

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

# A Bill

HOUSE BILL 1495

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 RELEVANT TO CERTAIN CONSTITUTIONAL PROVISIONS;  
18 AND 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 § 7-9-113(b)(1), concerning publications of  
30 notice of amendments, is amended to read as follows:

31 (b)(1) Before the election at which ~~any~~ a proposed or referred measure  
32 is to be voted upon by the people, notice shall be published ~~in two (2)~~  
33 ~~weekly issues of some newspaper in each county as is provided by law~~ under  
34 the Arkansas Public Notice Act of 2013 § 25-1-501 et seq.  
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1 SECTION 2. Arkansas Code § 7-9-113(d), concerning notice of  
2 amendments, is amended to read as follows:

3 (d) It shall be the duty of the Secretary of State, in connection with  
4 a copy of the proposed amendment, to give notice ~~in the same newspapers~~ under  
5 the Arkansas Public Notice Act of 2013, § 25-1-501 et seq., that each elector  
6 on depositing his or her ballot at the election shall vote for or against the  
7 amendment.

8  
9 SECTION 3. Arkansas Code § 14-57-605(b)(4)(A), concerning notice of  
10 election for issuance of revenue bonds, is amended to read as follows:

11 (4)(A) The result of the election, after the vote has been  
12 canvassed by the county board of election commissioners, shall be proclaimed  
13 by the presiding officer of the legislative body. His or her proclamation  
14 shall be published ~~one (1) time in some newspaper published in the~~  
15 ~~municipality or, if none is published therein, in a newspaper having a bona~~  
16 ~~fide circulation therein~~ under the Arkansas Public Notice Act of 2013, § 25-  
17 1-501 et seq.

18  
19 SECTION 4. Arkansas Code § 14-57-606(c), concerning notice of form and  
20 sale of bonds, is amended to read as follows:

21 (c)~~(1)~~ The bonds shall be sold at a public sale after advertisement  
22 ~~once a week~~ under the Arkansas Public Notice Act of 2013, § 25-1-501 et seq.,  
23 for three (3) weeks ~~in some newspaper published in the county in which the~~  
24 ~~municipality lies.~~

25 ~~(2) The first publication shall be not less than twenty (20)~~  
26 ~~days before the date fixed for the sale.~~

27  
28 SECTION 5. Arkansas Code § 14-72-302(c), concerning notice of bonds  
29 sold at public auction, is amended to read as follows:

30 (c) The bonds may be sold at public auction or upon sealed bids after  
31 notice by publication ~~once a week~~ not less than seven (7) days before teh  
32 date of sale and for at least three (3) ~~insertions in some newspaper~~  
33 ~~published and having a bona fide circulation in the county. The last~~  
34 ~~insertion is to be not less than seven (7) days before the date of sale, or~~  
35 ~~they may be exchanged at par for warrants maturing on their date~~ weeks under  
36 the Arkansas Public Notice Act of 2013, § 25-1-501 et seq.

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SECTION 6. Arkansas Code § 14-72-304(b), concerning the form of ballot, returns, and appeals for county bonds issued for courthouses and jails, is amended to read as follows:

(b) The election officers shall make their returns of the result of the election to the county court which shall then enter of record an order showing the number of votes cast in favor of the bond issue and the number cast against it, and the clerk of the court shall publish the order ~~for one~~ (1) insertion in some newspaper having a general circulation in the county under the Arkansas Public Notice Act of 2013, § 25-1-501 et seq.

SECTION 7. Arkansas Code § 14-72-306(a), concerning publication of sale of bonds for county courthouses and jails, is amended to read as follows:

(a) Bonds that may be issued to pay for courthouses or jails, or both, which may be built or extended, shall be sold only at public auction or on sealed bids after notice given by order of the county court and published ~~once a week~~ not less than seven (7) days before the date of sale and for at least three (3) insertions in some newspaper published and having a bona fide circulation in the county, the last insertion to be not less than seven (7) days before the date of sale weeks under the Arkansas Public Notice Act of 2013, § 25-1-501 et seq.

SECTION 8. Arkansas Code § 14-72-503(b)(2), concerning methods of issuance of refunding bonds issued under Arkansas Constitution, Amendment 13, is amended to read as follows:

(2) No refunding bonds shall be sold except at public sale after twenty (20) days' ~~advertisement in some newspaper of bona fide circulation in the city issuing them~~ publication under the Arkansas Public Notice Act of 2013, § 25-1-501 et seq.

SECTION 9. Arkansas Code § 14-72-606(c)(1), concerning election procedures and election contests related to local government revenue bond elections, is amended to read as follows:

(c)(1) The county judge or mayor of the county or municipality shall proclaim the results of the election by issuing a proclamation and publishing

1 the proclamation ~~one (1) time in a newspaper having general circulation~~  
2 ~~within the county or municipality~~ under the Arkansas Public Notice Act of  
3 2013, § 25-1-501 et seq.  
4

5 SECTION 10. Arkansas Code § 14-120-241(a)(2), concerning notice of  
6 penalties for prohibited sale of bonds, is amended to read as follows:

7 (2) The bonds shall be sold at public auction to the highest  
8 bidder at the office of the levee district, drainage district, or levee and  
9 drainage district after notice of the sale has been published ~~for three (3)~~  
10 ~~consecutive insertions in two (2) or more newspapers having general~~  
11 ~~circulation in the area affected~~ under the Arkansas Public Notice Act of  
12 2013, § 25-1-501 et seq.  
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14 SECTION 11. Arkansas Code § 14-122-206(b), concerning notice of sale  
15 of bonds for improvements of improvement districts, is amended to read as  
16 follows:

17 (b) Notice of the sale shall be published once a week for at least two  
18 (2) ~~consecutive weeks in a newspaper having a general circulation throughout~~  
19 ~~the State of Arkansas~~ under the Arkansas Public Notice Act of 2013, § 25-1-  
20 501 et seq., with the first publication to be at least twenty (20) days prior  
21 to the date of sale, and may be published in such other publications as the  
22 district may determine.  
23

24 SECTION 12. Arkansas Code § 14-163-212 is amended to read as follows:  
25 14-163-212. Bonds – Sale.

26 Bonds issued under this subchapter shall be sold at public sale after  
27 ~~twenty days' advertisement in a newspaper having a bona fide circulation in~~  
28 ~~the city~~ publication under the Arkansas Public Notice Act of 2013, § 25-1-501  
29 et seq. They may be sold for such price, including, without limitation, sale  
30 at a discount, as the governing body of the city shall determine.  
31

32 SECTION 13. Arkansas Code § 14-218-131(b), concerning the issuance of  
33 bonds in a consolidated water and light improvement district, is amended to  
34 read as follows:

35 (b) In order to carry out any of the above purposes, the board may  
36 sell bonds which may be secured by a mortgage of uncollected assessments or a

1 part of same and by a mortgage on the consolidated plant and system. The sale  
 2 of all bonds shall be at public auction after notice of such sale has been  
 3 published ~~one (1) time a week~~ for two (2) weeks ~~in some newspaper published~~  
 4 ~~and having a bona fide circulation in the county in which the district is~~  
 5 ~~located~~ under the Arkansas Public Notice Act of 2013, § 25-1-501 et seq.  
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7 SECTION 14. Arkansas Code § 14-283-112(d)(1), concerning notice of  
 8 sale of bonds in mosquito abatement districts, is amended to read as follows:

9 (1) Notice of the sale shall be published ~~one (1) time a week~~  
 10 for at least two (2) consecutive weeks ~~in a newspaper having a general~~  
 11 ~~circulation throughout the State of Arkansas,~~ under the Arkansas Public  
 12 Notice Act of 2013, § 25-1-501 et seq., with the first publication to be at  
 13 least twenty (20) days prior to the date of sale and may be published in such  
 14 other publications as the district may determine.  
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16 SECTION 15. Arkansas Code § 14-284-218(d)(1), concerning notice of  
 17 sale of bonds at public sales for fire protection districts outside of cities  
 18 and towns, is amended to read as follows:

19 (1) If the bonds are sold at public sale on sealed bids, notice  
 20 of the sale shall be published ~~one (1) time a week~~ for at least two (2)  
 21 consecutive weeks ~~in a newspaper having a general circulation throughout the~~  
 22 ~~State of Arkansas, with the first publication to be at least twenty (20) days~~  
 23 ~~prior to~~ before the date of sale under the Arkansas Public Notice Act of  
 24 2013, § 25-1-501 et seq., and may be published in such other publications as  
 25 the director may determine.  
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27 SECTION 16. Arkansas Code § 14-286-112(d)(1), concerning notice that  
 28 the sale of bonds for a fire ant abatement district, is amended to read as  
 29 follows:

30 (1) Notice of the sale shall be published ~~one (1) time a week~~  
 31 ~~for at least two (2) consecutive weeks in a newspaper having a general~~  
 32 ~~circulation throughout the State of Arkansas~~ under the Arkansas Public Notice  
 33 Act of 2013, § 25-1-501 et seq., with the first publication to be at least  
 34 twenty (20) days prior to the date of sale and may be published in such other  
 35 publications as the district may determine.  
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1 SECTION 17. Arkansas Code § 14-334-109(d)(1)(B), concerning notice of  
2 sale of public transit revenue bonds, is amended to read as follows:

3 (B) If sold at public sale, the bonds shall be sold on  
4 sealed bids, and notice of the sale shall be published ~~once in a newspaper~~  
5 ~~having a general circulation throughout the State of Arkansas at least ten~~  
6 ~~(10) days prior to the date of sale~~ under the Arkansas Public Notice Act of  
7 2013, § 25-1-501 et seq.  
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9 SECTION 18. Arkansas Code § 15-22-613(a), concerning notice of sale of  
10 water resource development bonds, is amended to read as follows:

11 (a) Bonds at any time sold under the provisions of this subchapter  
12 shall be on the basis of public sale on sealed bids, after notice published  
13 by the Chair of the Arkansas Natural Resources Commission for at least ~~one~~  
14 ~~(1) insertion not less than~~ twenty (20) days before the date of sale ~~in a~~  
15 ~~newspaper published in the City of Little Rock and in a financial newspaper~~  
16 ~~or journal published in the Borough of Manhattan, City and State of New York~~  
17 under the Arkansas Public Notice Act of 2013, § 25-1-501 et seq.  
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19 SECTION 19. Arkansas Code § 15-22-713(a), concerning notice of sale of  
20 bonds for project costs for waste disposal facilities or pollution abatement  
21 facilities, is amended to read as follows:

22 (a) Bonds shall be sold at public sale on sealed bids, after notice  
23 published by publication under the Arkansas Public Notice Act of 2013, § 25-  
24 1-501 et seq. by the Chair of the Arkansas Natural Resources Commission ~~by at~~  
25 ~~least one (1) insertion not less than twenty (20) days before the date of~~  
26 ~~sale in a newspaper published in the City of Little Rock and in a financial~~  
27 newspaper or journal published in the Borough of Manhattan, City and State of  
28 New York.  
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30 SECTION 20. Arkansas Code Title 25, Chapter 1, is amended to add  
31 an additional subchapter to read as follows:

32 Subchapter 5 – Arkansas Public Notice Act of 2013

33  
34 25-1-501. Title

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

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25-1-502. Legislative intent.

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

25-1-503. Definitions.

As used in this subchapter:

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

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

- (A) Identifiable by a specific uniform resource locator;
- (B) Accessible to the public at no cost; and
- (C) Requiring no information of the user.

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

(a) The Secretary of State shall:

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

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

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

- (A) Contain a section in calendar format;
- (B) Contain a section for notices that are not date specific, including without limitation notice of an order, finding, 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.

7  
8           SECTION 21. Arkansas Code § 26-74-204(g), concerning notice of  
9 issuance of bonds, is amended to read as follows:

10           (g) Bonds issued under the authority of this subchapter may be sold at  
11 public or private sale. If sold at public sale, the bonds shall be sold on  
12 sealed bids, and notice of the sale shall be published ~~one (1) time in a~~  
13 ~~newspaper having a general circulation throughout the State of Arkansas~~ under  
14 the Arkansas Public Notice Act of 2013, § 25-1-501 et seq., at least ten (10)  
15 days prior to the date of the sale. In either case, the bonds may be sold at  
16 such price as the county may accept, including sale at a discount.

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18           SECTION 22. Arkansas Code § 26-74-304(g), concerning notice of  
19 issuance of bonds, is amended to read as follows:

20           (g) Bonds issued under the authority of this subchapter may be sold at  
21 public or private sale. If sold at public sale, the bonds shall be sold on  
22 sealed bids, and notice of the sale shall be published ~~one (1) time in a~~  
23 ~~newspaper having a general circulation throughout the State of Arkansas~~ under  
24 the Arkansas Public Notice Act of 2013, § 25-1-501 et seq., at least ten (10)  
25 days prior to the date of the sale. In either case, the bonds may be sold at  
26 such price as the county may accept, including sale at a discount.

27  
28           SECTION 23. Arkansas Code § 26-74-309(b), concerning notice of results  
29 of an election for county sales and use taxes, is amended to read as follows:

30           (b) When the election results have been certified, the county court  
31 shall immediately issue a proclamation declaring the results of the election  
32 and cause the proclamation to be published ~~one (1) time in a newspaper having~~  
33 ~~general circulation within the county~~ under the Arkansas Public Notice Act of  
34 2013, § 25-1-501 et seq.

1 SECTION 24. Arkansas Code § 26-74-404(b), concerning notice of results  
2 of an election for county sales and use taxes, is amended to read as follows:

3 (b) When the election results have been certified, the county court  
4 shall immediately issue a proclamation declaring the results of the election  
5 and cause the proclamation to be published ~~one (1) time in a newspaper having~~  
6 ~~general circulation within the county~~ under the Arkansas Public Notice Act of  
7 2013, § 25-1-501 et seq.  
8

9 SECTION 25. Arkansas Code § 26-74-605(b)(1), concerning notice of  
10 results of an election for county sales and use taxes, is amended to read as  
11 follows:

12 (b)(1) Notice of the election shall be given by the county clerk ~~by~~  
13 ~~one (1) publication in a newspaper having a general circulation within the~~  
14 ~~eligible county~~ under the Arkansas Public Notice Act of 2013, § 25-1-501 et  
15 seq., not less than ten (10) days prior to the election.  
16

17 SECTION 26. Arkansas Code § 26-75-204(g), concerning notice of  
18 issuance of bonds, is amended to read as follows:

19 (g) Bonds issued under the authority of this subchapter may be sold at  
20 public or private sale. If sold at public sale, the bonds shall be sold on  
21 sealed bids, and notice of the sale shall be published ~~one (1) time in a~~  
22 ~~newspaper having a general circulation throughout the State of Arkansas~~ under  
23 the Arkansas Public Notice Act of 2013, § 25-1-501 et seq., at least ten (10)  
24 days prior to the date of the sale. In either case, the bonds may be sold at  
25 such price as the county may accept, including sale at a discount.  
26

27 SECTION 27. Arkansas Code § 26-75-209(1)(B), concerning notice of  
28 effective date of ordinance, is amended to read as follows:

29 (B) Following the election, the mayor of the city shall  
30 issue his or her proclamation of the results of the election with reference  
31 to the local sales and use tax, and the proclamation shall be published ~~one~~  
32 ~~(1) time in a newspaper having general circulation in the city~~ under the  
33 Arkansas Public Notice Act of 2013, § 25-1-501 et seq.  
34

35 SECTION 28. Arkansas Code § 26-75-304(g), concerning notice of  
36 issuance of bonds, is amended to read as follows:

1 (g) Bonds issued under the authority of this subchapter may be sold at  
 2 public or private sale. If sold at public sale, the bonds shall be sold on  
 3 sealed bids, and notice of the sale shall be published ~~one (1) time in a~~  
 4 ~~newspaper having a general circulation throughout the State of Arkansas~~ under  
 5 the Arkansas Public Notice Act of 2013, § 25-1-501 et seq., at least ten (10)  
 6 days prior to the date of the sale. In either case, the bonds may be sold at  
 7 such price as the county may accept, including sale at a discount.

8  
 9 SECTION 29. Arkansas Code § 26-75-309(1)(B), concerning notice of  
 10 effective date of ordinance, is amended to read as follows:

11 (B) Following the election, the mayor of the city shall  
 12 issue his or her proclamation of the results of the election with reference  
 13 to the local sales and use tax, and the proclamation shall be published ~~one~~  
 14 ~~(1) time in a newspaper having general circulation in the city~~ under the  
 15 Arkansas Public Notice Act of 2013, § 25-1-501 et seq.

16  
 17 SECTION 30. Arkansas Code § 26-75-404(d)(1), concerning notice of  
 18 election requirements and procedures, is amended to read as follows:

19 (d)(1) Following the election, the mayor of the city or town shall  
 20 issue a proclamation of the results of the election, and the proclamation  
 21 shall be published ~~one (1) time in a newspaper having general circulation in~~  
 22 ~~the city or town~~ under the Arkansas Public Notice Act of 2013, § 25-1-501 et  
 23 seq.

24  
 25 SECTION 31. Arkansas Code § 26-81-106(a)(1), concerning notice of  
 26 election results for local taxes, is amended to read as follows:

27 (a)(1) Upon certification of the election results, the county judge  
 28 shall issue a proclamation declaring the results of the election and cause  
 29 the proclamation to be published ~~one (1) time in a newspaper having general~~  
 30 ~~circulation within the county~~ under the Arkansas Public Notice Act of 2013, §  
 31 25-1-501 et seq.

32  
 33 SECTION 32. Arkansas Code § 26-82-105(1)(B)(ii), concerning notice of  
 34 requirements and effective dates for local taxes, is amended to read as  
 35 follows:

1 (ii) The proclamation described in subdivision  
2 (1)(B)(i) of this section shall be published ~~one (1) time in a newspaper~~  
3 ~~having general circulation within the levying entity~~ under the Arkansas  
4 Public Notice Act of 2013, § 25-1-501 et seq.  
5

6 SECTION 33. Arkansas Code § 27-64-206(e)(1), concerning notice of  
7 election under the Arkansas Highway Financing Act of 1999, is amended to read  
8 as follows:

9 (e)(1) The result of the election shall be proclaimed by the Governor  
10 by the publication of such proclamation ~~one (1) time in a newspaper of~~  
11 ~~general circulation in the State of Arkansas~~ under the Arkansas Public Notice  
12 Act of 2013, § 25-1-501 et seq.  
13

14 SECTION 34. DO NOT CODIFY. This act shall become effective if House  
15 Joint Resolution 1007 of the Regular Session of the Eighty-Ninth General  
16 Assembly, which concerns allowing the General Assembly to determine the  
17 manner of publishing notices, is approved by the vote of the people at the  
18 next general election and on and after the date that House Joint Resolution  
19 1007 of the Regular Session of the Eighty-Ninth General Assembly becomes  
20 effective.  
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23 Referred by the Arkansas House of Representatives

24 Prepared by: JAW/VJF  
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