

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1488

Bill Subtitle: TO SAVE GOVERNMENT MONEY; AND TO CREATE AN INTERNET PUBLIC NOTICE CALENDAR TO BE VIEWED BY ALL PERSONS FREE OF CHARGE.

Basic Change :

Representative Hammer

The proposal creates the Arkansas Public Notice Act of 2013 to allow for internet publication of required public notices. A web site based searchable public notice calendar would be created by the Arkansas Secretary of State who would establish standards and criteria for governmental entities required by law to publish public notices. Various Arkansas code sections that currently require public notification through newspaper publications are amended to reflect the Arkansas Public Notice Act of 2013 and the authority to publish through the internet based public notice calendar. The proposal would be effective January 1, 2014.

Revenue Impact :

None

Taxpayer Impact :

Taxpayers will be able to access public notices through the public notice calendar website.

Resources Required :

None

Time Required :

None

Procedural Changes :

None.

Other Comments :

None.

Legal Analysis :

HB1488 creates the Arkansas Public Notice Act of 2013. A government entity that is required to publish notices to the public could elect to publish the notice in a legal newspaper or general circulation newspaper, or on the public notice calendar created by the Secretary of State. The bill does not address access to public notices for those without access to the internet when publication is made only on the website.

The SOS may set a fee for publication on its website. Revenues generated from the fee are cash funds to be used by the SOS. It is unclear how long these records will be maintained by the SOS. The Arkansas Record Retention law, Act 918 of 2005, codified at Ark. Code Ann. § 25-18-601 et seq., expressly excludes Constitutional Officers from being covered by its provisions. There is no legal duty

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under the record retention law for the SOS to retain these records.

The options created by HB1488 would allow a government entity to publish notice on the website or publish notice in a newspaper. The bill requires only one newspaper publication per week in the time period specified instead of daily notices.

The sections that are amended in Title 26 concern notices concerning property taxes and notices of an election under the border city provision and under the model city provision. None of the notices under Title 27 appear to be notices required of DFA.