

- SUBJECT:** Establishing requirements for a newspaper of record in Fannin County
- COMMITTEE:** County Affairs — committee substitute recommended
- VOTE:** 6 ayes — Lewis, Smith, Casteel, Chisum, Farabee, Flynn
0 nays
3 absent — Farrar, Olivo, Quintanilla
- WITNESSES:** For — Derrell Hall; Thomas H. Turner, *Fannin County Special*; (*Registered, but did not testify*) Jim Allison, County Judges and Commissioners Association
Against — Ken Whalen, Texas Daily Newspaper Association/Texas Press Association
- BACKGROUND:** Government Code, Title 10, subtitle B applies to government documents, publications, and notices. Sec. 2051.044 stipulates that a newspaper used for the publication of notices by a governmental entity or representative must:
- devote not less than 25 percent of its total column lineage to general interest items;
 - be published at least once each week;
 - be entered as second-class postal matter in the county where published; and
 - have been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice.
- A weekly newspaper meets the requirement of being published regularly and continuously if it omits not more than two issues in a 12-month period.
- DIGEST:** CSHB 2898 would stipulate that a newspaper used for the publication of notices by a governmental entity or representative in a county with a population of at least 30,000 and not more than 36,000 that bordered the Red River (currently only Fannin County) must:

- devote not less than 20 percent of its total column lineage to general interest items;
- be published at least once each week;
- be entered as second-class postal matter in the county where published or have a mailed or delivered circulation of at least 51 percent of the residences in the county; and
- have been published regularly and continuously for at least 12 months before publication of official notices.

The bill would not apply to publication of a notice under Government Code, sec. 2051.044.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

**SUPPORTERS
SAY:**

Fannin County is located along the Red River in North Texas and has a population of approximately 31,500. The *Bonham Daily Favorite*, which was the newspaper of record for Fannin County, closed last fall. As a result, the weekly *Fannin County Special* now could serve as Fannin County's newspaper of record, and this bill would allow it to qualify as such under statute.

The *Special* has operated from Bonham, the county seat, for 31 years and has a circulation of 14,641. Since the Bonham daily paper closed, the *Special* has committed 21 percent of its column lineage to general news coverage in order to meet local news needs. Because the *Special* is not classified as a periodical, it cannot obtain a second-class postal permit. However, using a bulk-mailing permit, the *Special* achieves the practical effect of overnight delivery — better than that of second-class postal matter — by taking its papers to be mailed to each of the 14 post offices in Bonham County. The *Special* presents a total number of papers to each post office, and each post office signs off on the exact number it mails, thus achieving the accountability goal of a second-class permit. Bonham has another county-wide publication that uses a bulk mail permit, which also might qualify to publish official notices under this bill.

The main objective for a newspaper of record is to give official notice to the public. Currently, the only other newspaper that might qualify as the paper of

record is in the far southwest corner of the county. While it does have a second-class mailing permit, it serves a very small portion of the county's population. The *Special*, by contrast, reaches every household in the county. Because it is clear that the *Special* would meet the needs of Fannin County citizens to receive timely information about official notices, governmental officials for Bonham County, the City of Bonham, the Bonham Independent School District, and the Fannin County Appraisal District all support the *Special* becoming the newspaper of record.

**OPPONENTS
SAY:**

Standards for newspapers of record have been in law for more than 50 years. Although Bonham and Fannin County are not mentioned specifically in this bill, CSHB 2898 is an inappropriate attempt to carve out an exception in statute for one county, because of the Bonham daily paper's recent closing. The publication seeking this exception to the law is not a newspaper; it is a free publication — a shopper — that dedicates less than 25 percent of its column inches to general news, below the standard currently in place for a paper of record.

In addition, this bill would establish a bad precedent by stating simply that the newspaper be mailed. It would open the possibility of other publications using bulk permits for mailing, which, unlike second-class permits, produce no record of how many copies are distributed or mailed. Also, the delivery of bulk mail is less reliable than delivery by second-class mail.

NOTES:

The committee substitute differs from the bill as introduced in tightening the statutory bracket by specifying that the county in question would have to have a population between 30,000 and 36,000 and border the Red River. In addition, it would allow the newspaper to have a mailed or delivered circulation, instead of just a mailed circulation, of at least 51 percent of the residences in the county where published.