

By: Flynn

H.B. No. 1019

A BILL TO BE ENTITLED

AN ACT

relating to publication of notice by a governmental entity on a newspaper's Internet website.

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

SECTION 1. Section 2051.042(a), Government Code, is amended to read as follows:

(a) Except as provided by Section 2051.054, this ~~[This]~~ subchapter applies only to the extent that the general or special law requiring or authorizing the publication of a notice in a newspaper by a governmental entity or representative does not specify the manner of the publication, including the number of times that the notice is required to be published and the period during which the notice is required to be published.

SECTION 2. Section 2051.045, Government Code, is amended to read as follows:

Sec. 2051.045. LEGAL RATE CHARGED FOR PUBLICATION. (a) The legal rate for publication of a notice in a newspaper is the newspaper's lowest published rate for classified advertising.

(b) The legal rate for publication of a notice on a newspaper's Internet website under Section 2051.054 may not exceed \$25.

SECTION 3. Section 2051.051, Government Code, is amended to read as follows:

Sec. 2051.051. BILL FOR PUBLICATION. (a) A newspaper that

1 publishes a notice shall submit a bill for the publication with a
2 clipping of the published notice and a verified statement of the
3 publisher that:

- 4 (1) states the rate charged;
- 5 (2) certifies that the rate charged is the newspaper's
6 lowest published rate for classified advertising; and
- 7 (3) certifies the number and dates of the publication.

8 (b) A newspaper that publishes a notice on the newspaper's
9 Internet website under Section 2051.054 may electronically provide
10 to the governmental entity the bill, clipping, and verified
11 statement containing the information required under Subsections
12 (a)(1) and (3).

13 SECTION 4. Subchapter C, Chapter 2051, Government Code, is
14 amended by adding Section 2051.054 to read as follows:

15 Sec. 2051.054. NOTICE BY PUBLICATION ON NEWSPAPER'S
16 INTERNET WEBSITE. (a) Notwithstanding any other law, a
17 governmental entity may satisfy a requirement in another law for
18 the governmental entity to provide publication of notice in a
19 newspaper by publishing the notice on a newspaper's Internet
20 website as provided by this section.

21 (b) A publication of notice on a newspaper's Internet
22 website must:

23 (1) be in substantially the same form as required
24 under the general or special law requiring or authorizing the
25 publication of notice in a newspaper by a governmental entity;

26 (2) be published:

27 (A) for the number of times and during the period

1 the notice is required to be published under the general or special
2 law; or

3 (B) if the general or special law does not
4 specify the manner of publication, as otherwise provided by this
5 subchapter; and

6 (3) comply with the requirements of this subchapter.

7 (c) To meet the eligibility requirements of section
8 2051.044 be eligible to provide publication of notice for a
9 governmental entity on the newspaper's Internet website under this
10 section, a newspaper must:

11 ~~(1) meet the requirements of Section 2051.044;~~

12 (12) establish an Internet-only option for
13 publication of notice by a governmental entity;

14 (23) charge a reasonable fee not to exceed the legal
15 rate authorized by Section 2051.045(b) for the Internet publication
16 of notice; and

17 (34) establish an archive of the publications of
18 notice posted on the newspaper's Internet website that allows free
19 public access to the current and archived publications of notice
20 and that is searchable by keyword and county.

21 SECTION 5. Subchapter C, Chapter 2051, Government Code, as
22 amended by this Act, applies only to a publication of notice first
23 published on or after the effective date of this Act. A publication
24 of notice published before the effective date of this Act is
25 governed by the law in effect at the time of the publication, and
26 the former law is continued in effect for that purpose.

27 SECTION 6. This Act takes effect September 1, 2015.