Official journal of school board and in daily newspaper published in metro area having population over 100,000 persons nearest the school board office.	At least one week apart in official journal and all publications to be completed at least 30 days prior to action to fill position.	On 2 separate days in official journal and once in daily.

NOTICE BY NEWSPAPER PUBLICATION

SECTION 5
NOTICES BY OTHER POLITICAL SUBDIVISIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Abandoned property--notice to absent owners.	Official journal of political subdivisions.	Within 30 days of registration of instrument and ordinance.	Once a week for two consecutive weeks.
Abbeville Harbor and Terminal District--advertisement for bids on work contracts. R.S. 34:333.8.	Newspaper published in town of Abbeville and in any other paper, or papers selected by board.		Not less than three times for period of 15 days.
Airport district--notice of intention to create. R.S. 2:314.	Newspaper in parish, or if there is none, the notice shall be posted at two public places in the parish and published in an adjoining parish.	First publication at least 30 days before date fixed for hearing.	Once a week for four successive weeks.
Airport district--notice of formation. R.S. 2:318.	Publication one time in the same newspaper or in the same manner in which the notice of intention to create was published.		Once.
Airport districts--advertisement for lease of land, improvements or equipment. R.S. 2:135.1.	Official journal of all parishes wherein any part of land is located.		At least once a week for three consecutive weeks.
Ambulance service districts--Jefferson Parish--notice of hearing to create. R.S. 33:1247.1.	Newspaper published in parish; if none, then in newspaper having general circulation in parish.	First publication not less than 15 days prior to hearing.	Once a week for two successive weeks.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Abita Springs--notice by town declaring property no longer needed for public purposes and disposition of property. R.S. 48:727	Official journal of town.	At least three weeks, but not more than 90 days, in advance of adopting ordinance.	Once.
Ambulance service districts--Jefferson Parish--notice of formation of district. R.S. 33:1247.1.	Newspaper published in parish; if none, then in newspaper having general circulation in parish.	First publication not less than 15 days prior to hearing.	Once a week for two consecutive weeks.
Bayou D'Arbonne Lake Watershed District--work which exceeds $2,000--advertisement for bids. R.S. 38:2558.	Newspaper of parish where work located and performed, and in other papers within discretion of board of commissioners.		Once a week for full term of 30 days.
Bayou D'Arbonne Lake Watershed District--notice of election. R.S. 38:2558.	Daily newspaper published in district.	First advertisement 30 days prior to election.	Once a week for five weeks.
Blighted property certification--notice to last known owner.	Official journal of municipality.	At least 30 days prior to date of hearing.	Three separate days within 30-day period.
Board of Pardons--notice of application for clemency or commutation of sentence. R.S. 15:572.4.	Any newspaper recognized as official journal of governing authority of parish where offense occurred for which person was convicted.	Anytime during the six month period prior to or following the first notice.	Three separate days within 30-day period.
Bonds--East Jefferson Parish Culture and Recreation District--publication of resolution authorizing issuance of bonds and pledging and dedicating tax revenues. R.S. 33:2741.3.	Official journal of parish or municipality.		Once.

NOTICES BY OTHER POLITICAL SUBDIVISIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bonds--England Economic and Industrial Development--publication of resolution authorizing issuance of bonds. R.S. 33:130.357.	Newspaper of general circulation within jurisdiction of district or respective subdistrict.	Prior to sale of bonds.	
Bonds--Sewerage and Water Board--New Orleans District--resolution authorizing issuance of bonds. R.S. 33:4096, 4121.	Official journal of New Orleans.		Once.
Bonds--Sewerage and Water Board--New Orleans District--notice of public sale. R.S. 33:4096, 4121.	In accordance with R.S. 39:1426.		
Bonds--Health Education Authority--publication of resolution authorizing issuance of bonds. R.S. 17:3056.	Newspaper of general circulation in New Orleans or in Baton Rouge.		
Bonds--Iatt Lake Water Conservation District--advertisement for sale of bonds. R.S. 38:3085.5.	Newspaper of general circulation within district and in financial newspaper or journal published in New Orleans, New York, or Chicago.		At least once a week for not less than 30 days.
Bonds--hospital service districts--advertisement for sale of bonds. R.S. 39:559.1.	Official journal of parish.	First advertisement at least 10 days prior to date of sale.	At least once a week for two consecutive weeks.
Bonds--hospital service districts--notice of intention to issue bonds. R.S. 39:559.1.	Newspaper of general circulation published in political subdivision or parish where the authority is located.		Four consecutive weekly issues.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Bonds--Louisiana Recovery District--resolution authorizing the issuance of bonds. R.S. 39:2007.	Official journal of district.		Once.
Bonds--Louisiana Recovery District--advertisement for sale of bonds at public sale on sealed proposals. R.S. 39:2007.	Publication carrying municipal bond notices and devoted to financial news or state and municipal bonds, of general circulation in New York and in newspaper of general circulation published in either New Orleans or Baton Rouge.	Not less than seven days prior to sale.	At least once.
Caddo Pine Island Museum—notice and listing of property by Board. R.S. 25:380.25.	At least once newspaper of general circulation in Caddo Parish.		At least once each week for two consecutive weeks.
Capital Area Groundwater Conservation District--notice of hearings. R.S. 38:3080.	Official journal or journal of general circulation in affected parishes.		
Chennault Industrial Air Park Authority--notice of proposed sale of property and advertisement for bids. R.S. 33:4710.3.	Official journal.	Last advertisement at least 10 days before day that bids will be received.	Three times within 10 days.
Chennault Industrial Air Park Authority--revenue bonds--publication of resolution to issue bonds. R.S. 33:4710.4.	Newspaper of general circulation within jurisdiction of authority.		

NOTICES BY OTHER POLITICAL SUBDIVISIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Crime Prevention and Security Districts--Notice of Intent to introduce bill for the creation of the special district. La. Const. Art. III, §13.	Official journal of locality where the matter to be affected situated.	Last publication at least 30 days prior to introduction of bill.	Two separate days.
Downtown, Historic and Economic Development Districts--notice of public hearing on proposed limited exemption. R.S. 47:4314.	Official journal of local governing authority.	At least 10 days shall elapse between first publication and hearing.	At least twice.
Drainage districts--resolution authorizing execution of contracts (joint projects excepted). R.S. 38:1584.	Official journal of district, and one certified copy filed with clerk of court of the parish in which the district is located.		Once.
Drainage districts--notice of public hearing of board of commissioners on methods and amounts of compensation. R.S. 38:1607.	Official journal of drainage district.	15 days preceding the meeting.	At least two separate occasions.
Drainage district--publication of ordinance creating. R.S. 38:1616.	Newspaper published in drainage district; if none, then in newspaper published in parish where district land located; if none, then in newspaper published in adjoining parish.		Once a week for two successive weeks.
Drainage districts--notice of change of domicile. R.S. 38:1613.	Newspaper published in parish of then-existing domicile; if none, then in newspaper published in adjoining parish.	Before change may be made.	Once a week for 30 days.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Drainage district--suit for expropriation of property for rights of way, levees, etc. R.S. 38:1627.	Newspaper published in drainage district; if none, then in newspaper published in any parish where district lands located; if none, then in newspaper published in adjoining parish.	Immediately upon filing of suit in district court.	Once a week for four consecutive weeks.
Drainage district--notice of filing and hearing on petition to readjust assessments due to change in value. R.S. 38:1659.	Newspaper published in drainage district; if none, then in newspaper published in any parish where district lands located; if none, then in newspaper published in adjoining parish.	Last publication at least 10 days before date fixed for hearing.	Once a week for four consecutive weeks.
Drainage district--publication of date within which landowner may pay total tax assessment. R.S. 38:1663.	Newspaper published in drainage district; if none, then in newspaper published in parish where district land located; if none, then in newspaper published in adjoining parish.		Once a week for two consecutive weeks.
Drainage district--publication of resolution authorizing funding drainage district bonds if organized prior to 1921. R.S. 38:1545.	Official journal of parish where drainage district or sub drainage district located.		Two successive issues within 10 days.
Drainage district--notice of meeting to liquidate or dissolve when lying within boundaries of a municipality. R.S. 38:1571.	Newspaper published in municipality.	Prior to meeting.	For 10 days.
Drainage districts--notice of intention to order improvements. R.S. 38:1674.2.	Newspaper published within district; if none, then in newspaper published in parish where district located.		Once a week for three consecutive weeks.

NOTICES BY OTHER POLITICAL SUBDIVISIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Drainage districts--construction of improvements--advertisement for bids. R.S. 38:1674.3.	Newspaper published in district; if none, then in newspaper of general circulation in parish where district located.		Three consecutive weeks.
Drainage districts--notice of time Board intends to take final action. R.S. 38:1674.5.	Newspaper published within district; if none, then in newspaper published in parish where district located.	At least one week before final adoption.	Once.
Drainage districts--parishes adjoining Lake Maurepas or Lake Pontchartrain--resolution containing notice of intention to construct improvements. R.S. 38:1674.12.	Newspaper published within district; if none, then in some newspaper published in parish where district located.		Once a week for three consecutive weeks.
Drainage districts--parishes adjoining Lake Maurepas or Lake Pontchartrain--notice of time Board proposes to take final action. R.S. 38:1674.13.	Newspaper published within district; if none, then in newspaper published in parish where district located.	At least one week prior to final adoption.	Once.
Drainage districts--St. Tammany Parish--notice of intention to levy special assessment. R.S. 38:1674.15.	Newspaper published within district; if none, then in newspaper published in St. Tammany Parish.		Once a week for three consecutive weeks.
Drainage districts--St. Mary Parish--notice of public hearing on levying and imposing charge on per acre basis. R.S. 38:1680.	Official journal of governing authority.		Once a week for three consecutive weeks.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Drainage district--gravity drainage district--publication of ordinance creating. R.S. 38:1756.	Newspaper published in parishes where district lands located; if none, then in newspaper published in adjoining parish.		Four publications once a week or 30 days.
Drainage districts--gravity drainage district--change of domicile--publication of notice. R.S. 38:1765.	Newspaper published in parish where district located.		30 days.
Drainage district--gravity drainage district--notice of election on forced contribution or acreage tax. R.S. 38:1772.	Newspaper published in parish; if none, then in newspaper published in adjoining parish.	30 days to intervene between date of first publication and date of election.	Four publications once a week or 30 days.
Drainage district--gravity drainage district--election on forced contribution or acreage tax--promulgation of results. R.S. 38:1781.	Newspaper issued in parish; if none, then in newspaper published in adjoining parish.		Once.
Drainage district--gravity drainage district--dissolution--notice to creditors and claimants to present claims. R.S. 38:1798.	Newspaper published in parish; if none, then in newspaper published in adjoining parish.	At least 60 days before dissolution.	Once a week during period of 60 days.
Drainage district--gravity drainage district--notice of intention to include adjacent lands (Orleans Parish excepted). R.S. 38:1799.	Newspaper published in parishes where district lands located; if none, then in newspaper published in adjoining parish. Also, official journal of parish.		Four publications once a week or 30 days.
Drainage district--consolidated gravity drainage district--notice of election to assume debts. R.S. 38:1849.	Newspaper published in parish; if none, then in newspaper published in adjoining parish.	At least 30 days before election.	Four publications once a week or 30 days.

NOTICES BY OTHER POLITICAL SUBDIVISIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Drainage district--consolidated gravity drainage district--election to assume debts--promulgation of results. R.S. 38:1860.	Newspaper published in parish; if none, then in newspaper published in adjoining parish.		Once.
Economic Development Corporation--notice that annual report has been filed with governing body. R.S. 33:9025.	Newspaper of general circulation in community.	At time of filing report (no later than March 1st)	
Economic Development Corporations--notice of public hearing for residents and property owners of proposed affected jurisdiction. R.S. 33:9023.	Newspaper of general circulation to affected jurisdiction.	10 days prior to date of hearing.	
England Economic and Industrial Development District--notice of proposed sale of property--advertisement for bids. R.S. 33:130.355.	Official journal.	Before bids are received.	Three times within 10 days.
Environmental Protection Districts--notice of public hearing on proposed regulations or restrictions. R.S. 33:7559.	Official journal of parish affected; if none, then in paper of general circulation therein.	At least 15 days between publication and hearing.	At least once a week during three different weeks.
Fire protection districts--publication of notice of hearing on intention to create, enlarge or redistrict. R.S. 40:1493.	Newspaper having general circulation in parish.	First publication not less than 15 days before date fixed for hearing.	Once a week for two successive weeks.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Fire protection districts--publication of notice of formation. R.S. 40:1494.	Any newspaper in which original notice of hearing published.	Immediately.	Once.
Fire protection districts--individual parishes--notice of intention to create. R.S. 40:1503, 1506.	Parish official journal.	First publication not less than 15 days before hearing.	Once a week for two successive weeks.
Fire protection districts--individual parishes--notice of formation of district. R.S. 40:1503, 1506.	Parish official journal.	Immediately.	Once.
Gravity drainage districts--Calcasieu Parish--notice of public hearing. R.S. 38:1794.	Official journal of drainage district.	15 days preceding meeting.	At least two separate occasions.
Gravity drainage districts--St. Charles Parish--notice of intention to impose parcel fee. R.S. 38:1808.	Newspaper of general circulation in St. Charles Parish.		Four consecutive weekly issues.
Greater Baton Rouge Watershed District--notice of creation. R.S. 38:3051.	Parish official journal.	Not less than 15 days prior to date set for hearing.	Three times.
Harbor and Terminal District--notice of disposition of lands. R.S. 34:293.1, 1652.6.	Official journal of district or board/commission.	As soon as possible.	Once.
Harbor and Terminal District--contracts exceeding $1,000--advertisement for bids. R.S. 34:334.7, 334.37.	Newspaper published in Calcasieu Parish and any other paper, or papers, that may be selected by the board.	15 day period prior to bids received.	Three times.

NOTICES BY OTHER POLITICAL SUBDIVISIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Harbor and Terminal Districts--advertisement for sale of bonds. R.S. 34:1712, 1713, 2505, 2555.	Newspaper of general circulation within district and in a financial journal published in New Orleans, New York or Chicago.	First publication not less than 21 days prior to date fixed for reception of bids.	At least once a week for not less than three consecutive weeks.
Harbor and Terminal Districts--advertisement for sale of bonds. R.S. 34:330, 334.39, 338.3, 472, 1505, 1654, 1955, 2406, 2456, 3229.	Newspaper of general circulation within district.	Prior to meeting.	Four consecutive weekly issues.
Harbor and Terminal Districts--publication of reports of board. R.S. 34:205, 245, 295, 325, 333.5, 334.5, 334.35, 468, 1365, 1707, 2105, 3225.	Newspaper printed in city or parish where port located.	Promptly.	
Harbor and Terminal Districts--Avoyelles Parish Port Commission--advertisement for sale of bonds. R.S. 34:1805.	Newspaper of general circulation published in Simmesport, Louisiana, Chicago, Illinois, New York, New York, and other places as commission shall determine.		Once a week for not less than 30 days.
Harbor and Terminal Districts--Caddo-Bossier Parishes Port Commission--publication for sale or disposition of lands or property of commission. R.S. 34:3160.	Official journal of commission.	As soon as possible.	Once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Harbor and Terminal Districts--Cane River Waterway District--notice of public hearing. R.S. 34:3269.	Official journal.	At least 30 days prior to public hearing.	
Harbor and Terminal Districts--Cane River Waterway District--advertisement for sale of bonds. R.S. 34:3271.	Newspaper of general circulation within district and in financial newspaper or journal published in New Orleans or New York.	First publication at least 21 days preceding date for reception of bids.	Once a week for three weeks.
Harbor and Terminal Districts--Columbia Port Commission--advertisement for sale of bonds. R.S. 34:1905.	Newspaper of general circulation published in Columbia, Louisiana, Chicago, Illinois, New York, New York, and such other places as commission determines.		Once a week for not less than 30 days.
Harbor and Terminal Districts--Concordia Parish Port Commission--advertisement for sale of bonds. R.S. 34:1855.	Newspaper of general circulation published in Vidalia, Louisiana, Chicago, Illinois, New York, New York, and other places as commission determines.		Once a week for not less than 30 days.
Harbor and Terminal Districts--Grant Parish Port Commission--advertisement for sale of bonds. R.S. 34:2355.	Newspaper of general circulation published in Colfax, Louisiana, Chicago, New York and other places the commission determines.		Once a week for not less than 30 days.
Harbor and Terminal Districts--Mermentau River Harbor and Terminal District--work contracts which exceed $2,500 on materials and $5,000 for materials and labor-advertisement for bids. R.S. 34:3227.	Newspaper published in parish of Acadia, and in any other papers selected by board.		Not less than three times during 15 days.

NOTICES BY OTHER POLITICAL SUBDIVISIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Harbor and Terminal Districts--Natchitoches Parish Port Commission--advertisement for sale of bonds. R.S. 34:3155.	Newspaper of general circulation published in Natchitoches, Louisiana, Chicago, New York and other places as commission determines.		Once a week for not less than 30 days.
Harbor and Terminal Districts--Red River Parish Port Commission--advertisement for sale of bonds. R.S. 34:3170.	Newspaper of general circulation published in Coushatta, Louisiana, Chicago, New York, and such other places as commission determines.		Once a week for not less than 30 days.
Harbor and Terminal Districts--Red River Waterway District--publication of minutes and official notices. R.S. 34:2307.	Official journal.	Promptly.	
Harbor and Terminal Districts--Red River Waterway District--advertisement for sale of bonds. R.S. 34:2311.	Newspaper of general circulation within district and in financial newspaper or journal published in New Orleans or New York.	First publication at least 21 days preceding date fixed for reception of bids.	At least once a week for three weeks.
Harbor and Terminal Districts--South Tangipahoa Parish Port Commission--advance notice of meetings. R.S. 34:1952.1.	Official journal of district (newspaper of general circulation within territorial limits of district).	No later than 24 hours before meeting.	
Harbor and Terminal Districts--Tensas Parish Port Commission--advertisement for sale of bonds. R.S. 34:2286.	Newspaper of general circulation within district and in a financial newspaper or journal published in St. Joseph, Louisiana, New York or Chicago.	First publication not less than 21 days prior to date fixed for reception of bids.	At least once a week for not less than three consecutive weeks.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Harbor and Terminal Districts--Terrebonne Port Commission--publication of report of commission. R.S. 34:2202.	Official journal for Parish of Terrebonne.		Annually.
Harbor and Terminal Districts--Terrebonne Port Commission--notice of intention to issue bonds. R.S. 34:2204.	Newspaper of general circulation published in port area.		Four consecutive weekly issues.
Harbor and Terminal Districts--Terrebonne Port Commission--advertisement for sale of bonds. R.S. 34:2204.	Newspaper of general circulation in port area and in financial newspaper or publication carrying municipal bond notices and published in New Orleans, New York or Chicago.	Not less than 10 days prior to date of sale.	At least once.
Harbor and Terminal Districts--West Calcasieu Port, Harbor and Terminal District--advertisement for bids for performance of work exceeding $1,000. R.S. 34:2108.	Newspaper published in district and in any other paper or papers that board selects.		Not less than three times during period of 15 days.
Health Services District--South Louisiana--works contracts--advertisement for bids when work exceeds $2,000. R.S. 28:247.	Newspaper of each parish within district and any other paper in discretion of board.	After adoption of specifications for project.	Once a week for full term of 30 days.
Health Services District--South Louisiana--notice of election to vote on proposed special tax. R.S. 28:247.	Newspaper published in district.	First publication at least 30 days preceding date of election.	Once a week for five weeks.

NOTICES BY OTHER POLITICAL SUBDIVISIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Health Services District--South Louisiana--promulgation of results of election. R.S. 28:247.	Newspaper published in each parish of district.		Once.
Hospital service districts--notice of intent to enter into special services agreement. R.S. 46:1055.	Official journal.	At least 60 days prior to effective date of contract.	
Iatt Lake Water Conservation District--publication of minutes from board meetings. R.S. 38:3085.2.	Official journal of Grant Parish.	Promptly after meeting.	
Iatt Lake Water Conservation District--notice of regular meeting. R.S. 38:3085.2.	Official journal of Grant Parish.	Not more than 30 nor less than 14 days before first day of meeting.	At least once.
Iatt Lake Water Conservation District--notice of special meetings. R.S. 38:3085.2.	Official journal of Grant Parish.	As far in advance of meeting as possible.	
Industrial Development District--publication of adopted resolution or ordinance authorizing sale, lease, or other disposition of district property. R.S. 33:130.275, 130.294, 130.314, 130.364, 130.385, 130.404, 130.105, 130.154, 130.204, 130.256.	Official journal of district.	As soon as possible.	Once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Irrigation district--publication of ordinance creating. R.S. 38:2103.	Official journal of all parishes where district lands located.	After recordation.	Once a week for two successive weeks.
Irrigation district--publication of resolution changing domicile. R.S. 38:2106.	Newspaper published in parish of then-existing domicile; if none, then in newspaper published in adjoining parish.	Before change is made.	Once a week for 30 days.
Irrigation district--notice of sale of bonds. R.S. 38:2122.	Official journal of parish.	First publication at least 15 days prior to date set for sale.	Three weeks.
Lafayette Parish Bayou Vermillion District--notice of public hearing for introduction of ordinances. R.S. 33:9207.	Official journal of Lafayette Parish.	Within five days of introduction.	
Lafayette Economic Development Authority--advertisement for bids--contracts exceeding permitted amounts. R.S. 34:298.	Newspaper published in City of Lafayette and in other papers board selects.		Not less than three times during period of 15 days.
Lafayette Economic Development Authority--notice of sale of bonds. R.S. 34:300.	Newspaper of general circulation in Parish of Lafayette.	At least seven days prior to sale.	
Lafayette Economic Development Authority--resolution giving notice of intent to issue general obligation bonds. R.S. 34:300.	Newspaper of general circulation published in district.	Prior to issuance of bonds.	Four consecutive weekly issues.
Lake Charles Harbor and Terminal District--notice of intent to charge user fees. R.S. 34:203.	Official journals of parishes comprising district.	At least 30 days prior to public hearing.	

NOTICES BY OTHER POLITICAL SUBDIVISIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Lake Charles Harbor and Terminal District--notice of proposed sale of property. R.S. 34:203.1.	Daily newspaper published within limits of District and other papers board selects.	Last publication at least 10 days before bids received.	Three times within 10 days.
Lake Charles Harbor and Terminal District--contracts exceeding $10,000--advertisement for bids. R.S. 34:208.	Daily newspaper published within limits of District and in other papers selected by board.	First publication at least 10 days before opening bids.	Three times within 10 days.
Lake Charles Harbor and Terminal District--notice of public emergency. R.S. 34:208.	Official journal of board.	Within 10 days of emergency.	
Lake Charles Harbor and Terminal District--publication of resolution authorizing bonds. R.S. 34:214.	Newspaper published in district; if none, then in newspaper published and having general circulation in Calcasieu Parish.		
Lake Charles Harbor and Terminal District--contestment of legality of bonds. R.S. 34:217.	Newspaper published in district; if none, then in newspaper having general circulation in Calcasieu Parish.		
Law Enforcement Districts--publication of order authorizing issuance of bonds. R.S. 13:5911.	Official journal of district or parish where district located.		
Levee district--advertisement of works to be let out for bids. R.S. 38:306.	In accordance with provisions of R.S. 38:2211, *et seq.*		

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Levee district--special assessments--publication of payments of produce, special assessments or forced contributions. R.S. 38:418.	Newspaper of parish of sheriff.	Begin first Saturday of July of each year.	During 15 days as required by Levee Board President.
Levee district--refunding bonds--resolution authorizing bonds. R.S. 38:452.	Official journal of district.	Within 30 days after date of adoption of resolution.	Once.
Levee district--publication of resolution authorizing improvement bonds. R.S. 38:472.	Newspaper of general circulation published in district.		Once.
Louisiana Delta Music Museum--notice of abandoned property. R.S. 25:380.55.	Newspaper of general circulation in Concordia Parish.	At least 10 years after property deposited with museum.	Once each week for two consecutive weeks.
Louisiana Transportation Authority--notice of intent to issue bonds. R.S. 48:2082.	Official journal of Authority.	Prior to issuance of bonds.	Once.
Morgan City Harbor and Terminal District--contracts exceeding $5,000--advertisement for bids. R.S. 34:328.	In accordance with R.S. 38:2211, *et seq.*		
Navigation districts--advertisement of works to be let out for bids. R.S. 34:408.	In accordance with provisions of R.S. 38:2211, *et seq.*		
New Community Development Corporations--notice of filing annual report with governing body. R.S. 33:7624.	Newspaper of general circulation in parish or municipality.	At time of filing report.	

NOTICES BY OTHER POLITICAL SUBDIVISIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
New Community Development Corporations--notice of public hearing to consider activating a corporation. R.S. 33:7604.	Newspaper having general circulation in parish or municipality.	At least 21 days preceding day of hearing.	
New Community Development Corporations--notice of public hearing for proposed plan. R.S. 33:7612.	Newspaper having general circulation in parish or municipality.	At least 21 days prior to hearing.	
New Community Development Corporations--publication of resolution authorizing issuance of bonds. R.S. 33:7617.	Official journal of corporation.		Once.
New Orleans Housing Commission--notice of public hearing on the activation of commission. R.S. 33:4755.1.	Official journal of city.	At least 10 days prior to date of hearing.	
Nibletts Bluff Park Commission--Calcasieu Parish--notice of meeting to receive nominations for and vote on successors to fill vacancies. R.S. 33:4568.2.	Official journal of Calcasieu Parish and in *Vinton News*.	Before the meeting.	At least twice.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Nibletts Bluff Park Commission--Calcasieu Parish--advertisement for bids on bonds. R.S. 33:4568.4.	Official journal of district and in newspaper of general circulation or in financial journal published in New Orleans, New York or Chicago.	First publication at least 15 days prior to date fixed for reception of bids.	At least once a week for two consecutive weeks.
Nibletts Bluff Park Commission--Calcasieu Parish--publication of annual report. R.S. 33:4568.5.	Official journal of Calcasieu Parish.		Annually.
Offshore Terminal Authority--public works exceeding $10,000--notice of public emergency declared by authority. R.S. 34:3111.	Official journal of authority.	Within 10 days of emergency.	
Offshore Terminal Authority--advertisement for sale of bonds. R.S. 34:3112.	Newspapers or financial journals published at such places as authority may determine.	At least seven days in advance of date of sale.	
Offshore Terminal Authority--resolution authorizing issuance of revenue bonds. R.S. 34:3112.1.	Official journal of state.		Once.
Offshore Terminal Authority--notice of sale of revenue bonds by sealed bids. R.S. 34:3112.1.	Publication carrying municipal bond notices and devoted primarily to financial news or to state and municipal bonds published in New York; and in newspaper of general circulation published in either New Orleans or Baton Rouge.	Not less than seven days prior to date of sale.	At least once.

NOTICES BY OTHER POLITICAL SUBDIVISIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Parish watershed districts--work exceeding $2,000--advertisement for bids. R.S. 38:2808, 2869, 3007.	Newspaper in parish and in others within discretion of Board of Commissioners.		Once a week for full 30 days.
Parish watershed district--notice of election. R.S. 38:2808, 2869, 3007.	Newspaper published in district.	First publication 30 days prior to election.	30 days or once a week for five weeks.
Performance-Based Energy Efficiency Contracts--notice of request for proposals for contracts. R.S. 33:4547.2.	Official journal.	First publication at least 42 days before last day proposals will be accepted.	At least once a week for Three different weeks.
Plaquemines Port, Harbor and Terminal District--contracts which exceed $2,000--advertisement for bids. R.S. 34:1355.	Newspaper published in parish official journal and any other paper selected.		Not less than three times during 15 days.
Port, Harbor and Terminal Districts--advertisement for sale of bonds. R.S. 34:1357, 1364.	Newspaper of general circulation within district and in financial newspaper or journal published in New Orleans, New York or Chicago.	First publication not less than 15 days prior to date fixed for reception of bids.	At least once a week for not less than three consecutive weeks.
Port of Iberia District--advertisement for sale of bonds. R.S. 34:250.	Newspaper of general circulation within port area and in financial newspaper or publication regularly carrying municipal bond notices and published in New Orleans, New York or Chicago.	Not less than 10 days prior to date of sale.	At least once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Prisons and Correctional Institutions--advertisement by board of governors to sell multiparish prison lands. R.S. 15:805.	Official journal of parish where land located.		30 days.
Prisons and Correctional Institutions--Northeast Louisiana Correctional Center--advertisement by board of governors to sell prison lands. R.S. 15:843.	Official journals of parish.		30 days.
Prisons and Correctional Institutions--notice by Dept. of Corrections of proposed site of new prison facility. R.S. 15:891.	Official parish journal.	Preceding the hearing.	At least once a week for two consecutive weeks.
Prisons and Correctional Institutions--advertisement for bids for any contract greater than $500 for parish industrial school. R.S. 15:1035.	Official journal of parish.	Five days before awarding contract.	Once.
Rapides Parish Stormwater Management and Drainage District--publication of record of board's proceedings. R.S. 38:2044.	Local newspaper selected by board.	After each meeting.	
Rapides Parish Stormwater Management and Drainage District--advertisement for bids on work projects by means of sealed proposals. R.S. 38:2044.	In accordance with public contracts law of Louisiana.		

NOTICES BY OTHER POLITICAL SUBDIVISIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Rapides Parish Stormwater Management and Drainage District--statement of board's finances. R.S. 38:2044.	Local newspaper of board's selection.	Within 10 days from date of semiannual meeting where statement made and approved.	Once.
Recreational Facilities--Alexandria/Pineville Area Convention and Visitors Bureau--ordinance authorizing issuance of bonds and pledging and dedicating tax revenues. R.S. 33:4574.7.	Official journal of city.		Once.
Recreational Facilities District--advertisement for bids on bonds. R.S. 33:4573.	Official journal of district and in newspaper of general circulation or financial journal published in New Orleans, New York City or Chicago.	First publication 15 days prior to date fixed for reception of bids.	At least once a week for two consecutive weeks.
Red River Navigation District--publication of proceedings of the board. R.S. 34:445.	Daily newspaper having general circulation in district.	Within 30 days after board meeting.	At least once.
Reports--publication of proceedings and financial statements required to be furnished to legislative auditor by levee, drainage, subdrainage, road, sub-road, navigation, sewerage and other subdivisions of state and parishes. R.S. 43:171.	Newspaper selected at first meeting in June of each year meeting requirements set forth in R.S. 43:171.		

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Road lighting districts--notice of intention to create--public hearing. R.S. 48:1302.	Official journal of parish.	Not less than 15 days prior to hearing.	At least once.
Road lighting districts--publication of resolution creating and setting forth boundaries of district. R.S. 48:1302.	Official journal of parish.		Once.
Road and subroad district--notice of intention to create. R.S. 48:574.	Newspaper published in parish; if none, then in newspaper published in adjoining parish.	First publication not less than 30 days before date fixed for hearing.	Once a week for four successive weeks.
Road and subroad district--notice of formation. R.S. 48:576.	Newspaper published in parish; if none, then in newspaper published in adjoining parish.		Once.
Road and subroad district--publication of ordinance or resolution of intention to create consolidated road district. R.S. 48:591.	Official journal of parish.	Not less than 10 days before calling election.	Once.
Road and subroad district--notice of election on issuance of consolidated road district bonds. R.S. 48:591.	Official journal of political subdivision; if none, then in newspaper of general circulation in parish; if none, then in newspaper of general circulation of adjoining parish. R.S. 18:1285.	Not less than 45 nor more than 90 days between date of first publication and date of election. R.S. 18:1285.	Once a week for four consecutive weeks. R.S. 18:1285.
Road and subroad district--publication of result of election on issuance of consolidated road district bonds. R.S. 48:591.	Newspaper of general circulation in political subdivision; if none, then in newspaper of general circulation in parish; if none, then in newspaper of general circulation in adjoining parish. R.S. 18:1292.		Once. R.S. 18:1292.

NOTICES BY OTHER POLITICAL SUBDIVISIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Road and subroad district--publication of two ordinances declaring creation of consolidated road district and providing for issuance of bonds. R.S. 48:591.	Official journal.		Once.
Sales tax district--Northeast Louisiana--publication of minutes of proceedings of District Board. R.S. 47:338.92.	Official journal of district.	Promptly after each meeting.	
Sales tax district--Northeast Louisiana--notice of election for imposition of sales and use tax not to exceed 1%. R.S. 47:338.93.	Newspaper published in each parish within district.		
Sewerage and Water Board--New Orleans District--notification of public hearing to discuss new rates. R.S. 33:4096.	Official journal.		No less than three times within week prior to meeting.
Sewerage and Water Board--New Orleans District--notice of election when sums greater than $6,000,000 are needed to service outstanding water revenue bonds. R.S. 33:4096.	As required by R.S. 18:1285.		

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Sewerage Control Commission, EBR Parish--notice of intention to create the commission district. R.S. 33:4063.	Official journal of parish.	First publication not less than 10 days prior to date of public hearing.	Once a week for three consecutive weeks.
Sewerage systems--sale of negotiable interest-bearing coupon certificates. R.S. 33:3990.	Official journal of sewerage district.		Once a week for three consecutive weeks.
Sewerage and Water Board--New Orleans--publication of synopsis of report of acts, doings, receipts and expenditures. R.S. 33:4091.	Official journal of city.	On or prior to the first day of May of each year.	
Sewerage and Water Board--New Orleans--publication of resolution authorizing issuance of bonds. R.S. 33:4100.	Official journal of New Orleans.		Once.
Sewage and Water Board – New Orleans – advertisement for bids for purchase of sales or supplies. R.S. 33:4084.	Official journal of New Orleans.	First publication at least 15 days before opening bids.	At least three times during 10-day period.
Sewerage and Water Board--New Orleans--publication of notice declaring intention of board to drain an area; notice of hearing for objections. R.S. 33:4106.	Two daily newspapers published in New Orleans.	First publication not less than 30 days prior to date fixed for hearing.	Once a week for four successive weeks.

NOTICES BY OTHER POLITICAL SUBDIVISIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Sewerage and Water Board--New Orleans--invitation for sealed bids for construction of proposed drainage works. R.S. 33:4109.	Daily newspaper published in New Orleans and other publications as board deems necessary.	First publication not less than 30 days prior to date fixed for receipt of bids.	Once a week for three successive weeks.
Sewerage and Water Board--New Orleans--advertisement for bids for sale of certificates. R.S. 33:4114.	Two daily newspapers in New Orleans and one in New York.		Once a week for four successive weeks.
Sewerage and Water Board--New Orleans--publication of resolution authorizing issuance of bonds. R.S. 33:4128, 4141.	Official journal of New Orleans.		Once.
Sewerage districts outside municipalities--notice of intention to create. R.S. 33:3882.	Official journal of governing authority.	First publication not less than 15 days before date fixed for hearing.	Once a week for three successive weeks.
Sewerage districts outside municipalities--notice of formation. R.S. 33:3883.	Newspaper published in parish; if none, then in newspaper published in adjoining parish.	"forthwith"	Once unless it is decided at same time to hold election on incurring debt and issuing bonds. (*See* Road and subroad district--notice of election, etc. above, R.S. 18:1285 and R.S. 18:1292.)
Sewerage districts outside municipalities--repeal, abolition or alteration of boundaries--notice of hearing. R.S. 33:3884.	Same manner as notice of intention to create. See R.S. 33:3382.		

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Sewerage districts, consolidated--notice of intention to create. R.S. 33:4052.	Official journal of parish.	Not less than 15 days prior to date of hearing.	At least once.
Sewerage districts, consolidated--notice of boundaries of district. R.S. 33:4052.	Official journal of parish.	Following creation of consolidated sewerage district.	Once.
Sewerage system districts--notice of intention to create, acquire, improve or maintain. R.S. 33:4066.6.	Official journal of governing authority.	First publication at least 15 days prior to date set for hearing.	Once a week for three consecutive weeks.
Sewerage system districts--notice calling for sealed bids for construction of work. R.S. 33:4066.7.	Official journal of parish, sewerage district, or commission; or in any newspaper having general circulation in parish where parish, sewerage district, or commission located.		Once a week for three consecutive weeks.
Soil conservation district--notice of hearing to create. R.S. 3:1205.	Newspaper or other publication of general circulation within area. R.S. 3:1202.	Within 30 days after filing of petition. R.S. 3:1205.	At least twice--at least seven days between each. R.S. 3:1202.
Soil conservation district--notice of referendum on creation of district. R.S. 3:1205.	Newspaper or other publication of general circulation within area. R.S. 3:1202.	Within reasonable time after finding need for district. R.S. 3:1205.	At least twice--at least seven days between each. R.S. 3:1202.
Soil conservation district--promulgation of results of referendum on creation. R.S. 3:1205.	The State Soil Conservation Committee "shall publish the result of such referendum."		

NOTICES BY OTHER POLITICAL SUBDIVISIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Soil conservation district--notice of referendum on proposed land-use regulations. R.S. 3:1209.	Newspaper or other publication of general circulation within area. R.S. 3:1202.	Before regulations go into effect. R.S. 3:1209.	At least twice--at least seven days between each. R.S. 3:1202.
Soil conservation district--results of referendum on proposed land-use regulations. R.S. 3:1209.	"The supervisor (of the district) . . . shall publish the results thereof."		
Soil conservation district--notice of hearing on petition to adjust land-use regulations. R.S. 3:1212.	Newspaper or other publication of general circulation within area. R.S. 3:1202.		At least twice--at least seven days between each. R.S. 3:1202.
Soil conservation district--notice of referendum to discontinue district. R.S. 3:1215.	Newspaper or other publication of general circulation within area. R.S. 3:1202.	Within 60 days after receipt of petition. R.S. 3:1215.	At least twice--at least seven days between each. R.S. 3:1202.
Soil conservation district--results of referendum to discontinue. R.S. 3:1215.	The State Soil Conservation Committee "shall publish the result of such referendum."		
Tacony Restoration District—publication of resolution/ordinance authorizing transfer of property. R.S. 33:4709.11.	Official journal of Vidalia.	As soon as possible after adoption.	Once.
Waterworks district--any order affecting existence of waterworks district--notice of hearing. R.S. 33:3811.	Official journal of police jury.	First publication not less than 30 days before date fixed for hearing.	Once a week for four consecutive weeks.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Waterworks district--advertisement for fiscal agent. R.S. 33:3817.	Newspaper published in district; if none, then in official journal of parish where district located.	15 days prior to election to occur first Monday in June of year term expires.	15 days.
Waterworks district--notice of intention to establish, acquire, construct, improve, extend and maintain water systems. R.S. 33:3823.	Newspaper published within political subdivision; if none, then in some newspaper published in parish where political subdivision located.		Once a week for three consecutive weeks.
Waterworks district--notice calling for sealed bids for construction of improvements. R.S. 33:3824.	Newspaper published in political subdivision; if none, then in some newspaper of general circulation in parish where political subdivision located or in adjoining parish.		Three consecutive weeks.
Waterworks district--publication of resolution in full authorizing execution of contract. R.S. 33:3825.	Official journal.		Once.
Zoning commission--hearing--notice of. R.S. 33:4726.	Official journal of municipality; if none, then in paper of general circulation therein.	At least 10 days between first publication and date of hearing.	At least three times.

NOTICE BY NEWSPAPER PUBLICATION

SECTION 6
NOTICES BY PRIVATE INSTITUTIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Abandoned mobile homes--notice of taking possession of abandoned mobile homes. R.S. 9:5363.1.	Official publication or newspaper in parish where mobile home located at time secured party takes possession.	At time secured party takes possession.	Once.
Agricultural Credit Corporations--publication of charter and certificate of registry. R.S. 3:216.	Newspaper published in parish.	After charter executed.	30 days if daily newspaper; or six consecutive issues if weekly newspaper.
Agriculture--swine--notice of disposition and sale of swine running at large. R.S. 3:2893.	Official journal in parish where swine taken into possession.	At least five days before public auction.	
Alcoholic beverages--retail dealer's permit--notice of application. R.S. 26:77.	A newspaper published in municipality where business located or in newspaper published nearest to business.	Before making application.	Once.
Alcoholic beverages--low alcoholic content--retail dealer's permit--notice of application. R.S. 26:277.	A newspaper published in municipality where business located or in newspaper published nearest to business.	Before making application.	Once.
Auctions--public notice of right and intention of auctioneer to bid--parishes with population of 400,000 or more. R.S. 37:3130.	Auction catalogue, in other printed matter on auction, or in any newspaper advertisements publicizing auction.	Prior to commencement of auction.	
Bank--local depositories--notice of sale of collateral. R.S. 39:1229.	Any newspaper published at domicile of authority.		10 days advertisement.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Banking--mutual associations--notice of meetings. R.S. 6:710.	Newspaper of parish of domicile of association.	Not more than 30 days nor less than 10 days prior to date of meeting.	No less than two notices on separate days.
Banking--Homestead and Savings and Loan--notice of voluntary dissolution. R.S. 6:868.	Newspaper of general circulation in parish in which association domiciled.	After vote for voluntary dissolution.	At least once.
Banking--Homestead and Savings and Loan--notice of involuntary dissolution and inventory. R.S. 6:876.	Any newspaper of parish of association's domicile.	As soon as practicable after the commissioner takes possession.	At least once a week for three months.
Banks--general provisions--holidays--notice of resolution to close. R.S. 6:128.	Newspaper of general circulation published in parish where office located.	At least three business days prior to closing.	Optional – once.
Banks (state)--notice to creditors and depositors by receiver of liquidation. R.S. 6:393.	Newspaper of general circulation in parish of domicile of bank.		Once a week for 12 consecutive weeks.
Banks (state)--notice of meeting of shareholders in liquidation. R.S. 6:400.	Newspaper of general circulation in parish of domicile of bank.		Once a week for four weeks.
Beverages and foods--publication of description of device on container of any beverage or food. R.S. 51:241.	Newspaper published in English in parish where description filed.		Once a week for five weeks successively.
Cemeteries--notice of hearing seeking to remove portion of cemetery property from dedication. R.S. 8:307.	Newspaper of general circulation in parish where cemetery located.		Once a week for at least three consecutive weeks.
Cemeteries--notice of sale of abandoned cemetery spaces. R.S. 8:308.	Official journal of parish or municipality wherein cemetery located.		

NOTICES BY PRIVATE INSTITUTIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Cemeteries--notice of maintenance of cemetery spaces more than 50 years old. R.S. 8:903.	Official journal of parish or municipality.	Within one year prior to renovations.	
Cemeteries--maintenance of vaults and wall vaults more than 50 years old--if no evidence of ownership. R.S. 8:903.1.	Official journal of parish or municipality.	Within 60 days prior to the cemetery authority reclaiming ownership and reselling.	
Cemeteries--maintenance of vaults and wall vaults more than 50 years old--if evidence of record owner. R.S. 8:903.1.	Official journal of parish or municipality.	Within six months prior to cemetery authority reclaiming ownership and reselling.	
Cooperative marketing of seafood products--optional notice of general and special meetings. R.S. 12:451.	A newspaper of general circulation published at location of registered office of association.	At least five days prior to meeting.	Once.
Corporations (Nonprofit)--notice of public sale of shares after default of subscriber. R.S. 12:211.	Newspaper published in parish where registered office located.	10 days prior to date of sale.	At least three times during 10 days.
Corporations (Nonprofit)--notice of stockholders' meeting to amend articles. R.S. 12:237.	Daily newspaper published in the domicile of corporation.	Within 30 days before meeting.	Once.
Corporations (Nonprofit)--notice of dissolution and notice to creditors to present claims. R.S. 12:255.	Newspaper of general circulation in parish where registered office located.	After proceeding for dissolution has taken place.	Once a week for two successive weeks.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Corporations (Nonprofit)--notice of termination of proceedings for dissolution. R.S. 12:257.	Newspaper of general circulation in parish where principal office located.		At least once.
Corporations (Nonprofit)--notice of authorization of voluntary dissolution. R.S. 12:250.	Newspaper of general circulation in parish where corporation's registered office located.	Before appointment of liquidator effective.	At least once.
Corporations (Electrical cooperative)--notice of meeting of nominating committee for board of directors. R.S. 12:409.	Official journal of each parish in which cooperative domiciled or provides service.	Not less than 10 days prior to meeting.	In at least two issues.
Corporations (Electrical cooperative)--notice of liquidation proceedings. R.S. 12:418.	Newspaper of general circulation in parish where principal office located.	After filing of certificate by Secretary of State.	Once a week for two successive weeks.
Corporations (Limited Liability Company)--notice of authorization of dissolution. R.S. 12:1336.	Newspaper of general circulation in parish in which registered office located.	Prior to appointment of liquidator taking effect.	At least once.
Corporations (Limited Liability Company)--notice of dissolution and notice to creditors to present claims. R.S. 12:1338.	Newspaper of general circulation in parish in which registered office located.	After proceeding for dissolution has taken place.	Once a week for two successive weeks.
Corporations (Limited Liability Company)--notice of authorization of dissolution. R.S. 12:1339.	Newspaper of general circulation in parish in which registered office located.	Upon dissolution.	At least once.

NOTICES BY PRIVATE INSTITUTIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Corporations (Unauthorized)--notice of special meeting to transfer immovable property. R.S. 9:1051.	Official journal of parish in which majority of members reside; if none, then in newspaper of general circulation in parish.	At least 15 days prior to date of meeting.	On two separate days.
Criminal probation--convicted criminal's notice of crime, including recent photograph, to people in designated residential areas. C.Cr.P. Art. 895; R.S. 15:542.1; R.S. 15:574.	Official journal of governing authority of parish where defendant plans to reside.	Within 21 days of the sentencing or release from confinement or of establishing residency in locale.	Two separate days.
Insurance--notice of meeting by domestic stock insurer called for purpose of increasing capital stock. R.S. 22:85.	Official journal of parish of domicile of insurer.		Once a week for four consecutive weeks.
Insurance--notice of foreign or alien insurer's intent to withdraw any deposit made in Louisiana. R.S. 22:341.	Newspaper of general circulation in state.	Prior to withdrawal of deposit.	Once a week for four consecutive weeks.
Louisiana Environmental Regulatory Innovations Program--notice by program participant of final project agreement. R.S. 30:2564.	Official journal of parish governing authority for parish where project will occur.	Prior to project.	
Lost instrument--advertisement of loss of instrument. R.S. 13:3741.	Public newspaper.	Within reasonable time.	

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Minerals--coal mining--applicant's advertisement for surface coal mining and reclamation permit. R.S. 30:907.	Newspaper of general circulation in locality of proposed site.	Prior to issuance of permit.	At least once a week for Four successive weeks.
Minerals--coal mining--advertisement of ownership, location, and boundaries of land affected by surface coal mining. R.S. 30:913.	Local newspaper of general circulation in locality of proposed surface mine.	At time of submission of application.	At least once a week for four consecutive weeks.
Minerals--oil and gas--notice by operator or owner of hearing to consider permit to operate a commercial operations' waste disposal well. R.S. 30:4.	Official state journal and official journal of parish where well to be located.	At least 30 days prior to hearing.	Three separate days within 30 days with at least five days between each publication.
Minerals--oil and gas--notice by applicant of intent to file application to open and operate an offsite commercial facility for disposal of nonhazardous wastes and notice of hearing. R.S. 30:4.	Official journal of parish of proposed facility and in official journal of state.		
Minerals--oil and gas--notice by Office of Conservation of filing and acceptance of application for owning and operating offsite commercial facility for disposal of nonhazardous wastes. R.S. 30:4.	Next available issue of *Louisiana Register*.	At least 30 days prior to hearing.	Once.

NOTICES BY PRIVATE INSTITUTIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Minerals--oil and gas--advertisement by applicant for permit to operate a commercial operations waste disposal well. R.S. 30:4.	Official state journal and official journal of parish where well is to be located.		
Minerals--oil and gas--notice by applicant of filing and acceptance of application for owning and operating offsite commercial facility for disposal of nonhazardous wastes. R.S. 30:4.	Official journal of parish affected.	At least 15 days prior to date set for hearing.	Three separate days.
Minerals--oil and gas--advertisement of applicant for permit to operate a new commercial operations' hazardous waste disposal well. R.S. 30:4.1.	Official state journal and official journal of parish where well to be located.		
Minerals--oil and gas--notice of public hearing on application to operate a new commercial operations' hazardous waste disposal well. R.S. 30:4.1.	Official state journal and official journal of parish where well to be located.	At least 30 days prior to public hearing.	Three separate days with at least five days between each publication within period of 30 days.
Minerals--oil and gas--notice to residents and local governments of planned blasting schedule. R.S. 30:915.	Newspaper of general circulation in locality.		
Minerals--oil and gas--advertisement of request for release of performance bonds. R.S. 30:919.	Newspaper of general circulation in locality of surface mining operation.	Within 30 days after bond release application filed.	At least once a week for four successive weeks.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Minerals--oil and gas--notice of hearing to address written objections to request for release of performance bonds. R.S. 30:919.	Newspaper of general circulation in locality.		Two consecutive weeks.
Motor Vehicle Dealership--notice of sale by transferee. R.S. 9:2961.	Official journal of parish where motor vehicle dealership located.	At least seven days before completion of transfer.	
Motor Vehicles--disposal of stored motor vehicle--advertisement for sale of vehicle to highest bidder. R.S. 32:1728.4.	Official journal of the locality where the stored vehicle is located.	Not less than 10 days nor more than 15 days prior to sale.	Two separate occasions
Pawnshop--notice of location change. R.S. 37:1788.	Newspaper of general circulation in locality of pawnshop.	All four publications prior to change of location.	Each week for four weeks.
Private school--notice of nondiscriminatory admissions policy. ***Brumfield v. Dodd***, 405 F.Supp. 338 (E.D. La. 1975)	In manner reasonably effective in publicizing nondiscriminatory admissions policy to attention of persons of student age (and their families) who are of minority groups.	Typically, prior to beginning of new school year.	At least once annually.
Railroads--sale of property and franchises--notice of meeting of stockholders. R.S. 45:616.	A newspaper published at the domiciles of each company.	At least 60 days before sale.	60 days.
Sale--unclaimed or unredeemed property which comes into possession of innkeepers from travelers. C.C. Art. 3236.	Daily or weekly newspaper of general circulation published in or nearest city, town, village or place which hotel, motel, inn, boarding or lodging house situated.	At least four weeks prior to sale.	Once.

NOTICES BY PRIVATE INSTITUTIONS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Self-service storage facilities--notice of disposition of movable property. R.S. 9:4759.	Newspaper of general circulation where self-service storage facility located.	Within 10 days after receipt of notice or within 10 days of its mailing, whichever is earlier.	Once.
Solid Waste Disposal Facility--notice of pending disposal of nonhazardous waste from federal and state designated sites. R.S. 30:2154.	Official journal of parish where facility located.	Not less than 30 days prior to commencement of disposal.	
Successions--appointment of administrators of intestate successions. R.S. 9:1583.	Daily newspaper of general circulation in parish.		Three times within 10 days.
Successions--notice of filing petition regarding impossibility of terms. R.S. 9:2332.	Newspaper of general circulation in parish.		Once a week for 30 days in manner provided for judicial advertisements.
Trademarks--linen services--registration of name or mark. R.S. 51:288.	Newspaper published in parish where description filed.		Once a week for three successive weeks.
Transportation for hire--advertisement of sale of undelivered property. R.S. 45:1101.	In manner provided by law for judicial sale of movables.		10 days.
Warehouse--enforcement of warehouseman's lien--notice of sale of goods. R.S. 10:7-210.	Newspaper of general circulation where sale to be held.	First publication at least 15 days before sale.	Once a week for two consecutive weeks.

NOTICE BY NEWSPAPER PUBLICATION

SECTION 7
NOTICES IN JUDICIAL PROCEEDINGS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Alcoholic beverages--advertisement for sale of confiscated alcoholic beverages. R.S. 26:712.	Official journal of parish.	Prior to sale.	10 days.
Bond validity--suits to determine validity of government issued bonds--service on parties--notice of public hearing. R.S. 13:5124, 5125.	Newspaper published in or having general circulation in governmental unit.	First publication not later than eight days from issuance of order; second publication at least 10 but not more than 13 days prior to hearing.	Two times within 15 consecutive calendar days from date of issuance.
District courts--in districts composed of more than one parish--fixing date of holding sessions. R.S. 13:502.	Official journal of each parish.		At least three times.
District courts (except Orleans and Jefferson)--juries--publication of petit and grand jury venire lists. C.Cr.P. Art. 417, 409.2.	Official journal of parish; if none, then in some other newspaper published in parish.		Once.
Judicial interest rates--publication of rate for calendar year following calculation date. La. R.S. 13:4202.	December issue of *Louisiana Bar Journal*, in *Louisiana Register* and in one daily newspaper of general circulation in each of these cities: Alexandria, Baton Rouge, Lake Charles, Lafayette, Monroe, New Orleans, and Shreveport.	Daily newspapers--at least one week between publications during month of December.	Daily newspapers--two separate occasions.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Judicial sales--notice of sale of property under writ of fieri facias. C.C.P. Art. 2331.	In manner provided by law.[1]	In manner provided by law.[2]	At least once for movables; at least twice for immovables; Court may order additional publications.

[1] See R.S. 43:201, 201.1 202, 209 set forth in Chapter V.

[2] R.S. 43:203 provides:

§203. Judicial advertisements, publication, exceptions

When publication is required by law of any notice of a judicial sale, or of the filing of a tableau of distribution, account, application for appointment or for authority, or of any other notice in a judicial proceeding:

(1) When only one publication is required by the applicable code or statutory provision, the newspaper advertisement of such notice shall be published at least ten days before the date of the judicial sale, or the expiration of the delay allowed in the notice for the filing of an opposition or answer, or for any other appearance or act;

(2) When two publications are required of notice of a judicial sale by public auction, the first newspaper advertisement of such notice shall be published at least thirty days before the date of the judicial sale, and the second advertisement shall be published not earlier than seven days before, and not later than the day before, the judicial sale;

(3) The first newspaper advertisement of the notice required by Article 3282 of the Louisiana Code of Civil Procedure, to authorize the private sale of immovable property of a succession, shall be published at least twenty days before, and the second newspaper advertisement shall be published the day before, the commencement of the delay allowed for the filing of an opposition to the proposed sale.

(4) When the court orders additional advertisements of notice of a judicial sale, Paragraphs (1), (2), or (3) of this Section, whichever is applicable, must be complied with. The additional advertisements shall be published prior to the judicial sale, or prior to the commencement of the delay allowed for the filing of an opposition or answer, as the case may be, on the dates designated in the court order; or, if not so designated, on the dates designated by the party requesting the publication.

In computing the required interval of time after the advertisement provided in Paragraph (1) of this Section, or after the first advertisement provided in Paragraph (2) of this Section, neither the date of such advertisement nor the date of the expiration of the delay, or the date of the judicial sale, as the case may be, is included. In computing the required interval of time after the first advertisement provided in Paragraph (3) of this Section, neither the date of such advertisement nor the date of the commencement of the delay for the filing of an opposition thereto is included.

When Paragraphs (1), (2), or (3) of this Section, whichever is applicable, is complied with, the publication of a larger number of newspaper advertisements than required by law or by court order does not affect the validity of the publication, but the expense of the unnecessary advertisements may not be taxed as costs.

The provisions of this Section do not apply to, or otherwise affect, the judicial advertisements required by Articles 803, 4432, and 4624 of the Louisiana Code of Civil Procedure, or by R.S. 9:1583.

NOTICES IN JUDICIAL PROCEEDINGS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Judicial sales--advertisement for second sale if purchase price not paid. R.S. 13:4360.	In same manner required by law for advertisement of original sale.		
Judicial sales--publication of advertisements for sales by public auction or otherwise. R.S. 43:208.	Either morning or afternoon newspaper.		
Legal successor--summons to substitute for deceased party. C.C.P. Art. 803.	Newspaper published in parish where action pending and in parish of domicile of deceased party.	Not less than 15 days apart.	Two publications.
Minors--sale of minor's property. C.C.P. Art. 4322.	Same manner provided by law for judicial advertisements in parish where tutorship proceeding is pending and where property situated.		At least twice for immovable property and at least once for movable property; Court may order additional publications.
Monition--publication of notice to show cause. R.S. 13:4942.		Second publication for immovable property shall be published not earlier than seven days before and not later than the day before the 30th day following first publication.	Once for movable property; twice for immovable property.
Public records--renewal and re-establishment of destroyed records. R.S. 44:321.	Any newspaper published in parish; if none, then in any newspaper in any adjoining parish.	Last publication at least six weeks before case heard.	Once a week for two consecutive weeks.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Public records--renewal and re-establishment of destroyed records--purchase or expropriation of abstractor's records--publication of order and petition. R.S. 44:363.	Official journal and one or more newspapers printed and published in parish.		Once in each calendar week for four weeks.
Respite--notice to creditors of meeting in a forced respite action. C.C. Art. 3087.	Newspaper printed within extent of judge's jurisdiction who grants order.		Three publications.
Sale of forfeited property--advertisement of intent to sell forfeitures. R.S. 14:54.4.	Official journal of parish where seizure made.	10 days before disposal of property.	
Sale of property pending forfeiture--advertisement of forfeited property. R.S. 40:2608.1.	Official journal of the governing authority of the parish where property.	Prior to sale.	
Street railroads--acquisition of railroad property--stockholder's approval--advertisement of notice of stockholder's meeting. R.S. 45:673.	Newspaper published at domiciles of respective companies.	Manner provided by law for judicial sales.	30 clear days.
Street railroads--authorization of purchase of judicial sale--notice of meeting. R.S. 45:673.	Newspaper published at domicile of purchasing company.	Manner provided by law for judicial sales.	30 days.
Successions--publication of filing of petition to pay debts by succession representative. C.C.P. Art. 3304.	In parish where succession proceeding is pending; in manner provided by law.	At least seven days prior to date petition is homologated.	Once.

NOTICES IN JUDICIAL PROCEEDINGS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Successions--sale of property at private sale--notice of application for authority to sell by succession representative. C.C.P. Art. 3282.	In manner provided in R.S. 43:203, in parish where succession proceeding pending and where property situated.		At least once for movable property; at least twice for immovable property.
Successions--sale of property at public sale--notice of sale by succession representative. C.C.P. Art. 3272.	In manner provided in R.S. 43:203, in parish where succession proceeding pending and where property situated.		At least once for movable property; at least twice for immovable property. The court may order additional publications.
Successions--transfer of property--*dation en paiement*--notice of application to surrender property to creditor. C.C.P. Art. 3297.	In manner prescribed for judicial advertisements.		
Successions--lease of property--notice of application to lease. C.C.P. 3226, 3229.	In manner provided in R.S. 43:203, in parish where succession proceeding pending and in all parishes where affected property located (for mineral lease). C.C.P. 3229.		Once.
Successions--advertisement by administrator of small succession with no immovable property for transmittal to state. C.C.P. Art. 3431.	Official journal of parish.		Once.
Successions--small--notice that public administrator intends to administer intestate succession. C.C.P. Art. 3431.	Official journal of parish.		Once.

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Successions--small--notice of sale (public or private) of property by succession representative. C.C.P. Art. 3443.	In parish where succession proceeding pending.	Not less than 10 days nor more than 15 days before sale.	Once.
Suits against the state--notice of proposed compromise for claims in excess of $10,000. R.S. 13:5109.	Official journal of appropriate political subdivision.	At least 10 days before compromise or settlement.	
Tax sales--municipal tax sale. R.S. 33:461.	Same manner as provided by law for sale of like property for unpaid state and parish taxes.		
Tax sales--advertisement of sale of vehicles used for transportation of motor fuel, lubricating oils and kerosene on which taxes have not been paid. R.S. 47:782.	Official parish paper where seizure made.	At least 10 days before sale.	10 days notice.
Tax sales--tobacco tax--sale of vehicles used in illegal transportation of taxable articles. R.S. 47:863.	Official parish paper where seizure made.	At least 10 days before sale.	10 days notice.
Tax sales--tobacco tax--sale of unstamped taxable articles. R.S. 47:865.	Official parish paper where seizure made.	At least 10 days before sale.	At least twice.
Tax sales--sale of property distrained or seized by collector for taxes. R.S. 47:1571.	Official journal of parish where distraint made.	At least 15 calendar days before sale.	Once.

NOTICES IN JUDICIAL PROCEEDINGS

KIND OF PUBLICATION	IN WHAT NEWSPAPER	DATE OF PUBLICATION	NUMBER OF INSERTIONS
Tax sales--movable property--notice of delinquency to owners whose address is unknown. R.S. 47:2141.	Official journal published in tax collector's district or parish; or in manner provided by law for judicial sales.		Once.
Tax sales--notice of sale of movables. R.S. 47:2144.	In manner provided by law for judicial sales.		
Tax sales--notice of sale of any other movables for payment of taxes. R.S. 47:2145.	In manner provided by law for judicial sales.		
Tax sales--sale of immovable property--notice of sale of immovable property for payment of taxes. La. Const. Art. 7, §25.	Official journal of parish or municipality; if none, then in manner provided by law for sheriffs' sales, in manner provided by law for judicial sales.		
Tax sales--sale of movable property--notice of sale of movable property for payment of taxes. La. Const. Art. 7, §25.	Official journal of parish or municipality; if none, then in manner provided by law for sheriffs' sales, in manner provided by law for judicial sales.	Within 10 days after date of seizure.	10 days.
Tax sales--notice of sale of adjudicated immovable property. R.S. 47:2203.	Official journal for the political subdivision.	Once at least 30 days before date of sale, and once no more than seven days prior to date of sale.	

APPENDIX "A"

LOUISIANA'S OPEN MEETINGS LAW

LOUISIANA'S OPEN MEETINGS LAW
(R.S. 42:11, *et seq.*)

§11. Short title

This Chapter shall be known and may be cited as the "Open Meetings Law".

§12. Public policy for open meetings; liberal construction

A. It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. Toward this end, the provisions of this Chapter shall be construed liberally.

B. Further, to advance this policy, all public bodies shall post a copy of this Chapter.

§13. Definitions

A. For the purposes of this Chapter:

(1) "Consent agenda" means a grouping of procedural or routine agenda items that can be approved with general discussion.

(2) "Meeting" means the convening of a quorum of a public body to deliberate or act on a matter over which the public body has supervision, control, jurisdiction, or advisory power. It shall also mean the convening of a quorum of a public body by the public body or by another public official to receive information regarding a matter over which the public body has supervision, control, jurisdiction, or advisory power.

(3) "Public body" means village, town, and city governing authorities; parish governing authorities; school boards and boards of levee and port commissioners; boards of publicly operated utilities; planning, zoning, and airport commissions; and any other state, parish, municipal, or special district boards, commissions, or authorities, and those of any political subdivision thereof, where such body possesses policy making, advisory, or administrative functions, including any committee or subcommittee of any of these bodies enumerated in this paragraph.

(4) "Quorum" means a simple majority of the total membership of a public body.

B. The provisions of this Chapter shall not apply to chance meetings or social gatherings of members of a public body at which there is no vote or other action taken, including formal or informal polling of the members.

§14. Meetings of public bodies to be open to the public

A. Every meeting of any public body shall be open to the public unless closed pursuant to R.S. 42:16, R.S. 42:17, or R.S. 42:18.

B. Each public body shall be prohibited from utilizing any manner of proxy voting procedure, secret balloting, or any other means to circumvent the intent of this Chapter.

C. All votes made by members of a public body shall be viva voce and shall be recorded in the minutes, journal, or other official, written proceedings of the body, which shall be a public document.

D. Except school boards, which shall be subject to R.S. 42:15, each public body conducting a meeting which is subject to the notice requirements of R.S. 42:19(A) shall allow a public comment period at any point in the meeting prior to action on an agenda item upon which a vote is to be taken. The governing body may adopt reasonable rules and restrictions regarding such comment period.

§15. School board meetings; public comment

A. Notwithstanding any other law to the contrary, each school board subject to the provisions of this Chapter, except as provided in Subsection B of this Section, shall allow public comment at any meeting of the school board prior to taking any vote. The comment period shall be for each agenda item and shall precede each agenda item.

B. The Orleans Parish School Board, at any meeting of the school board, shall provide an opportunity for public comment subject to reasonable rules, regulations, and restrictions as adopted by the school board.

C. For purposes of this Section, a comment period for all comments at the beginning of a meeting shall not suffice to meet the requirements of Subsection A or Subsection B of this Section.

§16. Executive Sessions

A public body may hold executive sessions upon an affirmative vote, taken at an open meeting for which notice has been given pursuant to R.S. 42:19, of two-thirds of its constituent members present. An executive session shall be limited to matters allowed to be exempted from discussion at open meetings by R.S. 42:17; however, no final or binding action shall be taken during an executive session. The vote of each member on the question of holding such an executive session and the reason for holding such an executive session shall be recorded and entered into the minutes of the meeting. Nothing in this Section or R.S. 42:17 shall be construed to require that any meeting be closed to the public, nor shall any executive session be used as a subterfuge to defeat the purposes of this Chapter.

§17. Exceptions to open meetings

A. A public body may hold an executive session pursuant to R.S. 42:16 for one or more of the following reasons:

(1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, before the scheduled time contained in the notice of the meeting at which such executive session is to take place and that such person may require that such discussion be held at an open meeting. However, nothing in this Paragraph shall permit an executive session for discussion of the appointment of a person to a public body or, except as provided in R.S. 39:1593(C)(2)(c), for discussing the award of a public contract. In cases of extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstances permit.

(2) Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the public body.

(3) Discussion regarding the report, development, or course of action regarding security personnel, plans, or devices.

(4) Investigative proceedings regarding allegations of misconduct.

(5) Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.

(6) Any meeting of the State Mineral and Energy Board at which records or matters entitled to confidential status by existing law are required to be considered or discussed by the board with its staff or with any employee or other individual, firm, or corporation to whom such records or matters are confidential in their nature, and are disclosed to and accepted by the board subject to such privilege, for the exclusive use in evaluating lease bids or development covering state-owned lands and water bottoms, which exception is proved pursuant to and consistently with the Public Records Act, being Chapter 1 of Title 44 of the

Louisiana Revised Statutes of 1950, as amended, and other statutes to which the board is subject.

(7) Discussions between a city or parish school board and individual students or the parents or tutors of such students, or both, who are within the jurisdiction of the respective school system, regarding problems of such students or their parents or tutors; provided however that any such parent, tutor, or student may require that such discussions be held in an open meeting.

(8) Presentations and discussions at meetings of civil service boards of test questions, answers, and papers produced and exhibited by the office of the state examiner, municipal fire and police civil service, pursuant to R.S. 33:2492 or 2552.

(9) The portion of any meeting of the Second Injury Board during which records or matters regarding the settlement of a workers' compensation claim are required to be considered or discussed by the board with its staff in order to grant prior written approval as required by R.S. 23:1378(A)(6).

(10) Or any other matters now provided for or as may be provided for by the legislature.

B. The provisions of this Chapter shall not apply to judicial proceedings.

C. The provisions of this Chapter shall not prohibit the removal of any person or persons who willfully disrupt a meeting to the extent that orderly conduct of the meeting is seriously compromised.

D. The provisions of R.S. 42:19 and R.S. 42:20 shall not apply to any meeting of a private citizens' advisory group or a private citizens' advisory committee established by a public body, when the members of such group or committee do not receive any compensation and serve only in an advisory capacity, except textbook advisory committees of the State Department of Education or the Board of Elementary and Secondary Education. However, all other provisions contained in this Chapter shall be applicable to such group or committee and the public body which established such group or committee shall comply with the provisions of R.S. 42:19 in providing the required notice of meetings of such group or committee.

§18. Executive or closed meetings of legislative houses and committees

A. Notwithstanding any contrary provision of R.S. 42:16 and R.S. 42:17, executive or closed meetings may be held by the legislature, either house thereof, or any committee or subcommittee of either house, upon the affirmative vote of at least a majority of the members of the house or the committee or subcommittee thereof making the determination to hold such meeting, for one or more of the following purposes:

(1) Discussion of confidential communications.

(2) Discussion of the character, professional competence, or physical or mental health of any person subject to contract with or to employment, election, or appointment or confirmation of appointment by either house of the legislature or any committee or subcommittee of either or by any other public body.

(3) Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the legislature, either house thereof, or any committee or subcommittee of either house.

(4) Discussion regarding a report, development, or course of action regarding security personnel, plans, or devices.

(5) Investigations by the legislature, either house thereof, or by any committee or subcommittee thereof, including the Legislative Audit Advisory Council or any other joint or statutory committee, whenever reasonable grounds exist to believe that the

testimony to be elicited will reflect a failure of compliance with law.

(6) Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.

(7) Discussion by either house of the legislature, or any committee or subcommittee thereof, of any matter affecting the internal operations or management of the body.

B. All procedural matters pertaining to the necessity, purposes, or reasons for the holding of executive or closed meetings under the provisions of this Section shall be in accordance with such rules as are adopted by each of the houses of the legislature for the purpose.

C. The provisions of this Chapter shall not apply to chance meetings, social gatherings, or other gatherings at which only presentations are made to members of the legislature or members of either house thereof or of any committee or subcommittee if no vote or other action, including formal or informal polling of members, is taken.

§19. Notice of meetings

A. (1)(a) All public bodies, except the legislature and its committees and subcommittees, shall give written public notice of their regular meetings, if established by law, resolution, or ordinance, at the beginning of each calendar year. Such notice shall include the dates, times, and places of such meetings.

(b)(i) All public bodies, except the legislature and its committees and subcommittees, shall give written public notice of any regular, special, or rescheduled meeting no later than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, before the meeting.

(ii)(aa) Such notice shall include the agenda, date, time, and place of the meeting. The agenda shall not be changed less than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, prior to the scheduled time of the meeting.

(bb) Each item on the agenda shall be listed separately and described with reasonable specificity. Before the public body may take any action on an item, the presiding officer or his designee shall read aloud the description of the item except as otherwise provided in Subitem (dd) of this Item.

(cc) Upon unanimous approval of the members present at a meeting of a public body, the public body may take up a matter not on the agenda. Any such matter shall be identified in the motion to take up the matter not on the agenda with reasonable specificity, including the purpose for the addition to the agenda, and entered into the minutes of the meeting. Prior to any vote on the motion to take up a matter not on the agenda by the public body, there shall be an opportunity for public comment on any such motion in accordance with R.S. 42:14 or 15. The public body shall not use its authority to take up a matter not on the agenda as a subterfuge to defeat the purposes of this Chapter.

(dd) If an agenda of a meeting of a governing authority of a parish with a population of two hundred thousand or more according to the latest federal decennial census or municipality with a population of one hundred thousand or more according to the latest federal decennial census contains more than fifty items, the governing authority may take action on items listed on a consent agenda without reading the description of each item aloud. However, before any action is taken on items listed on a consent agenda, the governing authority shall allow a public comment period. Any item listed on a consent agenda may be removed from the consent agenda by an individual member of the governing authority if a person objects to the presence of the item on the consent agenda and provides reasons for individual discussion at the meeting. The name of the person who objects to a consent agenda

item and the reasons for the objection shall be included in the minutes of the meeting.

(iii) Following the above information there shall also be attached to the written public notice of the meeting, whether or not such matters will be discussed in an executive session held pursuant to R.S. 42:17(A)(2):

(aa) A statement identifying the court, case number, and the parties relative to any pending litigation to be considered at the meeting.

(bb) A statement identifying the parties involved and reasonably identifying the subject matter of any prospective litigation for which formal written demand has been made that is to be considered at the meeting.

(iv) In cases of extraordinary emergency, such notice shall not be required; however, the public body shall give such notice of the meeting as it deems appropriate and circumstances permit.

(2) Written public notice given by all public bodies, except the legislature and its committees and subcommittees, shall include, but need not be limited to:

(a) Posting a copy of the notice at the principal office of the public body holding the meeting, or if no such office exists, at the building in which the meeting is to be held; or by publication of the notice in an official journal of the public body no less than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, before the scheduled time of the meeting. If the public body has a website, additionally by providing notice via the Internet on the website of the public body for no less than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, immediately preceding the meeting. The failure to timely post notice via the Internet pursuant to this Subparagraph or the inability of the public to access the public body's website due to any type of technological failure shall not be a violation of the provisions of this Chapter.

(b) Mailing a copy of the notice to any member of the news media who requests notice of such meetings; any such member of the news media shall be given notice of all meetings in the same manner as is given to members of the public body.

B. Reasonable public notice of day to day sessions of either house of the legislature, and of all matters pertaining to such meetings, including but not necessarily restricted to the content of notices, quorums for the transaction of business, proxy voting, viva-voce votes, and recordation of votes, shall be governed by the provisions of the Louisiana Constitution, the rules of procedure of the Senate and the House of Representatives, and the Joint Rules applicable to both houses. Reasonable public notice of meetings of legislative committees and subcommittees shall be given in accordance with such rules as are adopted by the respective houses for the purpose.

§19.1. Procedure for the levy, increase, renewal, or continuation of a tax or for calling an election for such purposes by political subdivisions

A. (1)(a) All public bodies, except the legislature and its committees and subcommittees, shall give written public notice of their regular meetings, if established by law, resolution, or ordinance, at the beginning of each calendar year. Such notice shall include the dates, times, and places of such meetings.

(b)(i) All public bodies, except the legislature and its committees and subcommittees, shall give written public notice of any regular, special, or rescheduled meeting no later than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, before the meeting.

(ii)(aa) Such notice shall include the agenda, date, time, and place of the meeting. The agenda shall not be changed less than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, prior to the scheduled time of the meeting.

(bb) Each item on the agenda shall be listed separately and described with reasonable specificity. Before the public body may take any action on an item, the presiding officer or his designee shall read aloud the description of the item except as otherwise provided in Subitem (dd) of this Item.

(cc) Upon unanimous approval of the members present at a meeting of a public body, the public body may take up a matter not on the agenda. Any such matter shall be identified in the motion to take up the matter not on the agenda with reasonable specificity, including the purpose for the addition to the agenda, and entered into the minutes of the meeting. Prior to any vote on the motion to take up a matter not on the agenda by the public body, there shall be an opportunity for public comment on any such motion in accordance with R.S. 42:14 or 15. The public body shall not use its authority to take up a matter not on the agenda as a subterfuge to defeat the purposes of this Chapter.

(dd) If an agenda of a meeting of a governing authority of a parish with a population of two hundred thousand or more according to the latest federal decennial census or municipality with a population of one hundred thousand or more according to the latest federal decennial census contains more than fifty items, the governing authority may take action on items listed on a consent agenda without reading the description of each item aloud. However, before any action is taken on items listed on a consent agenda, the governing authority shall allow a public comment period. Any item listed on a consent agenda may be removed from the consent agenda by an individual member of the governing authority if a person objects to the presence of the item on the consent agenda and provides reasons for individual discussion at the meeting. The name of the person who objects to a consent agenda item and the reasons for the objection shall be included in the minutes of the meeting.

(iii) Following the above information there shall also be attached to the written public notice of the meeting, whether or not such matters will be discussed in an executive session held pursuant to R.S. 42:17(A)(2):

(aa) A statement identifying the court, case number, and the parties relative to any pending litigation to be considered at the meeting.

(bb) A statement identifying the parties involved and reasonably identifying the subject matter of any prospective litigation for which formal written demand has been made that is to be considered at the meeting.

(iv) In cases of extraordinary emergency, such notice shall not be required; however, the public body shall give such notice of the meeting as it deems appropriate and circumstances permit.

(2) Written public notice given by all public bodies, except the legislature and its committees and subcommittees, shall include, but need not be limited to:

(a) Posting a copy of the notice at the principal office of the public body holding the meeting, or if no such office exists, at the building in which the meeting is to be held; or by publication of the notice in an official journal of the public body no less than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, before the scheduled time of the meeting. If the public body has a website, additionally by providing notice via the Internet on the website of the public body for no less than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, immediately preceding the meeting. The failure to timely post notice via the Internet pursuant to this Subparagraph or the inability of the public to access the public body's website due to any type of technological failure shall not be a violation of the provisions of this Chapter.

(b) Mailing a copy of the notice to any member of the news media who requests

notice of such meetings; any such member of the news media shall be given notice of all meetings in the same manner as is given to members of the public body.

B. Reasonable public notice of day to day sessions of either house of the legislature, and of all matters pertaining to such meetings, including but not necessarily restricted to the content of notices, quorums for the transaction of business, proxy voting, viva-voce votes, and recordation of votes, shall be governed by the provisions of the Louisiana Constitution, the rules of procedure of the Senate and the House of Representatives, and the Joint Rules applicable to both houses. Reasonable public notice of meetings of legislative committees and subcommittees shall be given in accordance with such rules as are adopted by the respective houses for the purpose.

§20. Written minutes

A. All public bodies shall keep written minutes of all of their open meetings. The minutes to be kept by the legislature and legislative committees and subcommittees shall be governed by the provisions of R.S. 42:21. The minutes of all other public bodies shall include but need not be limited to:

(1) The date, time, and place of the meeting.

(2) The members of the public body recorded as either present or absent.

(3) The substance of all matters decided, and, at the request of any member, a record, by individual member, of any votes taken.

(4) Any other information that the public body requests be included or reflected in the minutes.

B. (1) The minutes shall be public records and shall be available within a reasonable time after the meeting, except where such disclosures would be inconsistent with R.S. 42:16, 17, and 18, or rules adopted under the provisions of R.S. 42:21.

(2) If the public body has a website, the public body shall post on its website a copy of the minutes made available pursuant to Paragraph (1) of this Subsection and shall maintain the copy of those minutes on the website for at least three months after the posting. If the public body is required to publish its minutes in an official journal, the public body shall post its minutes on its website as required by this Paragraph within ten days after publication in the official journal. If the public body is not required to publish its minutes in an official journal, the public body shall post its minutes on its website as required by this Paragraph within a reasonable time after the meeting. The inability of the public to access the public body's website due to any type of technological failure shall not be a violation of the provisions of this Chapter.

§21. Minutes of legislative sessions, legislative committees and subcommittees

A. The journals of the proceedings of each of the houses of the legislature, as required to be kept by the provisions of Article III, Section 10(B) of the Louisiana Constitution, shall constitute the written minutes of open sessions of the Senate and of the House of Representatives.

B. The written minutes of standing, interim, joint, and other committees and subcommittees of the Senate and House of Representatives shall include such information as may be required by the rules of the respective houses.

§22. Presentation and consideration of offer to sell natural gas to a public body, or to operate or acquire ownership of, a gas utility owned or operated by a public body

A. For the purposes of this Section, "gas utility" means any revenue producing business or organization which is owned or operated by a public body, and which regularly supplies the public with natural gas at retail.

B. Prior to consideration or action by a public body to accept a proposal by a nonpublic entity to sell natural gas to a public body for use

in its gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions, or to assume operation or acquire ownership of, a gas utility being operated or owned by the public body, the proposal shall:

(1) Be introduced, in writing, at an open meeting of the public body.

(2) Not be considered by the public body until notice of the proposal has been published in the official journal of the public body and at least thirty days has lapsed after the introduction of the proposal.

(3) Include a written report of the most recent five year history of the sale of natural gas to similar public bodies for use in gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions by the nonpublic entity if the entity is seeking to sell natural gas to a public body for use in its gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions to the public body or a five-year history of the purchase price of other gas utilities operated or owned by a public body paid by the nonpublic entity if the entity is seeking to assume operation or acquire ownership of the utility. A copy of the report shall be provided to all members of the public body and be available to the public.

(4) Include any written contract or agreement proposed between the nonpublic entity seeking to sell natural gas to a public body for use in its gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions to, or assume operation or acquire ownership of, the gas utility and the public body. A copy of the contract or agreement shall be provided to all members of the public body and be available to the public.

C. Notice of the proposal and the availability of the written report and contract or agreement shall be published once in the official journal of the public body. The notice shall indicate the time and place where the public body will hold a public hearing and consider the proposal.

D. No proposal shall be considered until a public hearing on it has been held. No proposal can be adopted at the meeting at which it is introduced.

E. Any proposed revision or amendment of the published contract or agreement shall be noticed, published, and made available in its entirety in the same manner as required for the original contract or agreement. No such contract or agreement shall be entered into by the public body until at least thirty days have lapsed since the notice of the availability of the revised contract or agreement has been published.

§23. Sonic and video recordings; live broadcast

A. All of the proceedings in a public meeting may be video or tape recorded, filmed, or broadcast live. However, any nonelected board or commission that has the authority to levy a tax shall video or audio record, film, or broadcast live all proceedings in a public meeting.

B. A public body shall establish standards for the use of lighting, recording or broadcasting equipment to insure proper decorum in a public meeting.

§24. Voidability

Any action taken in violation of this Chapter shall be voidable by a court of competent jurisdiction. A suit to void any action must be commenced within sixty days of the action.

§25. Enforcement

A. The attorney general shall enforce the provisions of this Chapter throughout the state. He may institute enforcement proceedings on his own initiative and shall institute such proceedings upon a complaint filed with him by

any person, unless written reasons are given as to why the suit should not be filed.

B. Each district attorney shall enforce the provisions of this Chapter throughout the judicial district within which he serves. He may institute enforcement proceedings on his own initiative and shall institute such proceedings upon a complaint filed with him by any person, unless written reasons are given as to why the suit should not be filed.

C. Any person who has been denied any right conferred by the provisions of this Chapter or who has reason to believe that the provisions of this Chapter have been violated may institute enforcement proceedings.

§26. Remedies; jurisdiction; authority; attorney fees

A. In any enforcement proceeding the plaintiff may seek and the court may grant any or all of the following forms of relief:

(1) A writ of mandamus.

(2) Injunctive relief.

(3) Declaratory judgment.

(4) Judgment rendering the action void as provided in R.S. 42:24.

(5) Judgment awarding civil penalties as provided in R.S. 42:28.

B. In any enforcement proceeding the court has jurisdiction and authority to issue all necessary orders to require compliance with, or to prevent noncompliance with, or to declare the rights of parties under the provisions of this Chapter. Any noncompliance with the orders of the court may be punished as contempt of court.

C. If a person who brings an enforcement proceeding prevails, he shall be awarded reasonable attorney fees and other costs of litigation. If such person prevails in part, the court may award him reasonable attorney fees or an appropriate portion thereof. If the court finds that the proceeding was of a frivolous nature and was brought with no substantial justification, it may award reasonable attorney fees to the prevailing party.

§27. Venue; summary proceedings

A. Enforcement proceedings shall be instituted in the district court for the parish in which the meeting took place or will take place.

B. Enforcement proceedings shall be tried by preference and in a summary manner. Any appellate court to which the proceeding is brought shall place it on its preferential docket, shall hear it without delay, and shall render a decision as soon as practicable.

§28. Civil penalties

Any member of a public body who knowingly and willfully participates in a meeting conducted in violation of this Chapter, shall be subject to a civil penalty not to exceed one hundred dollars per violation. The member shall be personally liable for the payment of such penalty. A suit to collect such penalty must be instituted within sixty days of the violation.

APPENDIX "B"

LOUISIANA'S PUBLIC RECORDS LAW

LOUISIANA'S PUBLIC RECORDS LAW
(R.S. 44:1, *et seq.*)

§1. General definitions

A. (1) As used in this Chapter, the phrase "public body" means any branch, department, office, agency, board, commission, district, governing authority, political subdivision, or any committee, subcommittee, advisory board, or task force thereof, any other instrumentality of state, parish, or municipal government, including a public or quasi-public nonprofit corporation designated as an entity to perform a governmental or proprietary function, or an affiliate of a housing authority.

(2) (a) All books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of this state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of this state, are "public records", except as otherwise provided in this Chapter or the Constitution of Louisiana.

(b) Notwithstanding Subparagraph (a), any documentary material of a security feature of a public body's electronic data processing system, information technology system, telecommunications network, or electronic security system, including hardware or software security, password, or security procedure, process, configuration, software, and code is not a "public record".

(3) As used in this Chapter, the word "custodian" means the public official or head of any public body having custody or control of a public record, or a representative specifically authorized by him to respond to requests to inspect any such public records.

B. Electrical well surveys produced from wells drilled in search of oil and gas located in established units and which are filed with the assistant secretary of the office of conservation shall be placed in the open files of the office of conservation. Any party or firm shall have the right to examine or reproduce, or both, at their own expense, copies of said survey, by photography or other means not injurious to said records. All other electric logs and other electronic surveys, other than seismic data, produced from wells drilled in search of oil and gas which are filed with the assistant secretary of the office of conservation shall remain confidential upon the request of the owner so filing for periods as follows:

For wells shallower than fifteen thousand feet a period of one year, plus one additional year when evidence is submitted to the assistant secretary of the office of conservation that the owner of the log has a leasehold interest in the general area in which the well was drilled and the log produced; for wells fifteen thousand feet deep or deeper, a period of two years, plus two additional years when evidence is submitted to the assistant secretary of the office of conservation that the owner of the log has such an interest in the general area in which the well was drilled and the log produced; and for wells drilled in the offshore area, subsequent to July 1, 1977, regardless of depth, a period of two years from the filing of the log with the office of conservation, plus two additional years where

evidence is submitted to the assistant secretary of the office of conservation that the owner of the log has such an interest in the general area in which the well was drilled and the log produced and has immediate plans to develop the said general area, unless a shorter period of confidentiality is specifically provided in the existing lease.

At the expiration of time in which any log or electronic surveys, other than seismic data, shall be held as confidential by the assistant secretary of the office of conservation as provided for above, said log or logs shall be placed in the open files of the office of conservation and any party or firm shall have the right to examine or reproduce, or both, at their own expense, copies of said log or electronic survey, other than seismic data, by photography or other means not injurious to said records.

§1.1 Short title

This Chapter shall be known and may be cited as the "Public Records Law".

§2. Records involved in legislative investigations

A. (1) The provisions of this Chapter shall not apply to any records, writings, accounts, letters, letter books, photographs or copies thereof, in the custody or control of any attorney the legislature, or either house or any committee or officer thereof, and which concern or hold relation to any case, cause, charge or investigation being conducted by or through the legislature, or either house or any committee or officer thereof, until after the case, cause, charge or investigation has been finally disposed of.

(2) All records, files, documents, and communications, and information contained therein, obtained or developed pursuant to Paragraph (1) of this Subsection that pertain to or impart the identity of any confidential source of information shall be privileged, and no court shall order the disclosure of same except on grounds of due process or constitutional law. No member, officer, or employee of the legislature shall disclose or produce such privileged records, files, documents, communications, or information except on a court order.

(3) Except as otherwise provided in Paragraph (2) of this Subsection, after final disposition, the records, writings, accounts, letters, letter books, photographs or copies thereof, are public records and subject to the provisions of this Chapter.

B. (1) The provisions of this Chapter shall not apply to any privileged or confidential data or records in the custody of the legislature or either house thereof which are obtained or used for the purpose of considering the election, confirmation or approval of any nomination or appointment for which election, confirmation, or approval by the legislature or either house thereof is required.

(2) Nothing in this Subsection shall prohibit the disclosure of any information relevant to the education, employment history, or work experience of an appointee or nominee.

§3. Records of prosecutive, investigative, and law enforcement agencies, and communications districts

A. Nothing in this Chapter shall be construed to require disclosures of records, or the information contained therein, held by the offices of the attorney general, district attorneys, sheriffs, police departments, Department of Public Safety and Corrections, marshals, investigators, public health investigators, correctional agencies, communications districts, intelligence agencies, Council on Peace Officer Standards and Training, Louisiana Commission on Law Enforcement and Administration of Criminal Justice, or publicly owned water districts of the state, which records are:

(1) Records pertaining to pending criminal litigation or any criminal litigation which can be reasonably anticipated, until such

litigation has been finally adjudicated or otherwise settled, except as otherwise provided in Subsection F of this Section; or

(2) Records containing the identity of a confidential source of information or records which would tend to reveal the identity of a confidential source of information; or

(3) Records containing security procedures, investigative training information or aids, investigative techniques, investigative technical equipment or instructions on the use thereof, criminal intelligence information pertaining to terrorist-related activity, or threat or vulnerability assessments collected or obtained in the prevention of terrorist-related activity, including but not limited to physical security information, proprietary information, operational plans, and the analysis of such information, or internal security information; or

(4)(a) The records of the arrest of a person, other than the report of the officer or officers investigating a complaint, until a final judgment of conviction or the acceptance of a plea of guilty by a court of competent jurisdiction. However, the initial report of the officer or officers investigating a complaint, but not to apply to any followup or subsequent report or investigation, records of the booking of a person as provided in Code of Criminal Procedure Article 228, records of the issuance of a summons or citation, and records of the filing of a bill of information shall be a public record.

(b) The initial report shall set forth:

(i) A narrative description of the alleged offense, including appropriate details thereof as determined by the law enforcement agency.

(ii) The name and identification of each person charged with or arrested for the alleged offense.

(iii) The time and date of the alleged offense.

(iv) The location of the alleged offense.

(v) The property involved.

(vi) The vehicles involved.

(vii) The names of investigating officers.

(c) Nothing herein shall be construed to require the disclosure of information which would reveal undercover or intelligence operations.

(d) Repealed by Acts 2018, No. 309, § 3.

(5) Records containing the identity of an undercover police officer or records which would tend to reveal the identity of an undercover police officer; or

(6) Records concerning status offenders as defined in the Code of Juvenile Procedure.

(7) Collected and maintained by the Louisiana Bureau of Criminal Identification and Information, provided that this exception shall not apply to the central registry of sex offenders maintained by the bureau.

(8) Video or audio recordings generated by law enforcement officer body-worn cameras that are found by the custodian to violate an individual's reasonable expectation of privacy.

(a) A body-worn camera is a camera worn on an individual law enforcement officer's person that records and stores audio and video.

(b) Body-worn camera video or audio recordings that are determined by the custodian to violate an individual's reasonable expectation of privacy shall be disclosed upon a determination and order from a court of competent jurisdiction pursuant to R.S. 44:35.

(c) All costs of production associated with a court-ordered disclosure shall be set by the court.

(d) Notwithstanding any provision of this Chapter to the contrary, body-worn camera video or audio recordings generated

while the law enforcement officer is not acting in the scope of his official duties shall not be subject to disclosure when the disclosure would violate a reasonable expectation of privacy.

B. All records, files, documents, and communications, and information contained therein, pertaining to or tending to impart the identity of any confidential source of information of any of the state officers, agencies, or departments mentioned in Subsection A of this Section, shall be privileged, and no court shall order the disclosure of same except on grounds of due process or constitutional law. No officer or employee of any of the officers, agencies, or departments mentioned in Subsection A of this Section shall disclose said privileged information or produce said privileged records, files, documents, or communications, except on a court order as provided above or with the written consent of the chief officer of the agency or department where he is employed or in which he holds office, and to this end said officer or employee shall be immune from contempt of court and from any and all other criminal penalties for compliance with this Subsection.

C. Whenever the same is necessary, judicial determination pertaining to compliance with this Section or with constitutional law shall be made after a contradictory hearing as provided by law. An appeal by the state or an officer, agency, or department thereof shall be suspensive.

D. Nothing in this Section shall be construed to prevent any and all prosecutive, investigative, and law enforcement agencies and communications districts from having among themselves a free flow of information for the purpose of achieving coordinated and effective criminal justice.

E. Nothing in this Section shall be construed as forbidding the release of all or part of investigative files of fires classified as arson, incendiary, or suspicious unless, after consultation with the appropriate law enforcement agency, any sheriff, district attorney, or other law enforcement agency directs that the records not be disclosed because of pending or anticipated criminal adjudication.

F. Notwithstanding any other provision of law to the contrary, after a period of ten years has lapsed from the date of death of a person by other than natural causes, and upon approval by the district court having jurisdiction over any criminal prosecution which may result due to the death of such person, any prosecutive, investigative, and other law enforcement agency, or any other governmental agency in possession of investigative files or evidence or potential evidence, or any other record, document, or item relating to said death shall, upon request, provide copies of all such files, records, and documents to immediate family members of the victim and shall provide unlimited access for any and all purposes to all such evidence, potential evidence, and other items to any member of the immediate family and to any person or persons whom any member of the immediate family has designated for such purposes. The access granted shall include but not be limited to the examination, inspection, photographing, copying, testing, making impressions, and the use in any court proceeding of and conducting forensic studies on such evidence, potential evidence, and other items. For the purposes of this Subsection, the term "immediate family" shall mean the surviving spouse, children, grandchildren, and siblings of the victim.

G. Nothing in this Chapter shall be construed to require disclosures of certificates of official driving records in the custody and control of the Department of Public Safety and Corrections, office of motor vehicles, except as specifically provided for in R.S. 15:521.

H. Nothing in this Section shall be construed as prohibiting the release of any report resulting from a request for an investigation of an alleged violation of the crime of identity theft as defined under the provisions of R.S. 14:67.16 to the victim of such alleged crime. However, the information which shall be released to such victim shall be limited to that

information required to be released under the provisions of R.S. 14:67.16(G)(2).

I. All requests for production of video or audio recordings generated by law enforcement officer body-worn cameras shall be incident specific and shall include reasonable specificity as to the date, time, location, or persons involved. A request for multiple incidents shall include reasonable specificity as to the date, time, location, or persons involved in each incident requested. The custodian may deny a request not containing reasonable specificity.

J. (1) Nothing in this Chapter shall be construed to require the disclosure of information which would reveal the name, address, contact information, or identity of a victim of a sex offense or a human trafficking-related offense as those terms are defined in R.S. 46:1844.

(2) Nothing in this Chapter shall be construed to require the disclosure of information which would reveal the name, address, contact information, or identity of a crime victim who at the time of the commission of the offense is a minor under eighteen years of age.

(3) Nothing in this Chapter shall be construed to require the disclosure of information which would reveal the address or contact information of a victim of a crime against a family member, household member, or dating partner. “Family member” and “household member” shall have the same definitions as in R.S. 46:2132 and “dating partner” shall have the same definition as in R.S. 46:2151.

§3.1. Certain records pertaining to terrorist-related activity

Nothing in this Chapter shall be construed to require disclosure of records containing security procedures, criminal intelligence information pertaining to terrorist-related activity, or threat or vulnerability assessments created, collected, or obtained in the prevention of terrorist-related activity, including but not limited to physical security information, proprietary information, operational plans, and the analysis of such information, or internal security information.

§3.2. Proprietary and trade secret information

A. Nothing in this Chapter shall be construed to require the disclosure of proprietary or trade secret information pertaining to any code, pattern, formula, design, device, method, or process which is proprietary or trade secret information which has been submitted to a public body by the developer, owner, or manufacturer of a code, pattern, formula, design, device, method, or process in order to obtain or retain approval of such code, pattern, formula, design, device, method, or process for sale or use in this state.

B. Nothing in this Chapter shall be construed to require the disclosure of proprietary or trade secret information pertaining to any code, pattern, formula, design, device, method, or process which has been submitted to a public body in order to facilitate the further research, development, or commercialization of such code, pattern, formula, design, device, method, or process.

C. Nothing in this Chapter shall be construed to require the disclosure of proprietary or trade secret information which has been submitted to the Department of Economic Development for economic development purposes.

D. (1) All records containing proprietary or trade secret information submitted by a developer, owner, or manufacturer to a public body pursuant to Subsection A, B or C of this Section shall contain a cover sheet that provides in bold type "DOCUMENT CONTAINS CONFIDENTIAL PROPRIETARY OR TRADE SECRET INFORMATION". The developer, owner, or manufacturer shall clearly mark each instance of information which is, in his opinion, proprietary or trade secret information. However, the determination of whether such information is in fact proprietary or trade

secret information shall be made by the custodian within thirty days of a submission; however, if a custodian receives a public records request during the period of thirty days, the determination shall be made within the time period provided in R.S. 44:32(D) and 33(B).

(2) A custodian who receives a request pursuant to this Chapter for any information which has been marked by the developer, owner, or manufacturer as proprietary or trade secret information shall, prior to the disclosure of the information, immediately notify such developer, owner, or manufacturer of the request and of the custodian's determination of whether or not the information so requested is subject to disclosure.

E. General information relating to the identity of the developer, owner, or manufacturer and any agreement or contract that such person or legal entity has entered into with the public body shall be subject to public review.

F. Nothing in this Section shall be construed in a manner as to prevent the public examination or reproduction of any record or part of a record which is not proprietary or trade secret information.

G. Notwithstanding any other provision of law to the contrary, the office of state fire marshal shall provide electronic access to its information management system to the State Board of Architectural Examiners and the Louisiana Professional Engineering and Land Surveying Board for the examination and reproduction of plans, drawings, and specifications submitted to the office of state fire marshal. The State Board of Architectural Examiners and the Louisiana Professional Engineering and Land Surveying Board shall not allow for examination or release of any documents obtained from the office of state fire marshal's information system to the public or other third party, including other state agencies. The office of state fire marshal shall not be held responsible or liable for any release of confidential, proprietary, or trade secret information by the State Board of Architectural Examiners or the Louisiana Professional Engineering and Land Surveying Board.

§ 3.3. Public power authority; commercially sensitive information

A. Nothing in this Chapter shall require the disclosure of commercially sensitive information in the custody or control of a public power authority.

B. For purposes of this Section, the following terms shall have the following meanings:

(1) "Commercially sensitive information" means information regarding a utility matter that is directly related to the public power authority's competitive activity which would, if disclosed, give an advantage to competitors or prospective competitors and includes the following:

(a) Portfolio and generation unit specific fixed, variable, and related costs.

(b) Fuel and purchased power costs and costs of related activities.

(c) Risk management information and strategies.

(d) Power pricing information, system load characteristics, marketing analyses and strategies, and customer billing, contract, and usage information.

(2) "Public power authority" means a political subdivision of the state created by the governing authority of a municipality pursuant to R.S. 33:4172 for the purpose of the construction, acquisition, improvement, operation, or management of a public power project or improvement.

C. The provisions of Subsection A of this Section shall not apply to general information relating to the identity of the parties to any agreement or contract with a public power authority, and such information shall be

subject to inspection, examination, copying, and reproduction.

D. Nothing in this Section shall be construed in a manner as to prevent the inspection, examination, copying, or reproduction of any record or part of a record that does not contain commercially sensitive information.

§ 3.4. Records of the Board of Ethics

Nothing in this Chapter shall be construed to require the disclosure of records, or the information contained therein, held by the Board of Ethics pertaining to enforcement proceedings. However, any such record shall be public record and subject to the provisions of this Chapter when introduced as evidence before the Ethics Adjudicatory Board or a court or when the enforcement proceedings are concluded, subject to the limitations in R.S. 42:1141.4.

§ 3.4. Records of the Department of Agriculture and Forestry

Nothing in this Chapter shall be construed to require the disclosure of records, or the information contained therein, held by the Department of Agriculture and Forestry, which records are:

(1) Held by the forestry officers and livestock brand inspectors pertaining to pending criminal litigation or any criminal litigation which can be reasonably anticipated, until such litigation has been finally adjudicated or otherwise settled.

(2) Pertaining to the Medical Marijuana Program containing the internal procedures, security procedures, security plans, transportation plans, and proprietary information of a licensee.

(3) Emergency Preparedness information specifically pertaining to the location of emergency fuel and the identity of pets and pet owners during a declared emergency.

§4. Applicability

This Chapter shall not apply:

(1) To any tax return or the information contained in any tax return. However, the name and address of any person who obtains an occupational license, the information on the face of the license, and information as to whether an occupational license has been issued to a particular person shall be public records.

(2) To the name of any person or any other information from the records, papers or files of the state or its political subdivisions or agencies, concerning persons applying for or receiving old age assistance, aid to the blind, or aid to dependent children.

(3) To any records, writings, accounts, letters, letter books, photographs or copies thereof, in the custody or control of any officer, employee, agent or agency of the state whose duties and functions are to investigate, examine, manage in whole or in part, or liquidate the business of any private person, firm or corporation in this state, when the records, writings, accounts, letters, letter books, photographs or copies thereof, pertain to the business of the private person, firm or corporation, and are in their nature confidential.

(4)(a) To any records, writings, accounts, letters, letter books, photographs, reports of examination, work papers of examiners, including loan write-ups, line sheets, handwritten notes, loan classification documentation, and any other documentation relating to the financial statements of a financial institution's borrowers, or other entity supervised by the Office of Financial Institutions, except as otherwise provided in R.S. 6:103, R.S. 9:3518.1, R.S. 37:1806 or R.S. 51:1934 or 2389. This exception shall apply to any financial institution governed by Title 6 of the Louisiana Revised Statutes of

1950, supervised entities licensed under Title 9 of the Louisiana Revised Statutes of 1950, and those entities licensed and supervised by the Office of Financial Institutions pursuant to Title 37 or 51 of the Louisiana Revised Statutes of 1950, including those which are exercising the privileges granted by their charters or licenses, as well as those which have been determined to be insolvent or operating in an unsafe and unsound condition and have lost their deposit insurance coverage, or, for other legal reasons have been closed and placed in conservatorship or receivership by the commissioner of financial institutions, or whose licenses issued under the provisions of Title 9, 37, or 51 of the Louisiana Revised Statutes of 1950 have been terminated for any lawful reason.

(b) To copies of items exempted under Subparagraph (a) of this Paragraph in the custody or control of the Office of Financial Institutions or any agent or employee of that agency, except as otherwise provided in R.S. 6:103, R.S. 9:3518.1, R.S. 37:1806, or R.S. 51:1934 or 2389.

(c) To investigative records of the Office of Financial Institutions which pertain to the application of any person for a charter or license for a new financial institution, and the confidential portion of any application by an entity chartered, licensed, and/or supervised by the Office of Financial Institutions pursuant to Title 6, 9, 37, or 51 of the Louisiana Revised Statutes of 1950, except as otherwise provided in R.S. 6:103, R.S. 9:3518.1, R.S. 37:1806, or R.S. 51:1934 or 2389.

(d) To records of the Office of Financial Institutions which pertain to the application for a merger approval or an additional branch office for any existing financial institution governed by Titles 6 and 9 of the Louisiana Revised Statutes of 1950, except as otherwise provided in R.S. 6:103.

(5)(a) To any daily reports or endorsements filed by insurance companies doing business in this state with the commissioner of insurance in accordance with the laws of this state.

(b) All risk-based capital reports filed with the Department of Insurance pursuant to R.S. 22:611 through 620.

(6) To any records, writings, accounts, letters, letter books, photographs, or copies or memoranda thereof in the custody or control of the legislative auditor, or to the actual working papers of the internal auditor of a municipality until the audit is complete, unless otherwise provided.

(7) To any records, writings, accounts, letters, letter books, photographs or copies or memoranda thereof, and any report or reports concerning the fitness of any person to receive, or continue to hold, a license to practice medicine or midwifery, in the custody or control of the Louisiana State Board of Medical Examiners.

(8) To any records, data, writings, accounts, reports, letters, exhibits, pictures, photographs, drawings, charts, maps or copies or memoranda thereof, whether written or oral, filed by or received from any person by the commissioner of conservation, or any official or employee in the Department of Conservation, or which in any manner is in the custody or control of the commissioner of conservation, or any official or employee in the Department of Conservation, which pertain to or in any way involve estimated or proven recoverable reserves of oil, gas or other minerals in place, and the same has been declared, presented or received as confidential at the request of the lawful owner thereof; provided, however, statistical reports which do not reveal the identity of any owner or operator, either directly or by inference, may be released to the public by the commissioner of conservation.

(9) To any records, writings, accounts, letters, letter books, photographs or copies or memoranda thereof, and any report or reports concerning the fitness of any person to receive, or continue to hold, a license to

practice as a registered nurse in the custody or control of the Louisiana State Board of Nursing; however, any action taken by the board, and any legal grounds upon which such action is based, relative to the fitness of any person to receive, or continue to hold, a license to practice as a registered nurse shall be a public record.

(10) To any records, data, writings, accounts, reports, letters, exhibits, pictures, photographs, drawings, charts, maps, or copies or memoranda thereof, whether written or oral, filed by or received from the Energy Information Administration of the United States Department of Energy by the secretary of the Department of Natural Resources or any official or employee in the Department of Natural Resources if nondisclosure to any other person or public body was a requirement for obtaining same and the information could not otherwise be obtained by law from that agency; and to any records or information filed with or received by the secretary of the Department of Natural Resources or any official or employee in the Department of Natural Resources from any person who is required by federal law to supply same to the state which information is not available to the public under federal law. Statistical reports which do not reveal, directly or by inference, the identity of the individual sources of the information compiled by the Department of Energy may be released to the public by the secretary of the Department of Natural Resources.

(11) To any records, writings, accounts, letters, exhibits, data, pictures, drawings, charts, photographs, or copies or memoranda thereof, and any report or reports concerning the fitness of any person to receive or continue to hold a license to practice as a dentist or as a dental hygienist in the custody or control of the Louisiana State Board of Dentistry; however, any final determination made by the board, and any legal grounds upon which such action is based, relative to the fitness of any person to receive or continue to hold a license to practice as a dentist or as a dental hygienist shall be a public record.

(12) To any report, records, writings, accounts, letters, exhibits, data, pictures, drawings, charts, photographs, or copies or memoranda thereof, concerning the fitness of any person to receive or continue to hold a license to practice as a veterinarian in the custody or control of the Louisiana Board of Veterinary Medicine; however, any final determination made by the board, and any legal grounds upon which such action is based, relative to the fitness of any person to receive or continue to hold a license to practice as a veterinarian shall be a public record.

(13) To any of the following for use in the operation of or in connection with any automated broker interface system or any automated manifest system conducted by any deep water or shallow draft port commission of the state and licensed to, leased to, commissioned by, deposited with, or otherwise acquired by such port commission for such purpose:

(a) Any computer system or program including any computer software or related menus, flow charts, source materials, prompts, dialogues, data bases, manuals, and any other computer operating or support materials.

(b) Any financial or trade secrets or other third party proprietary information of any person, firm, corporation, agency, or other entity, whether governmental or private.

(14) To any records of the Louisiana Department of Health, office of public health, which contain any technical information pertaining to any formula, method, or process which is a trade secret which has been submitted by any manufacturer of a product or mechanical sewage treatment plant in order to obtain or retain approval of such product for sale or use in this state or in order to assist the office in carrying out and enforcing the sanitary laws and regulations of the state.

(15) To any pending claims or pending claim files in the custody or control of the office of risk management, division of administration, or similar records in the custody of any municipality or parish; to any information concerning pending legal claims in the files of any attorney representing the state or any municipality in connection with the office of risk management, division of administration, or any office with similar responsibilities of any municipality or parish; or to any pending claims relating to loss reserves maintained or established by the office of risk management, division of administration, or any office with similar responsibilities of any municipality or parish, for any claims or for losses incurred but not reported; however, this Chapter shall be applicable to reserves as reported in the financial statement of the office of risk management, division of administration, or any municipality or parish. Nothing in this Paragraph shall be construed or interpreted in a manner as to prevent or inhibit in any manner the chairman and vice chairman of the Joint Legislative Committee on the Budget and the litigation subcommittee of the Joint Legislative Committee on the Budget from obtaining dollar amounts billed by and paid to contract attorneys and experts in defense of claims against the state that the chairman or vice chairman, or the subcommittee determines is necessary to perform functions and duties relative to the evaluation of performance or the determination of budget policy; however, no legislator or any committee of the legislature shall disclose any confidential information so obtained that would jeopardize or have a detrimental effect on the litigating position of the state.

(16) To the following records of a board or institution of higher learning, in accordance with rules and regulations promulgated by the Board of Supervisors for the University of Louisiana System, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, and the Board of Supervisors of Southern University and Agricultural and Mechanical College, or their successors, in conjunction with the Board of Regents, for programs and institutions under their supervision and management, unless access to the records is specifically required by state or federal statute or is ordered by a court under rules of discovery:

(a) Trade secrets and commercial or financial information obtained from a person, firm, or corporation, pertaining to research or to the commercialization of technology, including any such information designated as confidential by such person, firm, or corporation, but not including any such information relating to the identity of principals, officers, or individuals and entities directly or indirectly owning or controlling an entity other than a publicly held entity, or the identity of principals, officers, or individuals and entities directly owning or controlling five percent or more of a publicly held entity.

(b) Data, records, or information produced or collected by or for faculty or staff of state institutions of higher learning in the conduct of or as a result of, study or research on commercial, scientific or technical subjects of a patentable or licensable nature, whether sponsored by the institution alone or in conjunction with a governmental body or private concern, until such data, records, or information have been publicly released, published, or patented.

(c) Those portions of research proposals, supporting documentation and information, submitted by an institution of higher learning to the Board of Regents' Louisiana Education Quality Support Fund Program, which have been certified by the institution as containing data, information, ideas, or plans of a potentially patentable or licensable nature, including any discussions or written comments concerning such information by reviewers of the proposals, but not including reviewer ratings, until such data, records, or information have been publicly released, published, or patented.

(d) Those portions of private document collections donated to state institutions of

higher learning for historical research or preservation purposes, which are designated by the donor to have restricted access for a specific period of time.

(e) Test questions, scoring keys, and other examination data pertaining to the administration of an academic examination.

(f) Teaching materials used by faculty that are not provided to students, including unpublished lecture notes, outlines, slides, syllabi, or recordings.

(17) To any records or information required of hospitals by the Louisiana Department of Health as a condition of hospital licensure pursuant to R.S. 40:2104(B).

(18) To any records, writings, accounts, letters, letter books, photographs, or copies or memoranda thereof, and any report or reports concerning the fitness of any person to receive, or continue to hold, a license to practice chiropractic, in the custody or control of the Louisiana Board of Chiropractic Examiners. However, any final determination made by the board, and any legal grounds upon which such action is based, relative to the fitness of any person to receive or continue to hold a license to practice as a chiropractor shall be a public record.

(19) To any records or information defined as "confidential data" as provided in R.S. 40:3.1.

(20) To any records, notes, or maps within the Louisiana Department of Wildlife and Fisheries' Natural Heritage Program database on rare, threatened, or endangered species or unique natural communities.

(21) To any information received by the Department of Agriculture and Forestry as a result of questionnaires sent to private persons regarding the timber industry; however, the compiled results shall be public record. Notwithstanding the provisions of this Paragraph, the Department of Agriculture and Forestry shall provide any information which it receives as a result of such questionnaires to the Louisiana Tax Commission upon request of the commission.

(22) To any records or information defined as confidential under provisions of R.S. 40:2018(I).

(23) To the name and address of a law enforcement officer in the custody of the registrar of voters or the secretary of state, if certified by the law enforcement agency employing the officer that the officer is engaging in hazardous activities to the extent that it is necessary for his name and address to be kept confidential.

(24) To accident reports, and the information in accident reports, as provided in R.S. 32:398(K).

(25) To any information, documents, or records received by the Louisiana State Child Death Review Panel, or any local or regional panel established by the Louisiana State Child Death Review Panel defined as confidential under the provisions of R.S. 40:2019(F).

(26) To any records, writings, accounts, letters, exhibits, pictures, drawings, charts, photographs, or copies or memoranda thereof, in any reports of examinations or evaluations or any other information or data concerning the fitness of any person to receive, or continue to hold, a license or certificate to practice social work or clinical social work in the custody or control of the Louisiana State Board of Social Work Examiners. However, any final determination made by the board, and any legal grounds upon which such action is based, relative to the fitness of any person to receive or to continue to hold a license or certificate to practice social work shall be a public record.

(27)(a) To any testing instrument used or to be used by the state Department of Education or the State Board of Elementary and Secondary Education to assess the performance of individual students, nor to any answers for such tests or any individual student scores on such tests.

(b) Nothing in Subparagraph (a) of this Paragraph shall prohibit any person authorized by policies adopted by the state Department of Education or the State Board of Elementary and Secondary Education from having access to the test instrument, test answers, or any individual student scores on such tests as necessary for the performance of his duties and responsibilities, nor any parent or guardian of a child who has taken any such test from having access to or being provided the child's individual test scores.

(28) To the name of any person, contained within or referred to in the records, papers or files of the Crime Victims Reparations Board, applying for or receiving funds from the Crime Victims Reparations Fund. In lieu of the person's name, the person's file number shall be utilized.

(29) To any records, writings, accounts, recordings, letters, exhibits, data, pictures, drawings, charts, photographs, or copies or memoranda thereof, and any report or reports concerning the fitness of any person to receive or continue to hold a license to practice as a psychologist in the custody or control of the Louisiana State Board of Examiners of Psychologists or to receive or continue to hold a license to practice as a medical psychologist in the custody or control of the Louisiana State Board of Medical Examiners; however, any action taken by the board and any legal grounds upon which such action is based, relative to the fitness of any person to receive or continue to hold a license to practice as a psychologist shall be a public record, and statistical reports which do not reveal the identity of any licensed psychologist may be released to the public.

(30) To personal information of toll patrons of the Crescent City Connection and the Greater New Orleans Expressway. For the purposes of this Paragraph "personal information" means the address, telephone number, social security number, or financial account numbers of a toll patron who pays toll charges when such information is supplied by a toll patron to the Crescent City Connection Division or the Greater New Orleans Expressway Commission, and the date or time a toll patron has traversed the Crescent City Connection or the Greater New Orleans Expressway.

(31) To proprietary information provided to a communications district by a service supplier, as defined in R.S. 33:9106(A)(4). "Proprietary information" as used in this Paragraph shall mean customer telephone numbers, information relating to the quantity, technical destination, location, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and information that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship.

(32) To any records, writings, accounts, recordings, letters, exhibits, data, pictures, drawings, charts, photographs, or copies of memoranda thereof, and any report concerning the fitness of any person to receive or continue to hold a license to practice as a practical nurse in the custody or control of the Louisiana State Board of Practical Nurse Examiners; however, any final determination made by the board, and any legal grounds upon which such action is based, relative to the fitness of any person to receive or continue to hold a license to practice as a practical nurse shall be a public record.

(33)(a) To the name, address, and telephone number of any student enrolled in any public elementary or secondary school in the state in a record of a public elementary or secondary school or a city or parish school board.

(b) Nothing in Subparagraph (a) of this Paragraph shall prohibit any official or employee of any public elementary or secondary school, the state Department of Education, or the State Board of Elementary and Secondary Education from having access to a student's name, address, and telephone number but only as necessary for the performance of his duties and responsibilities.

(34)(a) To the social security number of any teacher or school employee employed by a city, parish, or other local public school board or any nonpublic school.

(b) Nothing in Subparagraph (a) of this Paragraph shall prohibit any official or employee of any elementary or secondary school at which the teacher or school employee works, of the school board employing the teacher, of the state Department of Education, or of the State Board of Elementary and Secondary Education from having access to the social security number of a teacher or school employee but only as necessary for the performance of the duties and responsibilities of such official or employee.

(c) For the purposes of this Paragraph, "school board" shall include any city, parish, or other local public school board and the governing authority of any nonpublic school.

(35) To any records, writings, accounts, letters, exhibits, pictures, drawings, charts, or photographs, or copies or memoranda thereof, in any reports of examinations or evaluations or in any other information or data in the custody of the Louisiana Board of Pharmacy concerning the fitness of any person to receive, or continue to hold, a license, permit, certificate, or registration to practice or assist in the practice of pharmacy. However, any final determination made by the board and any legal grounds upon which such action is based, relative to the fitness of any person to receive or continue to hold a license, permit, certificate, or registration to practice or assist in the practice of pharmacy shall be a public record.

(36) To terms and conditions of the rebate agreement, rebate amounts, percent of rebate, manufacturer's pricing, and supplemental rebates which are contained in records of the Louisiana Department of Health and its agents with respect to supplemental rebate negotiations for prescription drug coverage by the Medicaid Program and which are prepared pursuant to a supplemental rebate agreement, provided that the total amount of supplemental rebates recouped by the department shall be a public record. Such information shall be considered proprietary and confidential, provided that such information shall be subject to review by the legislative auditor and the Legislative Fiscal Officer.

(37) To any protected health information as defined in R.S. 29:762 pursuant to the Louisiana Health Emergency Powers Act.

(38) To any records, data, writings, accounts, reports, letters, exhibits, pictures, photographs, drawings, charts, maps, e-mail, or copies or memoranda thereof, whether written or oral, in the custody of the office of conservation contained in pipeline security procedures developed to prevent potential terrorist-related threats or activities, including physical security information, proprietary information, vulnerability assessments, operational plans and analysis of such information, and internal security information. Nothing in this Paragraph shall prevent the office of conservation from transmitting information to the United States Department of Transportation as necessary for the performance of their duties and functions.

(39) To any records, writings, accounts, letters, letter books, photographs, or copies or memoranda thereof, and any report or reports concerning the fitness of any person to receive, or continue to hold, a license to practice optometry, in the custody or control of the Louisiana State Board of Optometry Examiners. However, any final determination made by the board after an adjudication hearing, other than by consent order, agreement, or other informal disposition shall be a public record.

(40) To any records, writings, plans, blueprints, or any information pertaining to security systems or features submitted to obtain an individual building permit on file in the office of a regulatory agency or official; any records, writings, plans, blueprints, or information submitted to obtain an individual building permit which details the interior

layout of a residence to such an extent that access thereto would make such residence particularly vulnerable to burglary or other criminal activity; or any records, writings, plans, blueprints, or information containing any proprietary work product, design, or plan of any architect or engineer submitted to obtain an individual building permit; however, this Chapter shall be applicable to any survey or plot plan submitted solely for the purposes of displaying the outline of a building on a lot or lots of record in order to show compliance with yard or other setback requirements of a zoning ordinance or other such regulatory law.

(41) To the following information related to a credit card issued to a public body: the entire credit card number, the credit card expiration date, the passcode or access code, the credit card personal identification number or "PIN", or any other information which could be used to make a charge to the credit card account or otherwise access the credit card account information; however, this Chapter shall apply to all other information regarding the credit card and credit card account.

(42) To any portion of a notarial examination administered or to be administered by the secretary of state, nor to any answers for such a notarial examination.

(43) To the information contained in an application of an applicant under the age of eighteen who is applying for membership on the Louisiana Legislative Youth Advisory Council, except as otherwise provided in R.S. 24:973.1(G).

(44) To any records, writings, accounts, letters, letter books, photographs, actual working papers, or copies thereof, any of which is in the custody or control of any officer, employee, or agent of the Louisiana Cemetery Board and which pertains to an investigation of the business of a cemetery authority that is under investigation; however any such record shall be public record and subject to the provisions of this Chapter when introduced as evidence before an administrative or other judicial tribunal or when the investigation is complete.

(45) To records, data, writings, accounts, reports, letters, exhibits, pictures, photographs, drawings, charts, maps, or copies thereof, whether written or oral, received from any person by the Department of Wildlife and Fisheries, which pertain to or in any way involve information relative to shipment of alligators or alligator skins domestically, nationally, or internationally; however, aggregate, statistical reports that do not reveal, directly or by inference, the identity of the individual source of the information compiled by the Department of Wildlife and Fisheries may be released to the public by the secretary of the department.

(46) To any records, writings, accounts, recordings, letters, exhibits, pictures, drawings, charts, photographs, or copies thereof, and any report or examinations or evaluations or any other information or data concerning the fitness of any person to receive or continue to hold a license or certificate to practice counseling and therapy in the custody or control of the Louisiana Licensed Professional Counselors Board of Examiners; however, any final action taken by the board, and any legal grounds upon which such action is based, relative to the fitness of any person to receive or to continue to hold a license or certificate to practice counseling and therapy may be released to the public.

(47)(a) To the physical medium or contents of any electronic storage device including any compact disc, digital video disc, jump drive, audio or video cassette tape, or any other type of electronic storage device, or to any shorthand or longhand notes or writings or stenotype paper tapes in the custody or under the control of a judge, clerk of court, official court reporter, deputy official court reporter, or certified electronic reporter and which are produced, made, or used by an official court reporter, deputy official court reporter, free lance reporter, or certified electronic reporter in any court of record of the state during any

proceedings before that court to report the proceedings or for the purpose of transcribing into typewriting those portions of the proceedings required by law or by the court to be transcribed.

(b) The provisions of Subparagraph (a) of this Paragraph shall not apply to the physical medium or contents of any electronic storage device if used or referred to in any hearing, administrative proceedings, or disciplinary proceeding, the record of which is public according to law, before the Judiciary Commission of Louisiana, the Office of Disciplinary Counsel, the Louisiana Attorney Disciplinary Board, the Board of Examiners of Certified Shorthand Reporters, or any board, hearing officer, or panel of such entities.

(c) As used in this Paragraph, the terms "official court reporter", "deputy official court reporter", "free lance reporter", and "certified electronic reporter" shall have the same meanings as provided in R.S. 13:961 and R.S. 37:2555.

(48) To any tax information in the possession of the Board of Tax Appeals that is required by law to be held confidential or privileged or to any internal correspondence among the members and staff of the Board of Tax Appeals pertaining to discussion of a case being adjudicated by the board.

(49) To questionnaires completed by members of a petit jury venire whether completed pursuant to the Code of Criminal Procedure Article 416.1 or upon response to a subpoena to jury service. This shall not prohibit the dissemination of such questionnaires to attorneys licensed in this state. This shall not prohibit the dissemination of venire lists as required by the Code of Criminal Procedure Article 417(B).

(50)(a) To security surveillance video of the capitol area and grounds or to any images on security surveillance video of the capitol area and grounds regardless of format.

(b) For purposes of this Paragraph, the phrase "capitol area and grounds" shall mean the state capitol and the parking areas and grounds immediately surrounding the state capitol, the capitol annex and the parking areas and grounds immediately surrounding the capitol annex, and the pentagon barracks buildings and the parking areas and grounds immediately surrounding the pentagon barracks buildings.

(51) To any records, writings, accounts, recordings, letters, exhibits, pictures, drawings, charts, photographs, memoranda, reports, examinations, or evaluations, or copies thereof, in the custody of the State Licensing Board for Contractors concerning the fitness of any person to receive or continue to hold a license issued by the board. However, any such record may be released to the public in an administrative proceeding before the board, and any final determination made by the board relative to the fitness of any person to receive or to continue to hold a license issued by the board and any legal grounds upon which such determination is based shall be a public record.

(52) To any portion of an examination administered or to be administered by the State Licensing Board for Contractors, or to any answers for such an examination administered or to be administered by the board. However, any person who has taken an examination administered by the board may inspect his examination.

(53) To any records, writings, accounts, recordings, letters, exhibits, pictures, drawings, charts, photographs, memoranda, reports, examinations, or evaluations, or copies thereof, concerning the fitness of any person to receive or continue to hold a certificate issued pursuant to Chapter 32 of Title 37 of the Louisiana Revised Statutes of 1950 in the custody or control of the Board of Examiners of Certified Shorthand Reporters. However, any such record may be released to the public in an administrative proceeding before the board, and any final determination made by the board relative to the fitness of any person to receive or to continue to hold a

certificate issued pursuant to Chapter 32 of Title 37 of the Louisiana Revised Statutes of 1950 and any legal grounds upon which such determination is based shall be a public record.

(54) To the personal information of a peace officer as provided in R.S. 15:1212.1(E) in the custody of the Council on Peace Officer Standards and Training or the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

(55) To any records, writings, accounts, recordings, letters, exhibits, pictures, drawings, charts, photographs, memoranda, reports, examinations, or evaluations, or copies thereof, in the custody or control of the State Board of Architectural Examiners concerning the fitness of any person to receive or continue to hold a license or certificate of registration to practice architecture. However, any such record may be released to the public in an administrative proceeding before the board, and any final determination made by the board relative to the fitness of any person to receive or continue to hold a license or certificate of registration to practice architecture and any legal grounds upon which such determination is based shall be a public record.

(56) To personally identifiable information of any person who reports a violation of a student code of conduct or other policy intended for the safety of students or employees of a postsecondary education institution, personally identifiable information of any reported witness to the reported violation, and, if the reported violation involves violence or abuse, personally identifiable information of any person who may be a victim of violence or abuse directly related to the reported violation if such information is in the custody or control of the postsecondary education institution or management board and was received in accordance with adopted, written policies applicable to the postsecondary education institution and the students and employees of the postsecondary education institution, unless access to the information is specifically required by other provisions of law of this state or by federal law or is ordered by a court under rules of discovery.

§4.1. Exceptions

A. The legislature recognizes that it is essential to the operation of a democratic government that the people be made aware of all exceptions, exemptions, and limitations to the laws pertaining to public records. In order to foster the people's awareness, the legislature declares that all exceptions, exemptions, and limitations to the laws pertaining to public records shall be provided for in this Chapter or the Constitution of Louisiana. Any exception, exemption, and limitation to the laws pertaining to public records not provided for in this Chapter or in the Constitution of Louisiana shall have no effect.

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

(1) R.S. 3:556.10, 559.9, 750, 1401, 1413, 1430.7, 1435, 3204, 3221, 3370, 3421, 3524, 3706, 4021, 4110, 4162

(2) R.S. 6:103, 122, 135, 1308

(3) R.S. 9:172, 224, 313, 331.1, 395, 461, 1033, 3518.1, 3556, 3574.6, 3576.21

(4) R.S. 11:174

(5) R.S. 12:1702

(6) R.S. 13:1905, 2593, 3715.3, 3715.4, 3734, 4687, 5108.1, 5304, 5366(L)

(7) R.S. 14:403, 403.1, 403.5

(8) R.S. 15:242, 440.6, 477.2, 549, 570(F), 574.12, 578.1, 616, 660, 840.1, 1176, 1204.1, 1212.1(E), 1507, 1614

(9) R.S. 17:7.2, 46, 47, 81.9, 391.4, 500.2, 1175, 1202, 1237, 1252, 1952, 1989.7, 2047,

2048.31, 3099, 3100.8, 3136, 3390, 3773, 3884

(10) R.S. 18:43, 44, 114, 116, 154, 1308, 1491.5, 1495.3, 1511.8

<Text of par. (B)(11) effective until January 1, 2020.>

(11) R.S. 22:2, 14, 31, 42.1, 88, 244, 263, 265, 461, 550.7, 571, 572, 572.1, 574, 618, 639, 691.4, 691.5, 691.6, 691.7, 691.8, 691.9, 691.9.1, 691.10, 691.38, 691.56, 732, 752, 753, 771, 834, 972(D), 976, 1008, 1019.2, 1203, 1460, 1464, 1466, 1488, 1546, 1559, 1566(D), 1644, 1656, 1723, 1796, 1801, 1808.3, 1927, 1929, 1983, 1984, 2036, 2045, 2056, 2085, 2091, 2293, 2303

<Text of par. (B)(11) effective January 1, 2020.>

(11) R.S. 22:2, 14, 31, 42.1, 88, 244, 263, 265, 461, 550.7, 571, 572, 572.1, 574, 618, 639, 691.4, 691.5, 691.6, 691.7, 691.8, 691.9, 691.9.1, 691.10, 691.38, 691.56, 732, 752, 753, 771, 834, 972(D), 976, 1008, 1019.2, 1203, 1460, 1464, 1466, 1488, 1546, 1559, 1566(D), 1644, 1656, 1657.1, 1723, 1796, 1801, 1808.3, 1927, 1929, 1983, 1984, 2036, 2045, 2056, 2085, 2091, 2293, 2303

(12) R.S. 23:1177, 1197, 1200.7, 1291, 1292, 1293, 1306, 1660, 1671

(13) R.S. 24:513, 513.1, 513.3, 518

(14) R.S. 26:921

(15) R.S. 27:13, 21, 22, 25, 45, 61, 237

(16) R.S. 28:56, 215.4

(17) R.S. 29:765

(18) R.S. 30:10.1, 209.1, 213, 215, 907, 908, 916, 2030, 2074, 2351, 2351.54, 2564

(19) R.S. 32:398, 707.2, 1254

(20) R.S. 33:130.409, 1334, 2182, 2428, 4720.151, 4720.161, 4720.171, 4891, 9109, 9128, 9614

(21) R.S. 34:340.21, 1005

(22) R.S. 36:108

(23) R.S. 37:74, 86, 90, 147, 691, 711.10, 763, 763.1, 781, 920.1, 969.1, 1123(E), 1277, 1278, 1285, 1326, 1518, 1745.15, 1747, 1806, 2156.1, 2406, 2505.1, 3481, 3507.1

(24) R.S. 38:2212.1, 2220.3, 3053, 3104

(25) R.S. 39:294, 1435

(26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 95, 96, 526, 528, 1007, 1061.21, 1079.18, 1081.10, 1105.6, 1105.8, 1133.8, 1171.4, 1203.4, 1231.4, 1379.1.1(D), 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2018.5, 2019, 2020, 2106, 2138, 2532, 2845.1

(27) R.S. 41:1609

(28) R.S. 42:17, 57, 1111, 1141.4, 1158, 1161, 1193, 1194

(29) R.S. 44:19, 408, 425

(30) R.S. 45:1313(C)

(31) R.S. 46:56, 236.1.1 through 238, 284, 286.1, 439.1, 446.1, 1073, 1355, 1806, 1844, 1862, 1923, 2124.1, 2134, 2187, 2356, 2416, 2603, 2625

(32) R.S. 47:15, 349, 633.6, 1508, 1515.3, 1516, 1524(G), 1837, 2130, 2327, 2605, 6026, 9006

(33) R.S. 48:255.1

(34) R.S. 49:220.25, 956, 997, 1055

(35) R.S. 51:710.2(B), 705, 706, 936, 1404, 1926, 1934, 2182, 2262, 2318, 2389

(36) R.S. 56:301.4, 306.5, 433.1(A)(4), 637

(37) Code of Civil Procedure Arts. 891, 1426

(38) Code of Criminal Procedure Arts. 103, 877, 894, Title XXXIV of the Code of Criminal Procedure comprised of Articles 971 through 995.

(39) Children's Code Articles 328, 404, 412, 424.6, 424.9, 441, 543, 545, 615, 616, 616.1, 663, 737, 793, 888, 891, 893, 920, 921, 922, 1007, 1106, 1107, 1185, 1186, 1187, 1207, 1213, 1229, 1235, 1252, 1273, 1283.5, 1283.10, 1416, 1453, 1568.

C. The provisions of this Chapter shall not apply to any writings, records, or other accounts that reflect the mental impressions, conclusions, opinions, or theories of an attorney or an expert, obtained or prepared in anticipation of litigation or in preparation for trial.

§5. Records in custody of governor

A. The legislature recognizes that it is essential to the maintenance of a democratic society that public business be performed in an open and public manner, and that the citizens be advised of and be aware of the performance of public officials and the deliberations and decisions that go into making public policy. Toward this end, the provisions of this Section, as well as the rest of this Chapter, shall be construed liberally so as to facilitate, rather than hinder, access to public records.

B. (1) Records of the office of the governor shall be public records and shall be subject to the provisions of this Chapter.

(2) Records of the office of the governor relative to fiscal or budgetary matters, including but not limited to records of communications between the legislative auditor's office and the office of the governor relative to fiscal or budgetary matters, shall be public records.

(3) Notwithstanding Paragraphs (1) and (2) of this Subsection, a record of the office of the governor relating to intraoffice communications of the governor and his internal staff may be privileged from disclosure.

(4) Notwithstanding Paragraphs (1) and (2) of this Subsection, any record of the office of the governor pertaining to the schedule of the governor, his spouse, or his child that contains security details that if made public may impair the safety of the governor, his spouse, or his child may be held confidential for a period not to exceed seven days following the scheduled event. However, nothing in this Paragraph shall be interpreted or construed in a manner to make confidential all records concerning a meeting or event that the governor attends and transportation related thereto. The governor may keep a record concerning a meeting or event that the governor attends and transportation thereto privileged for a period not to exceed seven days after the occurrence of the meeting or event.

(5) For purposes of this Section, "office of the governor" means the governor, his chief of staff, deputy chief of staff, and his executive counsel.

C. The provisions of Subsection B of this Section shall not prevent any person from inspecting, examining, copying, or obtaining an electronic or physical reproduction of any record pertaining to any money or monies, any assets or items of economic value to the state, or any financial transactions in the control of or handled by or through the governor or the office of the governor.

D. The governor and his internal staff shall preserve all records to which this Section is applicable and at the conclusion of his term of office, the governor shall transfer all such records to the custody of the archives division of the secretary of state. Any exemption granted by this Section for such records shall continue in accordance with Subsection E of this Section. For purposes of this Section, "internal staff" of the governor includes the governor's chief of staff, deputy chief of staff, executive counsel, and director of policy, but shall not include any employee of any other agency, department, or office.

E. Any exemption granted by this Section shall lapse eight years after the creation of the record to which the exemption is applicable. After the lapse of eight years, the records of the office of the governor, as maintained by the state archivist and deposited with the state archives program pursuant to R.S. 44:417, shall be public record.

§6. Completed reports of the Legislative Auditor

The completed reports of audits of the Legislative Auditor shall be public records and shall be available at the office of the Legislative Auditor three days after the completion of the reports.

§7. Hospital records

A. Except as provided in Subsections B, C, and E of this Section and R.S. 44:17, the charts, records, reports, documents, and other memoranda prepared by physicians, surgeons, psychiatrists, nurses, and employees in the public hospitals of Louisiana, adult or juvenile correctional institutions, public mental health centers, and public schools for the mentally deficient to record or indicate the past or present condition, sickness or disease, physical or mental, of the patients treated in the hospitals are exempt from the provisions of this Chapter, except the provisions of R.S. 44:36 and 39. Nothing herein shall prevent hospitals from providing necessary reports pursuant to R.S. 22:213.2, R.S. 29:765, R.S. 40:2019, and R.S. 44:17, nor shall any liability arise from the good faith compliance therewith.

B. The governing authority of each public hospital, adult or juvenile correctional institution, public mental health center or public state school for the mentally deficient, may make and enforce rules under which these charts, records, reports, documents or other memoranda may be exhibited, or copied by or for persons legitimately and properly interested in the disease, physical or mental, or in the condition of patients.

C. Whenever the past or present condition, sickness or disease, physical or mental, of any patient treated in any hospital, adult or juvenile correctional institution, center or school, set forth in Subsection A of this Section shall be at issue or relevant in any judicial proceeding, the charts, records, reports, documents and other memoranda referred to in said Subsection A shall be subject to discovery, subpoena and introduction into evidence in accordance with the general law of the state relating to discovery, subpoena and introduction into evidence of records and documents.

D. The records and proceedings (1) of any public hospital committee, medical organization committee, or extended care facility committee established under state or federal law or regulations or under the bylaws, rules, or regulations of such organization or institution or (2) of any hospital committee, medical organizational committee, or extended care facility committee established by a private hospital licensed under the provisions of R.S. 40:2100 et seq. shall be confidential and shall be used by such committee and the members thereof only in the exercise of the proper functions of the committee and shall not be public records and shall not be available for court subpoena. No physician; hospital, whether public or private; organization; or institution furnishing information, data, reports, or records to any such committee with respect to any patient examined or treated by such physician or confined in such hospital or institution shall, by reason of furnishing such information, be liable in damages to any person. No member of such a committee shall be liable in damages to any person for any action taken or recommendation made within the scope of the functions of such committee if such committee member acts without malice and in the reasonable belief that such action or recommendation is warranted by the facts known to him. However, medicaid or medicare benefits or insurance benefits provided by a private insurer shall not be denied to any person due to inability to secure records or proceedings referred to in this Section. Nothing contained herein shall be construed to prevent disclosure of such data to appropriate state or federal regulatory agencies which by statute or regulation are otherwise entitled to access to such data.

E. The governing authority of each public hospital, adult or juvenile correctional institution, public mental health center, or public state school for the mentally deficient,

shall make available for inspection and copying and shall release upon request an abstract of the patient's record in which all identifying data has been properly encoded to assure confidentiality relating to patients treated in such institutions to the Louisiana cancer registry program established pursuant to R.S. 40:1229.70 et seq.

F. All records of interviews, health surveys, questionnaires, laboratory and clinical data, reports, statements, notes, and memoranda, which contain identifying characteristics of research subjects, hereinafter referred to as "confidential data", and which are procured and prepared by employees of public universities, medical schools, and colleges for the purpose of research, and acting in accordance with institutional Internal Review Board policy and procedures for research involving human subjects, shall be exempt from the provisions of this Chapter and shall be subject to the following provisions:

(1) No part of the confidential data shall be available for subpoena nor shall it be disclosed, discoverable, or be compelled to be produced in any civil, criminal, administrative, or other proceeding, nor shall such records be deemed admissible as evidence in any civil, criminal, or administrative proceeding, or other tribunal or court for any reason.

(2) Nothing in this Section shall prohibit the publishing of data that does not identify individuals or groups which have been assured confidentiality of identification.

(3) Nothing in this Section shall prohibit the publication of results of the research that maintains the confidentiality of the identification of the individual or group that is the subject of research pursuant to this Section.

(4) Nothing in this Section shall prohibit the voluntary disclosure of identifying characteristics of research subjects provided the researcher obtains the consent of the individuals so identified prior to the release of the information.

§8. Louisiana office building corporation, special provisions

A. The private, nonprofit corporation known as the Louisiana Office Building Corporation, incorporated in the parish of East Baton Rouge on June 30, 1965, is hereby declared to be a quasi-public corporation. All papers, documents, contracts, legal agreements, correspondence, minutes of meetings and any other record whatsoever of said corporation are hereby declared to be matters of public record, and shall be open to inspection by state officials and employees, members of the Legislature and legislative staff personnel and the general public. The officers, members of the board of directors, agents and employees of said corporation are hereby authorized and directed to grant access to any record of said corporation upon request. The procedure for access to records under the authority of this Section shall be in keeping with the general provisions for access to public records contained in Chapter I of this Title.

B. All officers, directors and employees of the Louisiana Office Building Corporation who are also elected officials of the State of Louisiana shall be subject to the provisions of the code of ethics for state elected officials contained in R.S. 42:1141-1148 with reference to actions taken in their capacities as such officers, directors or employees of the said corporation. All other officers, directors and employees of the corporation shall be subject to the provisions of the code of ethics for state employees contained in R.S. 42:1111-1123 to the same extent as any state employees.

C. All books and records of the Louisiana Office Building Corporation shall be subject to audit and review by the Legislative Auditor to the same extent as all other state departments or agencies.

§9. Records of violations of municipal ordinances and of state statutes classified as a misdemeanor or felony

Repealed by Acts 2014, No. 145, §3.

§10. Confidential nature of documents and proceedings of judiciary commission

All documents filed with, and evidence and proceedings before the judiciary commission are confidential. The record filed by the commission with the supreme court and proceedings before the supreme court are not confidential.

§11. Confidential nature of certain personnel records; exceptions

A. Notwithstanding anything contained in this Chapter or any other law to the contrary, the following items in the personnel records of a public employee of any public body shall be confidential:

(1) The home telephone number of the public employee where such employee has chosen to have a private or unlisted home telephone number because of the nature of his occupation with such body.

(2) The home telephone number of the public employee where such employee has requested that the number be confidential.

(3) The home address of the public employee where such employee has requested that the address be confidential.

(4) The name and account number of any financial institution to which the public employee's wages or salary are directly deposited by an electronic direct deposit payroll system or other direct deposit payroll system.

B. The provisions of R.S. 44:11(A)(3) shall not apply to the personnel records of a city or parish school board to the extent that the home address of any employee of a city or parish school board shall be made available to recognized educational groups.

C. Notwithstanding any other provision of this Chapter, the social security number and financial institution direct deposit information as contained in the personnel records of a public employee of any public body shall be confidential. However, when the employee's social security number or financial institution direct deposit information is required to be disclosed pursuant to any other provision of law, including such purposes as child support enforcement, health insurance, and retirement reporting, the social security number or financial institution direct deposit information of the employee shall be disclosed pursuant to such provision of law.

D. Notwithstanding anything contained in this Chapter or any other law to the contrary, all medical records, claim forms, insurance applications, requests for the payment of benefits, and all other health records of public employees, public officials, and their dependents in the personnel records of any public body shall be confidential. However, nothing in this Chapter shall be intended to limit access to employee records under the Code of Civil Procedure or Code of Evidence.

E. The provisions of Paragraph (A)(3) of this Section shall not apply to the home address of a member of the Firefighters' Retirement System if that information is requested by a member of the Louisiana Legislature, an agency or employer reporting information to the system, or a recognized association of system members.

§12. Medical records of persons covered by the Office of Group Benefits programs

A. All medical records, claim forms, life insurance applications, requests for the payment of benefits, and all other health records of employees and dependents enrolled in the Office of Group Benefits programs pursuant to the provisions of R.S. 42:821 or R.S. 42:851, or an employee benefit plan or program of a political subdivision, which are in the custody or control of the Office of Group Benefits, the board of trustees of a

program of a political subdivision, a plan administrator, or any duly appointed representative are exempt from the provisions of this Chapter.

B. All other records pertaining to such programs in the custody or control of the Office of Group Benefits, the board of trustees of a program of a political subdivision, a plan administrator, or a duly appointed representative of the Office of Group Benefits or a program of a political subdivision are subject to the provisions of this Chapter.

C. All books and records of the Office of Group Benefits shall be subject to audit and review by the legislative auditor to the same extent as all other state departments or agencies.

§12.1. Records of applicants for public positions; prohibitions

A. The name of each applicant for a public positions of authority or a public position with policymaking duties, the qualifications of such an applicant related to such position, and any relevant employment history or experience of such an applicant shall be available for public inspection, examination, copying or reproduction as provided in Part II of this Chapter.

B. (1) No public body or agent acting on behalf of such public body shall utilize only oral contacts and interviews of applicants considered when filling vacancies in public positions of authority or public positions with policymaking duties or use any other means to circumvent the provisions of this Section.

(2) (a) Nothing in this Section shall prohibit oral contact prior to a person becoming an applicant or shall prohibit oral contact which may result in written documents.

(b) Nothing in this Paragraph shall require a particular method or procedure for filling vacancies as long as not exclusively by use of oral contact.

(3) Any person who violates the provisions of this Section shall be subject to all applicable penalties for violations of this Chapter.

§13. Registration records and other records of use maintained by libraries

A. Notwithstanding any provisions of this Chapter or any other law to the contrary, records of any library which is in whole or in part supported by public funds, including the records of public, academic, school, and special libraries, and the State Library of Louisiana, indicating which of its documents or other materials, regardless of format, have been loaned to or used by an identifiable individual or group of individuals may not be disclosed except to a parent or custodian of a minor child seeking access to that child's records, to persons acting within the scope of their duties in the administration of the library, to persons authorized in writing by the individual or group of individuals to inspect such records, or by order of a court of law.

B. Notwithstanding any provisions of this Chapter or any other law to the contrary, records of any such library which are maintained for purposes of registration or for determining eligibility for the use of library services may not be disclosed except as provided in Subsection A of this Section.

C. No provision of this Section shall be so construed as to prohibit or hinder any library or any business office operating jointly with a library from collecting overdue books, documents, films, or other items and/or materials owned or otherwise belonging to such library, nor shall any provision of this Section be so construed as to prohibit or hinder any such library or business office from collecting fines on such overdue books, documents, films, or other items and/or materials.

D. No provision of this Section shall be so construed as to prohibit or hinder any library or librarian from providing information to appropriate law enforcement officers

investigating criminal activity in the library witnessed by an employee or patron of the library and reported by the administrative librarian to the appropriate law enforcement officials.

(1) The term "criminal activity in the library", as used in this Subsection, shall mean an activity which constitutes a crime, or otherwise constitutes an offense or violation of any law or ordinance, occurring:

(a) Within any library building,

(b) Upon any library property, or

(c) Near a library and the proximity of such activity to a library or library property constitutes an element of the offense.

(2) The term "information", as used in this Subsection shall include but not be limited to electronic data files, security surveillance video tapes, or other records or materials which may constitute evidence which would assist law enforcement officers in identifying the individual or group of individuals who may have committed criminal activity in the library.

§14. Insurance, health and accident; list of insured to be provided to department

A. Every person authorized to issue a hospital or medical expense policy, a hospital or medical service contract, an employee welfare benefit plan, a health and accident insurance policy, or any other insurance contract of this type in this state, including a group insurance plan, a self insurance plan, and the Louisiana State Employees Uniform Group Benefits Program, shall provide to the Department of Health and Hospitals information on their insureds, either in the form of a printed list, a computer printout, or electronic or data processing tapes, pursuant to rules and regulations established by the secretary, so that the department can determine if any of the insureds are persons who have received services from the department and on whose behalf the department may be entitled to receive insurance benefits. This information shall be provided monthly and once received by the department shall be confidential information in the same manner as other confidential information of the department.

B. The provisions of this Section shall not apply to any insured whose indemnity policy benefits pay less than twenty-five dollars a day in hospital or medical benefits.

§15. Medical records of persons applying for disability retirement through any state or statewide public retirement system or pension plan or fund

A. All medical records, application forms, doctor's reports and evaluations, agency certifications, and all other health records of persons applying for disability retirement from any state or statewide public retirement system or pension plan or fund pursuant to the provisions of the applicable laws governing disability retirement for these systems, plans, or funds, and all regulations promulgated pursuant thereto, which are in the custody or control of the board of trustees of any state or statewide public retirement system or pension plan or fund or any duly appointed representative thereof, are exempt from the provisions of this Chapter.

B. All other records pertaining to membership in or retirement under any state or statewide public retirement system or pension plan or fund which are in the custody or control of the board of trustees of any state or statewide public retirement system or pension plan or fund or any duly appointed representative thereof, are subject to the provisions of this Chapter.

§16. Personal data records for certain members of public retirement systems, plans, or funds

A. All records of retired members of public retirement systems, plans, or funds or of members who are participating in or who have

participated in the Deferred Retirement Option Plan are exempt from the provisions of this Chapter except for the amount of the retired member's retirement allowance, final average compensation, and years of creditable service, and the names of the agencies with which he was employed and the dates of such employment.

B. The exemption for records of retired members of the public retirement systems, plans, or funds or members who are participating in or who have participated in the Deferred Retirement Option Plan provided in Subsection A of this Section shall not apply to requests for such records by members of the Louisiana Legislature, by any state agency or employer reporting information to the public retirement systems, plans, or funds, or by any association of individuals receiving a retirement allowance or benefit from the public retirement systems, plans, or funds.

§17. Immunization records; definitions; disclosure; liability; procedures

A. Definitions

As used in this Section:

(1) "Minor" means a person who is seventeen years old or younger or who is not legally emancipated.

(2) "Patient" means a natural person who receives health care from a licensed health care provider under a contract, expressed or implied.

(3) "Private health care provider" means:

(a) A physician, surgeon, licensed registered or licensed practical nurse, and any employee of a physician or surgeon acting within the course and scope of employment and who is not providing health care services by or on behalf of the state.

(b) A resident, intern, or student of, or any person who is otherwise qualified in a discipline listed in Subparagraph (a) of this Paragraph when the person is acting within the course and scope of the training or staff appointment in and under the supervision of the health care providers listed in Subparagraph (a) of this Paragraph.

(4) "Representative of a patient" means a person who is a parent, tutor, curator, spouse, trustee, attorney, or other legal agent of the patient and who is authorized, by and on behalf of the patient, to exercise any of the patient's rights or privileges.

(5) "State health care provider" means a state health care provider as defined in R.S. 40:1299.39.

B. Information and records pertaining to the immunization status of persons against childhood diseases as required by R.S. 17:170 and R.S. 40:4(A)(2), may be disclosed and exchanged with verbal consent of the patient or his representative and without a patient's, or his representative's, written release authorizing such disclosure, to any of the following:

(1) State health care provider.

(2) Private health care provider.

(3) Representative of a patient.

(4) A patient who is not a minor.

C. If any person authorized in Subsection B discloses such information for any purpose other than for administering or receiving vaccinations, such disclosure shall be considered as an unauthorized release of confidential information, and such person shall be liable for civil damages.

D. The Department of Health and Hospitals shall promulgate rules and regulations, in accordance with the Administrative Procedure Act, to establish procedures whereby immunization information may be released from one health care provider to another.

§18. Geophysical survey information

All information and records of geophysical or geological surveys furnished to the State Mineral and Energy Board or the office of mineral resources pursuant to R.S. 30:213

shall be confidential and exempt from the provisions of this Chapter.

§19. Records of a coroner, autopsy photographs, video, and other visual images

A. (1) Notwithstanding any provision of this Chapter to the contrary, any medical record or personal medical history of a deceased person in the custody of a coroner shall be confidential and shall not be subject to examination, inspection, or copying pursuant to R.S. 44:31, 32, or 33.

(2) For purposes of this Subsection, the phrase "medical record or personal medical history of a deceased person" shall mean information regarding the physical, mental, or behavioral health or condition of a deceased person prior to death.

(3) The provisions of Paragraph (1) of this Subsection shall not apply to a death certificate, fact of death letter, or coroner's report.

B. Notwithstanding any other provision of law to the contrary, photographs, video, or other visual images, in whatever form, of or relating to an autopsy conducted under the authority of the office of the coroner shall be confidential, are deemed not to be public records, and shall not be released by the office of the coroner or any officer, employee, or agent thereof except as otherwise provided in this Section.

C. Nothing in this Section shall prevent the release of information in the custody of a coroner, including autopsy photographs, video, or other visual images, in whatever form, of or relating to an autopsy conducted under the authority of the office of the coroner as follows:

(1) To a family member of the deceased or his designee.

(2) To the succession representative of the deceased's estate or his designee.

(3) To a law enforcement agency, for official use only.

(4) To a qualified dentist, forensic anthropologist, or forensic pathologist as necessary to establish the identity of the deceased.

(5) As directed by a court order or subpoena.

D. Nothing in this Section shall prevent the inspection of photographs, video, or other visual images, in whatever form, of or relating to an autopsy.

E. Coroner death investigation documents shall include the following:

(1) A fact of death letter is a written statement attesting to the fact of death, which shall constitute proof of death for all purposes, including but not limited to any claim under any policy of insurance issued on the life of the deceased individual. The fact of death letter shall be a public record. The fact of death letter shall be provided, upon request, to the spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent. If there is no spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent, then the coroner shall provide one copy of the autopsy report, upon request, to the next of kin.

(2) A death investigation report is the work product of the coroner and is an internal document that comprehensively records the findings and all known information about the case created by both the investigative and administrative staff of the coroner's office. The death investigation report is not a public document. However, it shall be made available at no charge to the appropriate law enforcement agencies as requested and is subject to subpoena. The death investigation report shall also be made available, upon request, to the spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent. If there is no spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent, then the coroner shall provide one copy of the autopsy report, upon request, to the next of kin.

(3) A coroner's report is a document that includes the name of the decedent, address, sex, date of birth, age, and race of the decedent, date and time of death, place of death, date and time of autopsy, when applicable, and the cause and manner of death, including any scientifically contributing factors. The coroner's report is a public record, and the coroner or his designee shall release this report to the news media, any other person, the Department of Children and Family Services, when appropriate, the spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent, or to the person with the right to control and authorize the interment of the decedent as provided in R.S. 8:655(A). However, nothing in this Paragraph shall authorize the release of the information set forth in this Paragraph prior to notification of the next of kin of the deceased unless no next of kin can be determined or, despite reasonable efforts by the coroner's office, no next of kin can be located. The provisions of this Paragraph shall not require the release of information in non-coroner cases, nor shall it prohibit the coroner from releasing information pursuant to R.S. 13:5713 or Children's Code Article 609 to the Department of Children and Family Services.

(4) A post-mortem forensic medical examination report, referred to as the "autopsy report", may include an external examination only, an external examination with toxicology, toxicology only, or an autopsy with supporting laboratory evaluation. The post-mortem forensic medical examination report is a document that is the work product of the coroner that contains the name of the decedent, address, date of birth, age, sex, and race of the decedent, date and time of death, place of death, date and time of autopsy, when applicable, name of the doctor performing the autopsy and names of all persons present at the autopsy, and information regarding the autopsy, including whether the autopsy was requested or performed by operation of law, a listing of the physical findings of the autopsy, a summary in narrative form of the medical findings and conclusions, toxicology, histology, and radiology findings, when applicable, and the cause and manner of death. The post-mortem forensic medical examination report is not a public document except as provided in Paragraph (6) of this Subsection, or if ordered opened to the public by a court of competent jurisdiction. However, it shall be made available at no charge to the appropriate law enforcement agencies as requested and is subject to subpoena. The coroner shall provide one copy of this document upon request by the spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent, or the next of kin pursuant to R.S. 8:655(A) and one copy of this document upon request by the decedent's physician. The provisions of this Paragraph shall not apply to the medical records of the decedent or any records generated by any public entity other than the coroner and those records shall be obtained from the entity generating them in accordance with other applicable provisions of law.

(5) Nothing in this Subsection shall prohibit a coroner from providing the documents described in this Subsection to the Louisiana Department of Heath, office of pubic health, for mortality surveillance and other purposes related to public health. The office of public health shall treat any such documents as confidential, and such documents shall not be subject to release pursuant to a public records request or subpoena to the Louisiana Department of Health or the office of public health.

(6) Notwithstanding any other provision of this Section, any post-mortem forensic medical examination report used in the investigation of any criminal activity or death of any person in the custody or control of any law enforcement or corrections entity authorized by the constitution and laws of the United States or the state of Louisiana is a public record subject to the provisions of R.S. 44:3(A)(1).

§20. Records of discharge from armed forces

A. Upon the presentation of the discharge certificate or other evidence, the clerks of court of the several parishes and the register of conveyances of the parish of Orleans shall record in their records without charge, each discharge certificate or other evidence of honorable separation from the armed forces of the United States of men and women who have served in the forces. It shall not be necessary to retain original discharge papers in the archives of the office.

B. Any discharge certificate or other evidence of honorable separation from the armed forces of the United States filed on or after July 1, 2000 shall be confidential, shall not be considered as public record under R.S. 44:1 et seq., and shall not be released or shown to any person except:

(1) To the veteran or his designee.

(2) If the veteran is deceased, to the executor of his estate or to the surviving spouse or any family member of the veteran, upon furnishing a death certificate, affidavit of death, or other satisfactory evidence of the death of the veteran.

Notwithstanding the provisions of R.S. 44:31 and R.S. 44:32, the clerks of court of the several parishes and the register of conveyances of the parish of Orleans shall make available to the public any discharge certificate or other evidence of honorable separation from the armed forces of the United States filed prior to July 1, 2000. The clerks of court and the register shall not make copies of such record for a person who requests such record, unless the person who requests such record appears in person in the office of the appropriate clerk of court or the register and provides his full name and address to the clerk or register. The clerks of court and the register shall not make such a record available to the public on any website.

§21. Municipal fire and police civil service; test materials confidential

Notwithstanding any other provision of law to the contrary, all tests and all records, the content of which includes or indicates actual content or answers for tests which are prepared, administered, or scored by the office of state examiner, municipal fire and police civil service, shall be confidential and shall not be released by any person except for:

(1) The production and exhibition by the state examiner of test questions, answers, and papers to a local civil service board as required by R.S. 33:2492 or 2552, provided that such production and exhibition and any discussion of such materials shall occur in executive session as authorized by R.S. 42:6.1.

(2) As necessary for the actual administration of the test.

§21.1. Jefferson Parish civil service; test materials confidential

Notwithstanding any other provision of law to the contrary, all tests and records, the content of which includes or indicates actual content or answers for tests that are prepared, administered, or scored by the Jefferson Parish Personnel Department shall be confidential and shall not be released by any person except for:

(1) The production and exhibition of test questions, answers, and papers to the Jefferson Parish Personnel Board, provided that such production and exhibition and any discussion of such materials shall occur in executive session as authorized by R.S. 42:17.

(2) As necessary for the actual administration of the test.

§22. Economic development negotiations

A. Notwithstanding any other provision of this Chapter to the contrary, records in the custody of the Department of Economic Development pertaining to an active negotiation with a person for the purpose of

retaining, expanding, or attracting economic or business development in the state shall be confidential and shall not be subject to the provisions of R.S. 44:31, 32, or 33, if the person requests such confidentiality in writing detailing the reasons such person requests confidentiality and asserting that the negotiation is conditioned in whole or in part on the maintenance of such confidentiality, and the secretary of the Department of Economic Development determines that the disclosure of such records would have a detrimental effect on the negotiation. Each determination by the secretary shall include his reasons for such determination. The secretary shall publish in the official journal of the state a notice containing general information regarding each negotiation to which records are confidential pursuant to this Section, no later than ten days after the determination of confidentiality. Such notice shall include the date of the secretary's determination. Records of expenses of the department pertaining to the negotiation shall be public and subject to review, except that the secretary may redact information that he determines would identify or lead to the identification of the person with whom the department is negotiating and such information shall be confidential until the negotiations are concluded. However, immediately upon the conclusion of the negotiation, all such records shall be subject to the provisions of this Chapter.

B. No information made confidential pursuant to Subsection A of this Section shall remain confidential for more than twelve months from the date of the secretary's determination of confidentiality; however, if the negotiation remains active and the secretary makes a new determination that the disclosure of the information would be detrimental to the negotiations and gives notice as provided in Subsection A of this Section, such information shall remain confidential while the negotiation remains active, not to exceed an additional twelve months. Under no circumstances shall information made confidential pursuant to this Section remain confidential for more than twenty-four months from the date of the initial determination of the secretary.

C. For the purposes of this Section, "active negotiation" or "negotiation remains active" shall mean a negotiation which has commenced when the Department of Economic Development provides a response to a request for information or other similar document from a person who is requesting assistance in the retention, expansion, or location of a business in this state and which is not concluded. For the purposes of this Section, a negotiation is no longer active or is concluded when the Department of Economic Development decides to no longer actively pursue the retention, expansion, or location of such business in this state; when the person with whom the department was negotiating decides not to pursue the retention, expansion, or location of such business in this state; or when a proposal affecting the negotiation is submitted to a public body for consideration by the public body in a public meeting, whichever occurs earlier.

D. The provisions of Subsection A to this Section shall not apply to any application for a license or permit or to any record of negotiations concerning any hazardous waste or waste site, as "hazardous waste" and "waste" are defined in R.S. 30:2173.

E. The provisions of this Section shall have no effect unless the party whose information is being maintained confidential maintains as confidential any information provided to the party by the Department of Economic Development in response to a request for assistance in the retention, expansion, or location of a business in the state and which is a negotiation and which remains an active negotiation.

§22.1. Port Economic Development Negotiations

A. Notwithstanding any other provision of this Chapter to the contrary, records that are in

the custody of a port commission or a port, harbor, and terminal district that pertain to an active negotiation with a person for the purpose of a proposed project involving the retention, expansion, or attraction of further economic development of the port under its supervision and that relate to or facilitate the transportation of goods in domestic or international commerce shall be confidential and shall not be subject to the provisions of R.S. 44:31, 32, or 33 if the person requests such confidentiality in writing detailing the reasons such person requests confidentiality and asserting that the negotiation is conditioned in whole or in part on the maintenance of such confidentiality, and the chief executive officer of the commission or district determines that the disclosure of such records would have a detrimental effect on the negotiation. Each determination by the chief executive officer shall include reasons for the determination. The commission or district shall publish in its official journal a notice containing general information regarding each negotiation to which records are confidential pursuant to this Section no later than ten days after the determination of confidentiality. Such notice shall include the date of the chief executive officer's determination. Records of expenses of the commission or district pertaining to the negotiation shall be public and subject to review, except that the chief executive officer may redact information that he determines would identify or lead to the identification of the person with whom the commission or district is negotiating and such information shall be confidential until the negotiations are concluded. However, immediately on the conclusion of the negotiation, all such records shall be subject to the provisions of this Chapter.

B. No information made confidential pursuant to Subsection A of this Section shall remain confidential for more than twelve months from the date of the chief executive officer's determination of confidentiality; however, if the negotiation remains active and the chief executive officer makes a new determination that the disclosure of the information would be detrimental to the negotiations and gives notice as provided in Subsection A of this Section, such information shall remain confidential while the negotiation remains active, not to exceed an additional twelve months. Under no circumstances shall information made confidential pursuant to this Section remain confidential for more than twenty-four months from the date of the initial determination of the chief executive officer.

C. For the purposes of this Section, "active negotiation" or "negotiation remains active" shall mean a negotiation which has commenced concerning a project for the retention, expansion, or location of public port facilities and operations which relate to or facilitate the transportation of goods in domestic or international commerce and which is not concluded when the commission or district receives a request for information or other similar document concerning the project. For the purposes of this Section, a negotiation is no longer active or is concluded when the commission or district decides no longer to actively pursue the proposed project with the person; when the person with whom the commission or district was negotiating decides not to pursue the proposed project; or when a proposal affecting the negotiation is submitted to a public body for consideration by the public body in a public meeting, whichever occurs earlier.

D. The provisions of Subsection A of this Section shall not apply to any application for a license or permit or to any record of negotiations concerning any hazardous waste or waste site as "hazardous waste" and "waste" are defined in R.S. 30:2173.

E. The provisions of this Section shall have no effect unless the party whose information is being maintained as confidential also maintains as confidential any information provided to the party by the commission or district concerning the project which remains in active negotiation.

§23. Department of Transportation and Development; preconstruction estimates

Notwithstanding the provisions of R.S. 44:31, 32, or 33, a preconstruction estimate for a project advertised and let or for a project to be advertised and let by the Department of Transportation and Development shall not be available for examination, inspection, copying, or reproduction until the date that the bids for such project are opened. If the custodian of such a record receives a request for a preconstruction estimate prior to the date the bids for such project are opened, the custodian shall notify the requestor that the record is not available and shall specify the date that the record will be available. Notwithstanding the provisions of this Section, the estimated cost range for a department project shall be available, upon request.

§23.1. Department of Transportation and Development; Sabine River Authority; exception for certain sensitive security information or critical infrastructure information

A. Except as otherwise provided in Subsection B of this Section, nothing in this Chapter shall be construed to require disclosure of records of the Department of Transportation and Development or the Sabine River Authority, state of Louisiana, containing sensitive security information or critical infrastructure information.

B. The provisions of Subsection A of this Section shall not be construed, interpreted, or enforced in any manner to prohibit a member of the legislature in the performance of his official duties from inspecting or examining any record in the custody of the Department of Transportation and Development.

C. For purposes of this Section, the following terms shall have the following meanings:

(1) "Critical infrastructure" shall mean a transportation facility or asset that is so vital to the state of Louisiana that the incapacity or destruction of the facility or asset would have a debilitating impact on the security, economy, public health, or public safety of the state.

(2) "Sensitive security information" shall mean security procedures, criminal intelligence information pertaining to terrorist-related activity, or threat or vulnerability assessments created, collected, or obtained in the prevention of terrorist-related activity, including but not limited to physical security information or critical infrastructure information, proprietary information, operational plans, and the analysis of such information, or internal security information.

§31. Right to examine records

A. Providing access to public records is a responsibility and duty of the appointive or elective office of a custodian and his employees.

B. (1) Except as otherwise provided in this Chapter or as otherwise specifically provided by law, and in accordance with the provisions of this Chapter any person of the age of majority may inspect, copy or reproduce any public record.

(2) Except as otherwise provided in this Chapter or as otherwise specifically provided by law, and in accordance with the provisions of this Chapter, any person may obtain a copy or reproduction of any public record.

(3) The burden of proving that a public record is not subject to inspection, copying, or reproduction shall rest with the custodian.

§31.1. Exceptions; authority of the custodian

For the purposes of this Chapter, person does not include an individual in custody after sentence following a felony conviction who has exhausted his appellate remedies when the request for public records is not limited to grounds upon which the individual could file for post conviction relief under Code of

Criminal Procedure Article 930.3. Notwithstanding the provisions contained in R.S. 44:32, the custodian may make an inquiry of any individual who applies for a public record to determine if such individual is in custody after sentence following a felony conviction who has exhausted his appellate remedies and the custodian may make any inquiry necessary to determine if the request of any such individual in custody for a felony conviction is limited to grounds upon which such individual may file for post conviction relief under Code of Criminal Procedure Article 930.3.

§31.2. Public records awareness program

The attorney general shall establish a program for educating the general public, public bodies, and custodians regarding the provisions of this Chapter. Such program may include brochures, pamphlets, videos, seminars, and Internet access to information which provides training on the provisions of this Chapter, including the custodian's responsibilities in connection with a request for records and the right of a person to institute court proceedings if access to a record is denied by the custodian.

§32. Duty to permit examination; prevention of alteration; payment for overtime; copies provided; fees

A. The custodian shall present any public record to any person of the age of majority who so requests. The custodian shall make no inquiry of any person who applies for a public record, except an inquiry as to the age and identification of the person and may require the person to sign a register and shall not review, examine or scrutinize any copy, photograph, or memoranda in the possession of any such person; and shall extend to the person all reasonable comfort and facility for the full exercise of the right granted by this Chapter; provided that nothing herein contained shall prevent the custodian from maintaining such vigilance as is required to prevent alteration of any record while it is being examined; and provided further, that examinations of records under the authority of this Section must be conducted during regular office or working hours, unless the custodian shall authorize examination of records in other than regular office or working hours. In this event the persons designated to represent the custodian during such examination shall be entitled to reasonable compensation to be paid to them by the public body having custody of such record, out of funds provided in advance by the person examining such record in other than regular office or working hours.

B. If any record contains material which is not a public record, the custodian may separate the nonpublic record and make the public record available for examination.

C. (1)(a) For all public records, except public records of state agencies, it shall be the duty of the custodian of such public records to provide copies to persons so requesting. The custodian may establish and collect reasonable fees for making copies of public records. The custodian may request payment of fees in advance of production. Copies of records may be furnished without charge or at a reduced charge to indigent citizens of this state.

(b) For all public records in the custody of a clerk of court, the clerk may also establish reasonable uniform written procedures for the reproduction of any such public record. Additionally, in the parish of Orleans, the recorder of mortgages, the register of conveyances, and the custodian of notarial records may each establish reasonable uniform procedures for the reproduction of public records.

(c) The use or placement of mechanical reproduction, microphotographic reproduction, or any other such imaging, reproduction, or photocopying equipment within the offices of the clerk of court by any person described in R.S. 44:31 is prohibited unless ordered by a court of competent jurisdiction.

(d) Any person, as provided for in R.S. 44:31, may request a copy or reproduction of any public record and it shall be the duty of the custodian to provide such copy or reproduction to the person so requesting.

(2) For all public records of state agencies, it shall be the duty of the custodian of such records to provide copies to persons so requesting. Fees for such copies shall be charged according to the uniform fee schedule adopted by the commissioner of administration, as provided by R.S. 39:241.

Copies shall be provided at fees according to the schedule, except for copies of public records the fees for the reproduction of which are otherwise fixed by law. Copies of records may be furnished without charge or at a reduced charge to indigent citizens of this state or the persons whose use of such copies, as determined by the custodian, will be limited to a public purpose, including but not limited to use in a hearing before any governmental regulatory commission.

(3) No fee shall be charged to any person to examine or review any public records, except as provided in this Section, and no fee shall be charged for examination or review to determine if a record is subject to disclosure, except as may be determined by a court of competent jurisdiction.

D. In any case in which a record is requested and a question is raised by the custodian of the record as to whether it is a public record, such custodian shall within three days, exclusive of Saturdays, Sundays, and legal public holidays, of the receipt of the request, in writing for such record, notify in writing the person making such request of his determination and the reasons therefor. Such written notification shall contain a reference to the basis under law which the custodian has determined exempts a record, or any part thereof, from inspection, copying, or reproduction.

§33. Availability of records

A. (1) When a request is made for a public record to which the public is entitled, the official, clerks of court and the custodian of notarial records in and for the parish of Orleans excepted, who has responsibility for the record shall have the record segregated from other records under his custody so that the public can reasonably view the record.

(2) If, however, segregating the record would be unreasonably burdensome or expensive, or if the record requested is maintained in a fashion that makes it readily identifiable and renders further segregation unnecessary, the official shall so state in writing and shall state the location of the requested record.

B. (1) If the public record applied for is immediately available, because of its not being in active use at the time of the application, the public record shall be immediately presented to the authorized person applying for it. If the public record applied for is not immediately available, because of its being in active use at the time of the application, the custodian shall promptly certify this in writing to the applicant, and in his certificate shall fix a day and hour within three days, exclusive of Saturdays, Sundays, and legal public holidays, for the exercise of the right granted by this Chapter.

(2) The fact that the public records are being audited shall in no case be construed as a reason or justification for a refusal to allow inspection of the records except when the public records are in active use by the auditor.

§33.1. Custodian; contact information

Each public body that has a custodian of public records shall make the contact information of the custodian available to the public in a manner that will allow a member of the public to quickly determine the appropriate person to whom a public records request should be submitted, including by placing such information on the internet.

§34. Absence of records

If any public record applied for by any authorized person is not in the custody or control of the person to whom the application is made, such person shall promptly certify this in writing to the applicant, and shall in the certificate state in detail to the best of his knowledge and belief, the reason for the absence of the record from his custody or control, its location, what person then has custody of the record and the manner and method in which, and the exact time at which it was taken from his custody or control. He shall include in the certificate ample and detailed answers to inquiries of the applicant which may facilitate the exercise of the right granted by this Chapter.

§35. Enforcement

A. Any person who has been denied the right to inspect, copy, reproduce, or obtain a copy or reproduction of a record under the provisions of this Chapter, either by a determination of the custodian or by the passage of five days, exclusive of Saturdays, Sundays, and legal public holidays, from the date of his in-person, written, or electronic request without receiving a determination in writing by the custodian or an estimate of the time reasonably necessary for collection, segregation, redaction, examination, or review of a records request, may institute proceedings for the issuance of a writ of mandamus, injunctive or declaratory relief, together with attorney fees, costs and damages as provided for by this Section, in the district court for the parish in which the office of the custodian is located.

B. In any suit filed under Subsection A above, the court has jurisdiction to enjoin the custodian from withholding records or to issue a writ of mandamus ordering the production of any records improperly withheld from the person seeking disclosure. The court shall determine the matter de novo and the burden is on the custodian to sustain his action. The court may view the documents in controversy in camera before reaching a decision. Any noncompliance with the order of the court may be punished as contempt of court.

C. Any suit brought in any court of original jurisdiction to enforce the provisions of this Chapter shall be tried by preference and in a summary manner. Any appellate courts to which the suit is brought shall place it on its preferential docket and shall hear it without delay, rendering a decision as soon as practicable.

D. (1) If a person seeking the right to inspect, copy, or reproduce a record or to receive or obtain a copy or reproduction of a public record prevails in such suit, he shall be awarded reasonable attorney fees and other costs of litigation. If such person prevails in part, the court may in its discretion award him reasonable attorney fees or an appropriate portion thereof.

(2) If a public body or official brings a suit against a person based on the person's request to inspect, copy, or reproduce a record or to receive or obtain a copy or reproduction of a public record and the person prevails in the suit, the person shall be awarded reasonable attorney fees and other costs of litigation. If the person prevails in part, the court may in its discretion award the person reasonable attorney fees or an appropriate portion thereof.

E. (1) If the court finds that the custodian arbitrarily or capriciously withheld the requested record or unreasonably or arbitrarily failed to respond to the request as required by R.S. 44:32, it may award the requester any actual damages proven by him to have resulted from the actions of the custodian except as hereinafter provided. In addition, if the court finds that the custodian unreasonably or arbitrarily failed to respond to the request as required by R.S. 44:32 it may award the requester civil penalties not to exceed one hundred dollars per day, exclusive of Saturdays, Sundays, and legal public holidays for each such day of such failure to give notification.

(2) The custodian shall be personally liable for the payment of any such damages, and shall be liable in solido with the public body for the payment of the requester's attorney fees and other costs of litigation, except where the custodian has withheld or denied production of the requested record or records on advice of the legal counsel representing the public body in which the office of such custodian is located, and in the event the custodian retains private legal counsel for his defense or for bringing suit against the requester in connection with the request for records, the court may award attorney fees to the custodian.

F. An award for attorney fees in any suit brought under the provisions of this Chapter shall not exceed the amounts approved by the attorney general for the employment of outside counsel.

§36. Preservation of records

A. All persons and public bodies having custody or control of any public record, other than conveyance, probate, mortgage, or other permanent records required by existing law to be kept for all time, shall exercise diligence and care in preserving the public record for the period or periods of time specified for such public records in formal records retention schedules developed and approved by the state archivist and director of the division of archives, records management, and history of the Department of State. However, in all instances in which a formal retention schedule has not been executed, such public records shall be preserved and maintained for a period of at least three years from the date on which the public record was made. However, where copies of an original record exist, the original alone shall be kept; when only duplicate copies of a record exist, only one copy of the duplicate copies shall be required to be kept. Where an appropriate form of the microphotographic process has been utilized to record, file, and otherwise preserve such public records with microforms produced in compliance with the provisions of R.S. 44:415, the microforms shall be deemed originals in themselves, as provided by R.S. 44:39(B), and disposition of original documents which have been microphotographically preserved and of duplicates and other copies thereof shall proceed as provided in R.S. 44:411.

B. All existing records or records hereafter accumulated by the Department of Revenue may be destroyed after five years from the thirty-first day of December of the year in which the tax to which the records pertain became due; provided that these records shall not be destroyed in any case where there is a contest relative to the payment of taxes or where a claim has been made for a refund or where litigation with reference thereto is pending.

C. All existing records or records hereafter accumulated by the various services of the state or its subdivisions which participate in federal programs or receive federal grants may be destroyed after three years from the date on which the records were made in those cases where this provision is not superseded by guidelines for the operative federal program or grant requiring longer retention periods for the records in question; provided that these records shall not be destroyed in any case where litigation with reference thereto is pending, or until the appropriate state or federal audits have been conducted.

D. All existing records or records hereafter accumulated by the Department of Public Safety and Corrections, corrections services, pertaining to any adult offender shall be retained and may not be destroyed until after ten years from the date the full term sentence imposed upon such offender expires, or six years from date of death of the offender, whichever comes first.

E. (1) The public records of a prosecuting agency, pertaining to a criminal prosecution that results in a conviction, in a manner other than a plea, shall be retained for a period of three years from the date on which a court of appeal affirms the conviction, the Louisiana

Supreme Court denies writs, or the Louisiana Supreme Court makes its final ruling on the appeal, whichever occurs last.

(2) The provisions of this Subsection shall not apply to any records expunged as provided by law.

(3) Nothing in this Subsection shall be construed in any manner to affect or alter the provisions of R.S. 44:3 regarding the records of prosecuting agencies.

F. All existing records or records hereafter accumulated pursuant to R.S. 42:23 shall be preserved and maintained for a period of at least two years from the date on which the public record was made."

§37. Penalties for violation by custodians of records

Any person having custody or control of a public record, who violates any of the provisions of this Chapter, or any person not having such custody or control who by any conspiracy, understanding or co-operation with any other person hinders or attempts to hinder the inspection of any public records declared by this Chapter to be subject to inspection, shall upon first conviction be fined not less than one hundred dollars, and not more than one thousand dollars, or shall be imprisoned for not less than one month, nor more than six months. Upon any subsequent conviction he shall be fined not less than two hundred fifty dollars, and not more than two thousand dollars, or imprisoned for not less than two months, nor more than six months, or both.

§38. Access to records involved in legislative studies

Notwithstanding any other law to the contrary, the custodian of records of the Department of Social Services, office of community services, and the custodian of records of each juvenile court or any court which hears and decides juvenile matters shall grant access to a percentage, as specified by the legislative committee, of the total records of defined classes of children in state custody or in foster care to any committee of the legislature acting pursuant to an appropriate legislative instrument directing the committee to study procedures or outcomes of cases involving children in state custody or in foster care. The size of the specific group to be studied shall be large enough to preserve the anonymity of individual children. Such access shall be limited to that purpose, and all information regarding names or other identifiers shall be removed. Information pertaining to children who have been adopted shall be strictly confidential and shall be released only in accordance with existing laws.

§39. Microfilm and electronic digitized records; use as evidence

A. (1) All persons and public bodies having custody or control of any public records of the state of Louisiana or any of its subdivisions may utilize any appropriate form of the microphotographic process, or an electronic digitizing process capable of reproducing an unalterable image of the original source document, for the recordation, filing, and preservation of all existing public records, forms, and documents or records, forms, and documents hereafter accumulated which pertain to their functions and operations in order to maintain efficient and economical records management programs and to conserve storage space, provided that the use of such microphotographic or electronic digitizing processes are not otherwise prohibited by law and that all microforms produced comply with standards established by the division of archives, records management, and history of the Department of State in accordance with the provisions of R.S. 44:415.

(2) (a) However, when electronic digitizing is utilized, the original source document or microfilm of such source document shall be maintained until such time

as electronic digitizing is recognized as an acceptable means of records preservation.

(b) Notwithstanding the provisions of this Subsection, the agencies and entities set forth in this Subparagraph shall not be required to maintain the original source document or microfilm thereof when such document has been preserved utilizing electronic digitizing pursuant to written operating standards providing for retention and back-up schedules in accordance with recognized computer operating practices which at a minimum provide the technical equivalent of back-up copies:

(i) Public safety services within the Department of Public Safety and Corrections.

(ii) All public retirement systems, plans, and funds.

(iii) Any further exceptions to the provision to maintain original source documents or microfilm thereof under this Subsection must be approved in writing by the state archivist.

B. Any microfilm or electronically digitized copy, when satisfactorily identified, shall be deemed to be an original itself, and shall be admissible in evidence in all courts or administrative proceedings in any agency, whether the original document is in existence or not, and an enlargement or facsimile of a reproduction is likewise admissible in evidence, if the original reproduction is in existence and available for inspection under direction of the court or the administrative agency. Original records shall remain subject to subpoena.

§40. Additional copies of records by microphotographic process; purchase of equipment; funds available for payment; copies of suit records

A. The several clerks of court and ex officio recorders and registers of conveyances and recorders of mortgages, throughout the state, are hereby authorized at their option to make additional copies, by any means authorized by R.S. 44:116, of every nature and kind in their custody by virtue of their various official capacities as such clerks of court and ex officio recorders and registers of conveyances and recorders of mortgages, filed or recorded in their offices prior to July 29, 1964, and subsequent thereto.

B. Such clerks of court and ex officio recorders and registers are hereby authorized to purchase the necessary equipment for photorecording, photocopying, microfilming, or electronic imaging, to lease such equipment or to contract with competent independent contractors, or both, according to the discretion of the clerks of court and ex officio recorders and registers, to cause the records described in this Section to be copied and reproduced.

C. Each such clerk of court and ex officio recorder and register is hereby authorized to defray the cost of copying, reproducing, and retrieving the records described in this Section out of any funds available in the clerk's salary fund.

D. In the parish of Orleans the judges of the civil district court and the criminal district court, and in the remainder of the state the respective police juries or other governing authorities of the several parishes, are authorized to provide the necessary funds, when such funds are not already available, to enable said clerk of courts and ex officio recorders and registers to carry out the provisions of this section.

E. Notwithstanding the provisions of Subsection A of this Section or any other provision of law to the contrary, prior to destroying the original criminal records and any other records of every nature and kind that are deemed permanent under a record retention and disposal schedule adopted by the secretary of state and the clerks of court in accordance with R.S. 44:410 and 411, the destruction of which is authorized by R.S. 13:917, the several clerks of court, including the clerks of the Criminal or Civil District

Courts for the parish of Orleans, shall make and retain in their custody a copy of such records electronically on nonrewritable magnetic, optical, or laser-type storage media, including but not limited to CD-ROM. No cause of action for any claim shall exist against a clerk of court for any damage or loss resulting from the destruction of an original record after proper preservation of the record in accordance herewith. However, all records in suits affecting records relating to immovable property, or adoption, interdiction, successions, trusts, or emancipation created prior to 1922 shall be retained in their original form.

F. Repealed by Acts 2012, No. 101, § 3, eff. May 11, 2012.

§41. Receiving and filing map, plat, etc. for record

A. After September 1, 1970, no clerk of court, recorder of mortgages or register of conveyances or any other public authority shall receive and file for record any map, plat, or survey attached to and pertaining to the sale or mortgage of property, when such map, plat, or survey is required by either party, which does not have impressed thereon, and affixed thereto, the signature and seal or stamp of a professional land surveyor duly licensed in accordance with the provisions of Chapter 8 of Title 37 of the Louisiana Revised Statutes of 1950 by whom or under whose responsible charge said map, plat, survey or other document was prepared.

B. Failure to comply with the provisions of this section shall not invalidate any title to real property otherwise legally valid.

APPENDIX "C"

PUBLIC NOTICE RATE CHART

Location	Who is Advertising	What Are They Advertising	Rate	Law
New Orleans (Only Parish containing a city +300k)	Anyone	judicial proceedings, the sale of property under judicial process, or any other legal proceedings of any kind	90% of commercial display advertising rate charged for a similar volume of business	La. R.S. 43:205(A)
	State Agencies	Anything	.31 cents per agate line	La. R.S. 43:205(C)
	Police juries, municipal corporations, and school boards	"Official proceedings" – meaning agendas, minutes, notices, etc.	.37 cents per agate line	La. R.S. 43:147(D)
Parish containing a city of 100-300k: Baton Rouge, Shreveport, Lafayette	Anyone	judicial proceedings, the sale of property under judicial process, or any other legal proceedings of any kind	90% of commercial display advertising rate charged for a similar volume of business	La. R.S. 43:205(A)
	State Agencies	Anything	.28 cents per agate line	La. R.S. 43:205(B)
	Police juries, municipal corporations, and school boards	"Official proceedings" – meaning agendas, minutes, notices, etc.	.33 cents per agate line	La. R.S. 43:147(C)
Everywhere Else	Anyone	judicial proceedings, the sale of property under judicial process, or any other legal proceedings of any kind	90% of commercial display advertising rate charged for a similar volume of business	La. R.S. 43:205(A)
	State Agencies	Anything	$5 per square	La. R.S. 43:205(A)
	Police juries, municipal corporations, and school boards	"Official proceedings" – meaning agendas, minutes, notices, etc.	$6 per square	La. R.S. 43:147(B)