



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

August 20, 1975

The Honorable Joe Resweber
County Attorney
Harris County Courthouse
Houston, Texas 77002

Opinion No. H- 670

Re: Requirements for publication
of legal notices in Harris County.

Dear Mr. Resweber:

You have requested our opinion concerning the proper newspapers for publication of official notices in Harris County. Your question is whether advertisements for bids may be published in weekly newspapers or only in daily newspapers.

Article 1659a, V. T. C. S., as amended by Acts 1975, 64th. Leg., ch. 422, p.1120 applies to counties of over 800,000 population and requires supplies to be purchased on competitive bids where the total expenditure exceeds \$2,000.00. Advertisements for bids must be made "in a daily newspaper published and circulated in the county."

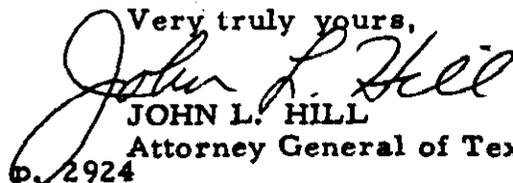
Article 29a, V. T. C. S., which is applicable to publications in general, provides that publication may be in a newspaper as defined in article 28a, V. T. C. S. This definition would include weekly newspapers. Thus the general publication statute would allow advertisements to be published in a weekly newspaper, whereas article 1659a would require the use of a daily newspaper.

In our opinion article 1659a controls the advertisement of bids for supplies costing more than \$2,000.00 in counties of over 800,000 population. It is well established that a special provision is to be construed as an exception to a general provision where the two are in conflict. 53 Tex. Jur. 2d, Statutes, § 161 and authorities cited therein. Since article 1659a is of more specialized application than articles 28a and 29a, it must control in circumstances within its terms.

SUMMARY

Advertisements for bids for supplies costing more than \$2,000.00 in counties of over 800,000 population must be published in accordance with article 1659a, which requires publication in a daily newspaper.

Very truly yours,


JOHN L. HILL
Attorney General of Texas
p. 2924

APPROVED:


DAVID M. KENDALL, First Assistant


C. ROBERT HEATH, Chairman
Opinion Committee

jad: