

1 State of Arkansas As Engrossed: S1/28/19 S2/6/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

SENATE BILL 76

4

5 By: Senator D. Wallace

6 By: Representative Sullivan

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For An Act To Be Entitled

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AN ACT TO AMEND THE LAW CONCERNING EMERGENCY

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TEMPORARY LOCATIONS FOR MEETINGS OF A GOVERNING BODY;

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TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

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Subtitle

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TO AMEND THE LAW CONCERNING EMERGENCY

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TEMPORARY LOCATIONS FOR MEETINGS OF A

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GOVERNING BODY; AND TO DECLARE AN

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EMERGENCY.

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

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23 SECTION 1. Arkansas Code § 14-14-308 is amended to read as follows:

24 14-14-308. Emergency temporary location for political subdivisions.

25 (a)(1)(A) Whenever, due to an emergency ~~resulting from the effects of~~

26 ~~enemy attack, or the anticipated effects of a threatened enemy attack,~~ it

27 becomes imprudent, inexpedient, or impossible to conduct the affairs of local

28 government at the regular or usual place ~~thereof~~, the governing body of each

29 political subdivision of this state may meet at any place in the county

30 whether within or without the territorial limits of the political

31 subdivisions on the call of the presiding officer or any two (2) members of

32 the governing body.

33 (B) The governing body shall proceed to establish and

34 designate by ordinance, resolution, or other manner alternate or substitute

35 sites or places as the emergency temporary location of government where all,

36 or any part, of the public business may be transacted and conducted during



1 the emergency situation.

2 (2) The sites or places may be in the county whether within or
3 without the territorial limits of the political subdivisions ~~and may be~~
4 ~~within or without this state.~~

5 (b)(1) During the period when the public business is being conducted
6 at an emergency temporary location, the governing body and other officers of
7 a political subdivision of this state shall have and possess and shall
8 exercise at the location all of the executive, legislative, and judicial
9 powers and functions conferred upon the governing body and officers by or
10 under the laws of this state.

11 (2) ~~The powers and functions of the governing body and officers~~
12 ~~may be exercised without regard to or compliance with time-consuming~~
13 ~~procedures and formalities prescribed by law and pertaining thereto.~~ All acts
14 of the governing body and officers shall be as valid and binding as if
15 performed within the territorial limits of their political subdivision.

16 (c) ~~"Political subdivisions" shall mean~~ As used in this section,
17 "political subdivisions" means all duly formed and constituted governing
18 bodies created and established under authority of the Arkansas Constitution
19 and laws of this state.

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21 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
22 General Assembly of the State of Arkansas that there are meeting places of
23 governing bodies across the state that are in disrepair; that often a
24 meeting place needs to be closed and relocated temporarily; and that
25 this act is immediately necessary because under current law a meeting
26 place cannot be set up temporarily unless an emergency arises due to
27 an enemy attack. Therefore, an emergency is declared to exist, and this act
28 being immediately necessary for the preservation of the public peace, health,
29 and safety shall become effective on:

30 (1) The date of its approval by the Governor;

31 (2) If the bill is neither approved nor vetoed by the Governor,
32 the expiration of the period of time during which the Governor may veto the
33 bill; or

34 (3) If the bill is vetoed by the Governor and the veto is
35 overridden, the date the last house overrides the veto.

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/s/D. Wallace