

HOUSE
RESEARCH

ORGANIZATION bill analysis

5/9/89

HB 1276
Wentworth

SUBJECT: Published notice of penal ordinances of small cities

COMMITTEE: Urban Affairs: favorable, without amendment

VOTE: 9 ayes--Pierce, P. Moreno, Beauchamp, Blair, Edwards,
Haggerty, T. Hunter, Lucio, Shea

0 nays

2 absent--Park, Polumbo

WITNESSES: For--Nancy Bohl, City of Hill Country Village; Tom
Keating, City of Angus

Against--None

DIGEST: HB 1276 would reduce from 10 to two the number of
consecutive days that certain small cities (Type A and
Type B general-law municipalities) must publish notice
of penal ordinances in daily newspapers. The bill
would not change the requirement that cities using
weekly newspapers for official notices publish notices
once.

SUPPORTERS SAY: HB 1276 would relieve smaller cities of expensive
advertising costs for unneeded additional days of
publishing legal notices in daily papers. The law
allows home-rule cities to publish notices for as
little as one day. Smaller general-law cities should
not have to meet a 10-day standard just because they
choose a daily newspaper as the vehicle. The cost of
the additional publishing hurts cities.

Although smaller cities can choose the less expensive
weeklies as their official newspapers, and thereby
publish notices only once, most would prefer a large
daily paper that reaches more people.

At least one Type A city recently has changed its
official newspaper from a daily to a weekly because it
could not afford to pay for the required notices. That
city had a total annual budget of \$1,200 for legal
advertising. When it sought to pass ordinances
revising old laws, the official daily presented it with
a bill for \$7,000. The city was forced to delay
enactment until it could declare a new official

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newspaper -- a weekly that charged only \$430 to run the ads.

OPPONENTS
SAY:

HB 1276 is an overreaction to an isolated incident. One small general-law city decided to rewrite nearly 20 of its ordinances at once and incurred very high costs for publishing notices in its official daily. But this situation is very uncommon. Most cities do not regularly impose major overhauls or introduce such large packages of penal ordinances on their citizens. And the city in question solved its problem by changing over to a weekly.

The Legislature should not take such drastic action without doing substantial research to determine whether two days provides adequate notice to the public. The law requires publication to ensure that the public is aware of its government's activities; this notice especially is important when major changes occur in ordinances that would impose fines or other penalties for their violation. Publication of notice is an administrative cost that cities incur when they undertake such revisions, and daily newspapers provide the space at greatly discounted rates that add virtually nothing to their total revenues. Current law offers cities a choice of newspapers and length of publication; this is adequate to protect all interests involved.

NOTES:

The Senate passed the companion bill, SB 549 by Krier, by 31-0 on the Local and Uncontested Calendar on May 4.