

As Engrossed: 2/11/93

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Jones**

A Bill

HOUSE BILL 1217

For An Act To Be Entitled

8 "AN ACT AMENDING AND CLARIFYING THE PROVISIONS OF THE
9 ARKANSAS CODE PERTAINING TO NOTICE OF THE ADOPTION OF
10 ORDINANCES AND THE CONDUCT OF HEARINGS ON THE ISSUANCE OF
11 WATERWORKS REVENUE BONDS; DECLARING AN EMERGENCY; AND
12 PRESCRIBING VARIOUS MATTERS RELATING THERETO; AND FOR
13 OTHER PURPOSES."

Subtitle

16 "ADOPTION OF ORDINANCES AND THE CONDUCT OF HEARINGS ON THE
17 ISSUANCE OF WATERWORKS REVENUE BONDS."

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21 SECTION 1. Arkansas Code of 1987 Annotated § 14-234-206 is hereby
22 repealed.

24 SECTION 2. Arkansas Code of 1987 Annotated § 14-55-206 is hereby
25 amended to read as follows:

26 "14-55-206. Publishing or posting requirements.

27 (a) (1) (A) All bylaws or ordinances of a general or permanent nature and
28 all those imposing any fine, penalty, or forfeiture shall be published in some
29 newspaper published in the municipality.

30 (B) In municipalities in which no newspaper is published, written or
31 *printed notice posted in five (5) of the most public places designated by the*
32 *governing body in an ordinance or minutes of the governing body shall be*
33 *deemed a sufficient publication of any law or ordinance.*

34 (2) It shall be deemed a sufficient defense to any suit or prosecution
35 of such fine, penalty, or forfeiture to show that no notice was given as

1 provided herein.

2 (b) As to ordinances establishing rules and regulations for zoning,
3 construction of buildings, the installation of plumbing, the installation of
4 electric wiring, or other similar work, where such rules and regulations have
5 been printed as a code in book form, the code or provisions thereof may be
6 published by the municipality by reference to title of the code without
7 further publication or posting thereof. However, not less than three (3)
8 copies of the code shall be filed for use and examination by the public in the
9 office of the clerk or recorder of the municipality subsequent to the adoption
10 thereof."

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12 SECTION 3. All provisions of this act of a general and permanent nature
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 4. If any provision of this act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severable.

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22 SECTION 5. All laws and parts of laws in conflict with this act are
23 hereby repealed.

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25 SECTION 6. EMERGENCY. It is hereby found and determined by the General
26 Assembly that the laws of the state of Arkansas pertaining to notice of the
27 adoption of ordinances by municipalities are, in some cases, inconsistent,
28 conflicting and confusing; that, following the adoption, in 1987, of Title 19,
29 Chapter 9, Subchapter 6 of the Arkansas Code of 1987 Annotated (requiring
30 published notice and public hearing prior to the adoption of ordinances
31 authorizing revenue bonds), prior laws requiring similar notice with respect
32 to municipal waterworks revenue bonds are redundant; and that it is essential
33 that there be no confusion regarding the conduct of governmental proceedings
34 by Arkansas municipalities. Therefore an emergency is hereby declared to
35 exist and this act being necessary for the preservation of the public peace,

1 health and safety shall be in full force and effect from and after its passage
2 and approval.

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/s/Myra Jones

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