

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

HOUSE BILL 1494

By: Representative Hammer

## For An Act To Be Entitled

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

## Subtitle

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

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

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

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

The respective secretaries of the Arkansas Public Service Commission and the Transportation Commission shall cause to be published ~~one (1) time, in one (1) newspaper in each county in this state~~ under the Arkansas Public Notice Act of 2013, § 25-1-501 et seq., all general orders of the respective commissions.



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

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

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

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

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

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

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

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

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

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

Subchapter 5 – Arkansas Public Notice Act of 2013

25-1-501. Title

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

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;

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

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

information; and

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

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

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

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

(B) Consider the:

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

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

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

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

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

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

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

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

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

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

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

(d) If notice is provided for under the Arkansas Constitution, then

notice shall be published under the constitutional provision.

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