

SUBJECT: Expanding eligible newspapers for government proclamations

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 8 ayes — Bohac, Anderson, Biedermann, Cole, Dominguez, Huberty, Rosenthal, Stickland

0 nays

1 absent — Coleman

WITNESSES: For — Ramsey English-Cantu, City of Eagle Pass; (*Registered, but did not testify*: Jim Allison, County Judges and Commissioners Association of Texas; Robert Turner, West Texas Ground Water Management Alliance)

Against — None

BACKGROUND: Government Code sec. 2051.044(a) establishes the requirements of a newspaper in which a government notice can be published, one of which is that the newspaper must be entered as second-class postal matter in the county where published.

Sec. 2051.0441(b) establishes the requirements of a newspaper in which a government notice can be published in certain counties that do not have a newspaper that meets the statewide requirements. To satisfy the requirements for such counties, the newspaper must be entered as periodical 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 where published.

Some have noted that the decrease in circulation of rural newspapers has required governmental entities in rural areas to have to publish notices in larger urban newspapers to meet state notification requirements, which in many cases has led to a significant increase in expenditures on public notices for these counties.

DIGEST: CSHB 3759 would allow government entities to satisfy notification requirements by publishing notices in a newspaper that had a mailed or delivered circulation to residences in the county where published.

For counties that did not have a newspaper that met the statewide requirements to satisfy notification requirements, the bill would remove a provision that requires a newspaper in which a notice is published to have a mailed or delivered circulation of at least 51 percent of residences in the county where published.

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, 2019.