

By: Creighton

H.B. No. 3516

A BILL TO BE ENTITLED

AN ACT

1
2 relating to publication of notice for certain transactions
3 involving local governmental entities.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 252.041(a), Local Government Code, is
6 amended to read as follows:

7 (a) If the competitive sealed bidding requirement applies
8 to the contract, notice of the time and place at which the bids will
9 be publicly opened and read aloud must be published at least once [~~a~~
10 ~~week for two consecutive weeks~~] in a newspaper published in the
11 municipality or posted for at least 14 consecutive days on the
12 municipality's Internet website. The date of the first publication
13 or electronic posting must be before the 14th day before the date
14 set to publicly open the bids and read them aloud. If no newspaper
15 is published in the municipality and the municipality does not
16 maintain an Internet website, the notice must be posted at the city
17 hall or posted in the business daily provided on the Internet under
18 Section 2155.083, Government Code, for 14 days before the date set
19 to publicly open the bids and read them aloud.

20 SECTION 2. Section 262.025(a), Local Government Code, is
21 amended to read as follows:

22 (a) A notice of a proposed purchase must be published at
23 least once [~~a week~~] in a newspaper of general circulation in the
24 county or posted for at least 14 consecutive days on the county's

1 Internet website, with the first day of publication or electronic
2 posting occurring before the 14th day before the date of the bid
3 opening. If there is no newspaper of general circulation in the
4 county and the county does not maintain an Internet website, the
5 notice must be posted in a prominent place in the courthouse or
6 posted in the business daily provided on the Internet under Section
7 2155.083, Government Code, for 14 days before the date of the bid
8 opening.

9 SECTION 3. Section 262.027(a), Local Government Code, is
10 amended to read as follows:

11 (a) The officer in charge of opening the bids shall present
12 them to the commissioners court in session. Except as provided by
13 Subsection (e), the court shall:

14 (1) award the contract to the responsible bidder who
15 submits the lowest and best bid; or

16 (2) reject all bids and publish or electronically
17 post, as appropriate, a new notice.

18 SECTION 4. Section 262.0276(a), Local Government Code, is
19 amended to read as follows:

20 (a) By an order adopted and entered in the minutes of the
21 commissioners court and after notice is published in a newspaper of
22 general circulation in the county or electronically posted on the
23 county's Internet website, the commissioners court may adopt rules
24 permitting the county to refuse to enter into a contract or other
25 transaction with a person indebted to the county.

26 SECTION 5. Section 263.001, Local Government Code, is
27 amended by amending Subsection (b) and adding Subsection (b-1) to

1 read as follows:

2 (b) The appointed commissioner must publish notice of the
3 auction at least once as provided by this subsection or
4 electronically post the notice for at least 14 consecutive days on
5 the county's Internet website, with the first day of publication or
6 electronic posting occurring before the 20th day before the date
7 the auction is held. The notice must be provided [~~published~~] in
8 English. Notice published under this subsection must be in a
9 newspaper of general circulation in the county in which the real
10 property is located and in the county that owns the real property if
11 not the same county. [~~The notice must be published once a week for~~
12 ~~three consecutive weeks before the date the auction is held.~~]

13 (b-1) If there is no newspaper of general circulation in the
14 county in which the property is located or in the county that owns
15 the real property, if not the same county, and if the county does
16 not maintain an Internet website, the notice must be posted in a
17 prominent place in each county courthouse, as appropriate, or
18 posted in the business daily provided on the Internet under Section
19 2155.083, Government Code, for 14 days before the date the auction
20 is held.

21 SECTION 6. Section 263.006, Local Government Code, is
22 amended by amending Subsection (b) and adding Subsection (b-1) to
23 read as follows:

24 (b) Except as provided by Subsection (d), before the
25 commissioners court exchanges an interest in real property under
26 this section, notice that the county will consider offers for an
27 exchange of the interest in real property must be published at least

1 once in English in a newspaper of general circulation in the county
2 in which the real property is located and in the county that owns
3 the interest, if not the same county, or posted for at least 14
4 consecutive days on the county's Internet website. The notice must
5 be published or electronically posted for the first time [~~once a~~
6 ~~week for three consecutive weeks before the date of the exchange,~~
7 ~~with the date of the first publication being~~] before the 20th day
8 before the date of the exchange.

9 (b-1) If there is no newspaper of general circulation in the
10 county in which the property is located or in the county that owns
11 the real property, if not the same county, and if the county does
12 not maintain an Internet website, the notice must be posted in a
13 prominent place in the county courthouse of each county, as
14 appropriate, or posted in the business daily provided on the
15 Internet under Section 2155.083, Government Code, for 14 days
16 before the date of the exchange.

17 SECTION 7. Section 263.007, Local Government Code, is
18 amended by amending Subsection (b) and adding Subsection (b-1) to
19 read as follows:

20 (b) The procedure must include a requirement that the county
21 publish, before a sale or lease is made, a notice of its intent to
22 sell or lease, as appropriate, the real property. The notice must:

23 (1) be published at least once in a newspaper of
24 general circulation in the county the commissioners court
25 represents and, if the real property is located in another county,
26 in a newspaper of general circulation in that other county or, as an
27 alternative to newspaper publication, posted for at least 14

1 consecutive days on the county's Internet website;

2 (2) be published or electronically posted for the
3 first time [~~on two dates, with the date of the second publication~~
4 ~~occurring~~] before the 14th day before the date the award of the sale
5 or lease is made;

6 (3) include a description of the real property,
7 including its location; and

8 (4) include a description of the procedure by which
9 sealed bids or sealed proposals for the sale or lease may be
10 submitted.

11 (b-1) If there is no newspaper of general circulation in the
12 county and the county does not maintain an Internet website, the
13 notice must be posted in a prominent place in the county courthouse
14 or posted in the business daily provided on the Internet under
15 Section 2155.083, Government Code, for 14 days before the date of
16 the sale or lease.

17 SECTION 8. Section 263.153, Local Government Code, is
18 amended to read as follows:

19 Sec. 263.153. NOTICE. (a) The commissioners court shall
20 publish notice of a sale of surplus or salvage property at least
21 once in at least one newspaper of general circulation in the county
22 or post the notice on the county's Internet website.

23 (b) The notice must be published on or after the 30th day but
24 before the 10th day before the date of the sale. If the notice is
25 posted on the county's Internet website, the notice must remain
26 posted for at least 14 consecutive days during the period
27 prescribed by this subsection for publication.

1 (c) If there is no newspaper of general circulation in the
2 county and the county does not maintain an Internet website, the
3 notice must be posted in a prominent place in the county courthouse
4 or posted in the business daily provided on the Internet under
5 Section 2155.083, Government Code, for 14 days before the date of
6 the sale.

7 SECTION 9. Section 271.025, Local Government Code, is
8 amended by amending Subsections (b), (c), and (d) and adding
9 Subsection (b-1) to read as follows:

10 (b) The advertisement must be published as required by law.
11 If no legal requirement for publication exists, the advertisement
12 must be:

13 (1) published at least once [twice] in one or more
14 newspapers of general circulation in the county or counties in
15 which the work is to be performed; or

16 (2) posted for at least 14 consecutive days on the
17 Internet website of the governmental entity. [The second
18 publication must be on or before the 10th day before the first date
19 bids may be submitted.]

20 (b-1) The notice must be published or electronically posted
21 for the first time before the 14th day before the date of the bid
22 opening. If there is no newspaper of general circulation in the
23 county and the governmental entity does not maintain an Internet
24 website, the notice must be posted in a prominent place in the
25 county courthouse or posted in the business daily provided on the
26 Internet under Section 2155.083, Government Code, for 14 days
27 before the date of the bid opening.

1 (c) The governmental entity must provide [~~mail a~~] notice
2 containing the information required under Subsection (a) to any
3 organization that:

4 (1) requests in advance that notices for bids be sent
5 to it;

6 (2) agrees in writing to pay the actual cost of
7 providing [~~mailing~~] the notice; and

8 (3) certifies that it circulates notices for bids to
9 the construction trade in general.

10 (d) The governmental entity shall provide [~~mail a~~] notice
11 required under Subsection (c) on or before the date the first notice
12 [~~newspaper advertisement under this section~~] is published or
13 electronically posted under Subsection (b-1).

14 SECTION 10. Section 271.049(a), Local Government Code, is
15 amended to read as follows:

16 (a) Regardless of the sources of payment of certificates,
17 certificates may not be issued unless the issuer publishes notice
18 of its intention to issue the certificates. The notice must be
19 published at least once [~~a week for two consecutive weeks~~] in a
20 newspaper, as defined by Subchapter C, Chapter 2051, Government
21 Code, that is of general circulation in the area of the issuer, or
22 posted for at least 14 consecutive days on the Internet website of
23 the issuer, if the issuer has an Internet website, with the date of
24 the first publication or electronic posting to be before the 14th
25 day before the date tentatively set for the passage of the order or
26 ordinance authorizing the issuance of the certificates.

27 SECTION 11. Section 271.055(b), Local Government Code, is

1 amended to read as follows:

2 (b) If an issuer gives notice under this subsection, the
3 notice must:

4 (1) be published at least once [~~a week for two~~
5 ~~consecutive weeks~~] in a newspaper, as defined by Subchapter C,
6 Chapter 2051, Government Code, that is of general circulation in
7 the area of the issuer, or posted for at least 14 consecutive days
8 on the Internet website of the issuer, if the issuer has an Internet
9 website, with the date of the first publication or electronic
10 posting to be before the 14th day before the date set for the public
11 opening of the bids and the reading of the bids aloud; and

12 (2) state that plans and specifications for the work
13 to be done or specifications for the machinery, supplies,
14 equipment, or materials to be purchased are on file with a
15 designated official of the issuer and may be examined without
16 charge.

17 SECTION 12. Sections 271.112(d) and (e), Local Government
18 Code, are amended to read as follows:

19 (d) For a contract entered into by a municipality, river
20 authority, or defense base development authority under any of the
21 methods provided by this subchapter, the municipality, river
22 authority, or defense base development authority shall publish
23 notice of the time and place the bids or proposals, or the responses
24 to a request for qualifications, will be received and opened. The
25 notice must be published in a newspaper of general circulation in
26 the county in which the defense base development authority's or
27 municipality's central administrative office is located or the

1 county in which the greatest amount of the river authority's
2 territory is located at least once or posted for at least 14
3 consecutive days on the Internet website of the governmental entity
4 ~~[each week for at least two weeks]~~ before the deadline for receiving
5 bids, proposals, or responses. The notice must be published or
6 electronically posted for the first time before the 14th day before
7 the date of the bid opening. If there is not a newspaper of general
8 circulation in that county and the governmental entity does not
9 maintain an Internet website, the notice shall be published in a
10 newspaper of general circulation in the county nearest the county
11 seat of the county in which the defense base development
12 authority's or municipality's central administrative office is
13 located or the county in which the greatest amount of the river
14 authority's territory is located. In a two-step procurement
15 process, the time and place the second step bids, proposals, or
16 responses will be received are not required to be published
17 separately.

18 (e) For a contract entered into by a county under any of the
19 methods provided by this subchapter, the county shall publish
20 notice of the time and place the bids or proposals, or the responses
21 to a request for qualifications, will be received and opened. The
22 notice must comply with the competitive bidding notice requirements
23 prescribed by Section 262.025(a) ~~[be published in a newspaper of~~
24 ~~general circulation in the county once each week for at least two~~
25 ~~weeks before the deadline for receiving bids, proposals, or~~
26 ~~responses. If there is not a newspaper of general circulation in~~
27 ~~the county, the notice shall be:~~

1 ~~[(1) posted at the courthouse door of the county, and~~
2 ~~[(2) published in a newspaper of general circulation~~
3 ~~in the nearest county].~~

4 SECTION 13. Section 272.001(a), Local Government Code, is
5 amended to read as follows:

6 (a) Except for the types of land and interests covered by
7 Subsection (b), (g), (h), (i), or (j), and except as provided by
8 Section 253.008, before land owned by a political subdivision of
9 the state may be sold or exchanged for other land, notice to the
10 general public of the offer of the land for sale or exchange must be
11 published in a newspaper of general circulation in either the
12 county in which the land is located or, if there is no such
13 newspaper, in an adjoining county. The notice must include a
14 description of the land, including its location, and the procedure
15 by which sealed bids to purchase the land or offers to exchange the
16 land may be submitted. The notice must be published at least once
17 or posted for at least 14 consecutive days on the political
18 subdivision's Internet website. The ~~[on two separate dates and~~
19 ~~the]~~ sale or exchange may not be made until after the 14th day after
20 the date of the first ~~[second]~~ publication or electronic posting.
21 If there is no newspaper of general circulation in the county in
22 which the land is located or the adjoining county and the political
23 subdivision does not maintain an Internet website, the notice must
24 be posted in a prominent place in the county courthouse of the
25 county in which the land is located or posted in the business daily
26 provided on the Internet under Section 2155.083, Government Code,
27 for 14 days before the date the sale or exchange is made.

1 SECTION 14. (a) The changes in law made by this Act to
2 Sections 252.041, 262.025, 262.027, 263.007, 271.025, 271.055, and
3 271.112, Local Government Code, apply only to a contract for which
4 requests for bids, requests for proposals, or requests for
5 qualifications are published or distributed on or after September
6 1, 2007.

7 (b) The change in law made by this Act to Sections 263.001,
8 263.006, and 263.153, Local Government Code, applies only to land
9 offered for sale, lease, or exchange on or after September 1, 2007.

10 (c) The change in law made by this Act to Section 271.049,
11 Local Government Code, applies only to a certificate that is issued
12 on or after September 1, 2007.

13 (d) The change in law made by this Act to Section 272.001,
14 Local Government Code, applies only to land offered for sale or
15 exchange on or after September 1, 2007.

16 SECTION 15. This Act takes effect September 1, 2007.