

By: Jetton

H.B. No. 2928

A BILL TO BE ENTITLED

AN ACT

relating to publication and posting of notice by governmental entities and representatives.

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

SECTION 1. The heading to Subchapter C, Chapter 2051, Government Code, is amended to read as follows:

SUBCHAPTER C. NOTICE BY PUBLICATION IN NEWSPAPER; INTERNET

ALTERNATIVE

SECTION 2. Section 2051.041(3), Government Code, is amended to read as follows:

(3) "Notice" means any matter, including a proclamation or advertisement, required or authorized by law to be posted publicly [~~published in a newspaper~~] by a governmental entity or representative.

SECTION 3. The heading to Section 2051.042, Government Code, is amended to read as follows:

Sec. 2051.042. [~~APPLICABILITY OF~~] SUBCHAPTER APPLICABLE TO NEWSPAPER NOTICE REQUIRED BY OTHER LAW.

SECTION 4. Section 2051.042(a), Government Code, is amended to read as follows:

(a) This subchapter applies:

(1) only to notice that is required or authorized by law other than this subchapter to be published in a newspaper; and

(2) only to the extent that the other [~~general or~~

1 ~~special] law [requiring or authorizing the publication of a notice~~
2 ~~in a newspaper by a governmental entity or representative]~~ does not
3 specify the manner of the publication, including the number of
4 times that the notice is required to be published and the period
5 during which the notice is required to be published.

6 SECTION 5. Subchapter C, Chapter 2051, Government Code, is
7 amended by adding Section 2051.0421 to read as follows:

8 Sec. 2051.0421. INTERNET POSTING ALTERNATIVE FOR NOTICE
9 REQUIRED TO BE PUBLISHED IN NEWSPAPER. (a) Notwithstanding any
10 other law and except as provided by Section 2051.042(b), a
11 governmental entity or representative required by other law to
12 provide notice by publication in a newspaper may, as an
13 alternative, satisfy that requirement by posting the notice on the
14 governmental entity's or representative's Internet website.

15 (b) Internet website notice posted as an alternative to
16 required publication of notice in a newspaper as authorized by this
17 section:

18 (1) to the extent possible, must meet requirements
19 provided by law for the publication of the newspaper notice that can
20 be applied to an Internet website posting, including requirements
21 related to the timing, duration, content, and appearance of the
22 notice; and

23 (2) is not required to meet requirements provided by
24 law for the publication of the newspaper notice that by their nature
25 cannot be applied to an Internet website posting, including
26 requirements relating to circulation.

27 (c) This subchapter may not be construed to require a

1 governmental entity or representative that chooses the alternative
2 Internet posting under this section to also publish notice in a
3 newspaper.

4 SECTION 6. Section 2051.043, Government Code, is amended to
5 read as follows:

6 Sec. 2051.043. PUBLICATION IN AT LEAST ONE ISSUE REQUIRED.
7 ~~A [Except as provided by Section 2051.046(b) or 2051.048(d), a]~~
8 notice published in a newspaper shall be published in at least one
9 issue of a newspaper.

10 SECTION 7. Section 2051.044(a), Government Code, is amended
11 to read as follows:

12 (a) To be eligible for the publication of notice, a [The]
13 newspaper [in which a notice is published] must:

14 (1) devote not less than 25 percent of its total column
15 lineage to general interest items;

16 (2) be published at least once each week;

17 (3) be entered as second-class postal matter in the
18 county where published; and

19 (4) have been published regularly and continuously for
20 at least 12 months before the governmental entity or representative
21 publishes notice.

22 SECTION 8. Section 2051.0441(b), Government Code, is
23 amended to read as follows:

24 (b) To be eligible for the publication of notice under this
25 section, the [The] newspaper [in which a notice is published under
26 this section] must:

27 (1) devote not less than 20 percent of its total column

1 lineage to general interest items;

2 (2) be published at least once each week;

3 (3) be entered as periodical postal matter in the
4 county where published or have a mailed or delivered circulation of
5 at least 51 percent of the residences in the county where published;
6 and

7 (4) have been published regularly and continuously for
8 at least 12 months before the governmental entity or representative
9 publishes notice.

10 SECTION 9. Sections 2051.046(a) and (b), Government Code,
11 are amended to read as follows:

12 (a) A ~~[notice of a]~~ county may contract for publication of
13 newspaper notice only with ~~[shall be published in]~~ a newspaper
14 published in the county that will publish the notice at or below the
15 legal rate.

16 (b) If no newspaper that will publish the notice at or below
17 the legal rate is published in the county, the notice shall be
18 posted:

19 (1) at the door of the county courthouse; or

20 (2) on the governmental entity's or representative's
21 Internet website, as authorized by Section 2051.0421.

22 SECTION 10. Sections 2051.048(b) and (d), Government Code,
23 are amended to read as follows:

24 (b) A ~~[notice of a]~~ political subdivision may contract for
25 the publication of newspaper notice only with ~~[shall be published~~
26 ~~in]~~ a newspaper that is published in the political subdivision and
27 that will publish the notice at or below the legal rate.

1 (d) If no newspaper published in the county in which the
2 political subdivision is located will publish the notice at or
3 below the legal rate, the political subdivision shall post the
4 notice:

5 (1) at the door of the county courthouse of the county
6 in which the political subdivision is located; or

7 (2) on the governmental entity's or representative's
8 Internet website, as authorized by Section 2051.0421.

9 SECTION 11. Section 2051.049, Government Code, is amended
10 to read as follows:

11 Sec. 2051.049. SELECTION OF NEWSPAPER. A [The]
12 governmental entity or representative that publishes [~~required to~~
13 ~~publish~~] a notice in a newspaper shall select, in accordance with
14 this subchapter, one or more newspapers to publish the notice.

15 SECTION 12. Section 2051.050, Government Code, is amended
16 to read as follows:

17 Sec. 2051.050. TIME OF PUBLICATION. (a) A notice must be
18 published in a newspaper issued at least one day before the
19 occurrence of the event to which the notice refers.

20 (b) A notice posted on a governmental entity's or
21 representative's Internet website as an alternative to required
22 newspaper notice under Section 2051.0421 must be posted at least
23 one day before the occurrence of the event to which the notice
24 refers.

25 SECTION 13. This Act takes effect September 1, 2021.