

2 State of Arkansas
3 89th General Assembly
4 Regular Session, 2013

A Bill

HOUSE BILL 1494

5
6 By: Representative Hammer

7 Filed with: Interim House Committee on State Agencies and Governmental Affairs
8 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

9
10 AN ACT TO CREATE THE ARKANSAS PUBLIC NOTICE ACT OF
11 2013; TO STREAMLINE STATE GOVERNMENT EXPENDITURES; TO
12 REQUIRE THE SECRETARY OF STATE TO CREATE AND MAINTAIN
13 AN INTERNET PUBLIC NOTICE CALENDAR TO BE VIEWED BY
14 ALL PERSONS FREE OF CHARGE; TO ALLOW GOVERNMENT
15 ENTITIES TO POST NOTICE ON THE CALENDAR IN LIEU OF
16 NEWSPAPER PUBLICATION; TO AMEND PORTIONS OF ARKANSAS
17 LAW THAT RESULTED FROM INITIATED ACT 2 OF 1914; AND
18 FOR OTHER PURPOSES.

Subtitle

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21 TO SAVE GOVERNMENT MONEY; AND TO CREATE
22 AN INTERNET PUBLIC NOTICE CALENDAR TO BE
23 VIEWED BY ALL PERSONS FREE OF CHARGE.
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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29 SECTION 1. Arkansas Code § 1-3-103, resulting from Initiated Act 2 of
30 1914, is amended to read as follows:

31 1-3-103. Orders of Public Service Commission and Transportation
32 Commission.

33 The respective secretaries of the Arkansas Public Service Commission
34 and the Transportation Commission shall cause to be published ~~one (1) time,~~
35 ~~in one (1) newspaper in each county in this state~~ under the Arkansas Public

1 Notice Act of 2013, § 25-1-501 et seq., all general orders of the respective
2 commissions.

3
4 SECTION 2. Arkansas Code § 1-3-105, resulting from Initiated Act 2 of
5 1914, is amended to read as follows:

6 1-3-105. Report of commissioners of special improvement districts.

7 All annual reports of the commissioners of special improvement
8 districts shall be published ~~one (1) time in one (1) newspaper published in~~
9 ~~the municipality in which the district exists~~ under the Arkansas Public
10 Notice Act of 2013, § 25-1-501 et seq.

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12 SECTION 3. Arkansas Code § 1-3-106, resulting from Initiated Act 2 of
13 1914, is amended to read as follows:

14 1-3-106. Newspapers eligible to publish notices.

15 In all counties in which there are cities of the first class, the
16 publication provided for in this chapter may be made ~~in one (1) daily~~
17 ~~newspaper of general circulation or in one (1) or more weekly newspapers of~~
18 ~~general circulation in the county~~ under the Arkansas Public Notice Act of
19 2013, § 25-1-501 et seq.

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21 SECTION 4. Arkansas Code § 1-3-108, resulting from Initiated Act 2 of
22 1914, is amended to read as follows:

23 1-3-108. Publications in more than one newspaper.

24 The officials who are required by this chapter to cause publications to
25 be made may cause them to be made under the Arkansas Public Notice Act of
26 2013, § 25-1-501 et seq., and in more than one (1) newspaper when it is
27 possible to secure more general publicity without additional expense.

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29 SECTION 5. Arkansas Code Title 25, Chapter 1, is amended to add an
30 additional subchapter to read as follows:

31 Subchapter 5 – Arkansas Public Notice Act of 2013

32
33 25-1-501. Title

34 This subchapter shall be known and may be cited as the "Arkansas Public
35 Notice Act of 2013".

1 25-1-502. Legislative intent.

2 The General Assembly having determined that government entities spend a
3 substantial amount of money on advertising mandated by law and that the
4 Internet is a more accessible and affordable means of disseminating
5 information to the public than current methods, it is the purpose of this
6 subchapter to save public funds by allowing government entities to publish
7 public notice in the manner that is the least expensive to that government
8 entity and the most accessible to the public.

9
10 25-1-503. Definitions.

11 As used in this subchapter:

12 (1) "Government entity" means an agency, department, authority,
13 board, commission, bureau, council, office, or other agency of state, county,
14 or municipal government; and

15 (2) "Website" means a site on the Internet:

16 (A) Identifiable by a specific uniform resource locator;

17 (B) Accessible to the public at no cost; and

18 (C) Requiring no information of the user.

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20 25-1-504. Creation of a public notice calendar website.

21 (a) The Secretary of State shall:

22 (1) Establish standards and criteria for government entities and
23 private entities required by law to publish public notice to report dates,
24 times, locations, descriptions, and other details of public notice required
25 by law;

26 (2) Develop and maintain a database of the dates, times,
27 locations, descriptions, and other details of public notice required by law
28 to be published;

29 (3) Develop a website presenting a public notice calendar that
30 shall:

31 (A) Contain a section in calendar format;

32 (B) Contain a section for notices that are not date
33 specific, including without limitation notice of an order, finding,
34 resolution, proclamation, or adoption;

1 (C) Report information required by law for publication as
2 requested by government entities following the guidelines under subdivision
3 (a)(1) of this section; and

4 (D) Allow searches by date, government entity, county, and
5 any other method that assists the public in obtaining public notice
6 information; and

7 (4) Update the website on a regular basis to present current
8 dates, locations, and information to the public.

9 (b)(1) The Secretary of State may set a fee for publication on the
10 website.

11 (2) If setting a fee for publication on the website, the
12 Secretary of State shall:

13 (A) Develop and promulgate rules setting fees for
14 publication on the website; and

15 (B) Consider the:

16 (i) Cost to government entities for publication by
17 newspaper; and

18 (ii) Savings to government entities for publication
19 on the website.

20 (c) Revenue generated by collection of fees shall be deposited into a
21 cash fund to be used by the Secretary of State as provided under § 19-6-103.

22
23 25-1-505. Sufficient public notice for government entities.

24 (a) A government entity required to publish public notice under law
25 may publish public notice in:

26 (1) A legal newspaper or newspaper of general circulation under
27 § 16-3-101 et seq.; or

28 (2) The public notice calendar website under this subchapter.

29 (b)(1) If notice is published for a period of time on the website, the
30 notice shall be published for the total number of days provided under law.

31 (2) If notice is published for a period of time by a newspaper,
32 the notice shall be published by one (1) insertion or advertisement for each
33 week of the time period specified by law.

34 (c)(1) Unless otherwise provided by law, notice by website under this
35 subchapter shall be published for at least two (2) weeks before the event of
36 which the government entity is notifying the public.

1 (2) Unless otherwise provided by law, notice by newspaper under
2 this subchapter shall be published by one (1) insertion or advertisement each
3 week for two (2) weeks before the event of which the government entity is
4 notifying the public.

5 (d) If notice is provided for under the Arkansas Constitution, then
6 notice shall be published under the constitutional provision.

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8 SECTION 6. DO NOT CODIFY. This act is effective on and after January
9 1, 2014.

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12 Referred by the Arkansas House of Representatives

13 Prepared by: JAW/VJF
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