

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 221 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

HOUSE BILL 1033

5 By: Representative Harrelson  
6  
7

## For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR THE ELECTRONIC PUBLICATION  
10 AND DISTRIBUTION OF THE ARKANSAS REPORTS; AND FOR  
11 OTHER PURPOSES.  
12

## Subtitle

13 AN ACT TO PROVIDE FOR THE ELECTRONIC  
14 PUBLICATION AND DISTRIBUTION OF THE  
15 ARKANSAS REPORTS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 16-11-202 is amended to read as follows:

22 16-11-202. Preparation of syllabus, ~~index, title page, notes, etc.,~~  
23 headnotes, corrections; publication.

24 It shall be the duty of the Reporter of the Supreme Court to:

25 (1) Prepare the syllabus without delay after the Clerk of the  
26 Supreme Court furnishes him or her with a copy of the decisions of the court;

27 (2) Prefix notes to each published decision containing the  
28 points decided therein;

29 (3) ~~Make out and have published with each volume a complete~~  
30 index thereto; and Edit the decisions of the Supreme Court and the Court of  
31 Appeals and make technical corrections thereto;

32 (4) ~~Cause to be prefixed to each volume a title page, together~~  
33 with Prepare an alphabetical list of all the cases reported therein. Oversee  
34 publication and distribution of the decisions of the Supreme Court and the  
35 Court of Appeals in such format and medium as the Supreme Court may direct;



1 and

2 (5) Perform other duties as the Supreme Court assigns.

3

4 SECTION 2. Arkansas Code § 16-11-203 is repealed.

5 ~~16-11-203. Authority to omit opinions.~~

6 ~~If the Reporter of the Supreme Court considers that any opinion~~  
7 ~~furnished him by the Clerk of the Supreme Court is not of sufficient~~  
8 ~~importance to justify the expense of publishing it, he may submit the opinion~~  
9 ~~to the Chief Justice of the Supreme Court and, with his concurrence, may omit~~  
10 ~~to publish the opinion.~~

11

12 SECTION 3. Arkansas Code § 16-11-204 is amended to read as follows:

13 16-11-204. Assistant to Reporter of the Supreme Court.

14 (a) The Reporter of the Supreme Court is authorized to employ an  
15 assistant to aid the Reporter in the preparation of the headnotes for the  
16 ~~Advance Reports of the Supreme Court and the Court of Appeals~~ published  
17 decisions of the Supreme Court and the Court of Appeals and in the  
18 supervision of the distribution and publication of the ~~Arkansas Reports~~  
19 decisions of the Supreme Court and the Court of Appeals.

20 (b) No person shall be employed as an assistant by the Reporter in  
21 accordance with this section unless he or she is a licensed attorney.

22 (c) The position of assistant to the Reporter shall be state-funded at  
23 a salary to be set by the General Assembly.

24

25 SECTION 4. Arkansas Code § 16-11-205 is amended to read as follows:

26 16-11-205. Reporter to superintend ~~printing and binding~~ distribution  
27 and publication of decisions of the Supreme Court and the Court of Appeals.

28 It shall be the duty of the Reporter of the Supreme Court to  
29 superintend the ~~printing and binding of the reports.~~ ~~When he is satisfied~~  
30 ~~that the printing and binding have been properly done, he shall deliver to~~  
31 ~~the printer or binder, as the case may be, a certificate to that effect.~~  
32 distribution and publication of the decisions of the Supreme Court and the  
33 Court of Appeals in such format and medium as the Supreme Court may direct.

34

35 SECTION 5. Arkansas Code § 16-11-206 is repealed.

36 ~~16-11-206. Proofreader and proof sheets furnished by printer.~~

1           The printer shall furnish one (1) good proofreader and two (2) or three  
2 ~~(3) proof sheets, if desired by the Reporter of the Supreme Court.~~

3  
4           SECTION 6. Arkansas Code § 16-11-207 is repealed.

5           ~~16-11-207. Delivery of printed volumes.~~

6           ~~It shall be the duty of the contractor, as soon as the reports have  
7 been printed and bound, to deliver the reports to the Administrative Office  
8 of the Courts, whose duty it shall be to deliver to the contractor a receipt  
9 showing the number of volumes in good condition so delivered to that office.~~

10  
11          SECTION 7. Arkansas Code § 16-11-208 is repealed.

12          ~~16-11-208. Payment of printing and binding bill.~~

13          ~~(a) Upon the presentation of the certificate of the Reporter of the  
14 Supreme Court, the receipt of the Administrative Office of the Courts, and  
15 the bill for printing and binding the reports, approved by the Reporter, to  
16 the Auditor of State, it shall be the Auditor of State's duty to draw a  
17 warrant on the Treasurer of State in favor of the contractor for the sum  
18 mentioned in the approved bill or account.~~

19          ~~(b) Upon the presentation of the warrant to the Treasurer of State, it  
20 shall be his duty to pay the warrant out of any moneys in the State Treasury  
21 appropriated for that purpose.~~

22  
23          SECTION 8. Arkansas Code § 16-11-209 is repealed.

24          ~~16-11-209. Contractor's failure to perform—Forfeiture—Letting new  
25 contract.~~

26          ~~(a)(1) In case the person whose bid is accepted fails at any time to  
27 comply with the provisions of his contract, the Reporter of the Supreme Court  
28 is authorized and it shall be his duty to declare a forfeiture of the  
29 contract.~~

30          ~~(2) The Reporter may direct the Attorney General to bring suit  
31 upon the contractor's bond, in behalf of the state, to cover any damage that  
32 may have accrued to the state.~~

33          ~~(b) Upon termination of any contract by forfeiting or otherwise, a  
34 similar contract shall be let.~~

35  
36          SECTION 9. Arkansas Code § 25-18-210 is repealed.

1           ~~25-18-210. Supreme Court and Court of Appeals reports—Distribution.~~  
2           ~~(a)(1) The Administrative Office of the Courts shall furnish, at no~~  
3 ~~cost, the following officials with copies of the decisions of the Supreme~~  
4 ~~Court and Court of Appeals as they are published and bound:~~

Officials	Number of Copies
8 <del>Members of the Supreme Court and Court of Appeals</del>	2 each
9 <del>Governor</del>	1
10 <del>General Assembly</del>	2
11 <del>Circuit judges</del>	1 each
12 <del>Clerks of the circuit courts of each county</del>	1 each
13 <del>Prosecuting attorneys</del>	1 each
14 <del>Secretary of State</del>	2
15 <del>Attorney General</del>	20
16 <del>Supreme Court Library</del>	16
17 <del>Arkansas History Commission</del>	2
18 <del>Arkansas State Library</del>	2
19 <del>University of Arkansas at Fayetteville School of Law</del>	20
20 <del>University of Arkansas at Little Rock School of Law</del>	6

21  
22           ~~(2) The Administrative Office of the Courts shall take receipts~~  
23 ~~for the volumes delivered and shall not furnish any other office or official~~  
24 ~~free copies of the reports unless otherwise provided by law.~~

25           ~~(b) All officers and officials receiving sets and volumes of the~~  
26 ~~reports shall turn them over to their successors in office.~~

27           ~~(c) In counties where there is more than one (1) county seat, each~~  
28 ~~county seat shall be furnished with a set of the reports, and this section~~  
29 ~~and §§ 25-18-212—25-18-214 shall apply to each county seat.~~

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31           SECTION 10. Arkansas Code § 25-18-211 is repealed.

32           ~~25-18-211. Supreme Court and Court of Appeals reports—Additional set~~  
33 ~~for Supreme Court Justices and Court of Appeals Judges.~~

34           ~~(a)(1) The Clerk of the Supreme Court is authorized to purchase, when~~  
35 ~~directed by the Supreme Court or Court of Appeals, the printed reports of the~~  
36 ~~court for the use of each of the justices or judges in chambers and to pay~~

1 ~~for the set out of the funds of that court.~~

2 ~~(2) Reports so purchased shall be the property of the State of~~  
3 ~~Arkansas, and the justices or judges shall keep the reports in good order and~~  
4 ~~turn them over to their respective successors in office.~~

5 ~~(b) The purchase of these sets of reports shall be in addition to the~~  
6 ~~reports furnished by the Administrative Office of the Courts.~~

7  
8 SECTION 11. Arkansas Code § 25-18-212 is repealed.

9 ~~25-18-212. Supreme Court and Court of Appeals reports — Duties of~~  
10 ~~clerks.~~

11 ~~(a)(1) The several clerks of the circuit courts of the State of~~  
12 ~~Arkansas shall be furnished with one (1) full set of the reports, not~~  
13 ~~including the first forty seven (47) volumes of the decisions of the Supreme~~  
14 ~~Court, and shall keep them in good order.~~

15 ~~(2) The county judge of each county shall furnish a room or~~  
16 ~~other suitable space for the reports convenient for the clerk, county~~  
17 ~~officials, and court at or near the courtroom or in the clerk's office.~~

18 ~~(b)(1) Each clerk shall be in full and complete custody of the reports~~  
19 ~~and shall turn them over to his or her successor in office.~~

20 ~~(2) Upon failure to do so, he or she shall be fined in any sum~~  
21 ~~not less than five (5) times the worth of the volumes which he or she has~~  
22 ~~failed to turn over.~~

23  
24 SECTION 12. Arkansas Code § 25-18-213 is repealed.

25 ~~25-18-213. Supreme Court and Court of Appeals reports — Annual check~~  
26 ~~of county libraries and clerks' offices.~~

27 ~~(a) It shall be the duty of the director of the Department of Finance~~  
28 ~~and Administration to make a check of the county libraries once a year and~~  
29 ~~report his or her findings to the Administrative Office of the Courts.~~

30 ~~(b)(1) It shall be the duty of the director to check the reports of~~  
31 ~~each outgoing clerk.~~

32 ~~(2) The director's findings shall be binding and shall be filed~~  
33 ~~with the Administrative Office of the Courts.~~

34 ~~(c) When a county library is set up, the director shall have placed on~~  
35 ~~each volume the following statement: "This book is the property of the State~~  
36 ~~of Arkansas."~~

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SECTION 13. Arkansas Code § 25-18-214 is amended to read as follows:  
~~25-18-214. Supreme Court and Court of Appeals reports—Replacement of~~  
~~missing books by the clerk. Clerks – personal liability.~~

(a) The clerk and his or her bondsmen shall be personally liable and responsible for the safekeeping of bound volumes of the reports, ~~and.~~

(b) ~~no~~ No volume shall be loaned or removed except that the clerk may, upon approval of the Director of the Department of Finance and Administration, remove or otherwise dispose of bound volumes if the official reports are available in electronic or other readily accessible medium. ~~Out~~  
~~of his or her personal funds, the clerk shall replace any volumes found~~  
~~missing by the Director of the Department of Finance and Administration so~~  
~~that at all times one (1) full set, not including the first forty seven (47)~~  
~~volumes of the reports of the decisions of the Supreme Court, shall be~~  
available in each county in the State of Arkansas for the general use of the courts, county officials, and attorneys.

SECTION 14. Arkansas Code § 25-18-215 is repealed.

~~25-18-215. Supreme Court and Court of Appeals reports—Replacement of~~  
~~destroyed volumes.~~

~~If the reports of the Supreme Court or Court of Appeals shall be~~  
~~destroyed in the county library in any county in this state by causes not~~  
~~within the control of the clerk, the Director of the Department of Finance~~  
~~and Administration shall so ascertain and shall certify to the Administrative~~  
~~Office of the Courts the need for a new set of the reports, or replacements~~  
~~for the missing volumes, not including the first forty seven (47) volumes.~~

SECTION 15. Arkansas Code § 25-18-216 is repealed.

~~25-18-216. Supreme Court and Court of Appeals reports—Number of~~  
~~copies reserved by Administrative Office of the Courts.~~

~~The whole number of reports in the office of the Administrative Office~~  
~~of the Courts shall not be reduced below the number of three (3) copies of~~  
~~each volume.~~

SECTION 16. Arkansas Code § 25-18-217 is repealed.

~~§ 25-18-217. Supreme Court and Court of Appeals reports—Expense of~~

1 ~~distribution.~~

2 ~~The Administrative Office of the Courts shall be authorized to draw~~  
 3 ~~upon the contingent fund of that office for the payment of the necessary~~  
 4 ~~expense incurred by transmitting the reports to the respective officers~~  
 5 ~~entitled to receive them.~~

6  
 7 SECTION 17. Arkansas Code § 25-18-218 is amended to read as follows:

8 § 25-18-218. Supreme Court and Court of Appeals reports – ~~Size Sale~~  
 9 ~~price~~ Medium of publication – Distribution.

10 (a)(1) ~~The reports of the Supreme Court and the Court of Appeals shall~~  
 11 ~~each be printed in continuous paging until there shall be sufficient matter~~  
 12 ~~to form a volume, the text block to be no thicker than two and one half~~  
 13 ~~inches (2 ½”) be published and distributed in such format and medium as the~~  
 14 Supreme Court may direct.

15 (2) The medium shall be a permanent, secure, and unalterable  
 16 record of the final, official decisions of the Supreme Court and the Court of  
 17 Appeals.

18 (b)(1) ~~The Administrative Office of the Courts shall sell each volume~~  
 19 ~~of the reports for an amount equal to the cost of the volume plus postage~~  
 20 ~~costs. The reports shall be made publicly available for viewing at no charge~~  
 21 via the Internet or other medium that is readily accessible by the public.

22 (2) However, the Administrative Office of the Courts may  
 23 establish:

24 (A) A system of subscription-based access to additional  
 25 features; and

26 (B) Reasonable charges for the provision of reports on  
 27 disc or other physical medium.

28  
 29 SECTION 18. Arkansas Code § 25-18-220 is repealed.

30 ~~§ 25-18-220. Exchange of books with federal, state, and foreign~~  
 31 ~~entities.~~

32 (a)(1) ~~The Administrative Office of the Courts is authorized to~~  
 33 ~~exchange with other states and countries that extend to this state similar~~  
 34 ~~courtesies the reports of the Supreme Court, and it shall furnish, upon~~  
 35 ~~demand, to the federal courts of Arkansas the Supreme Court reports beginning~~  
 36 ~~with Volume 126.~~

1           ~~(2)(A) The Secretary of State is authorized to exchange with~~  
2 ~~other states and countries the acts of the General Assembly of the State of~~  
3 ~~Arkansas, when bound and ready for distribution, and digests of the statutes,~~  
4 ~~when revised and published, that extend to this state similar courtesies.~~

5           ~~(B) The Secretary of State is also to furnish, upon~~  
6 ~~demand, to the federal courts of Arkansas the current digest of the statutes~~  
7 ~~of Arkansas, and the acts of the General Assembly.~~

8           ~~(b)(1)(A) The Secretary of State is further authorized to distribute~~  
9 ~~to the Library of Congress the acts of the General Assembly, digests of the~~  
10 ~~statutes after they have been published, and all other publications of any~~  
11 ~~sort by the State of Arkansas or any department or agency thereof.~~

12           ~~(B) The Administrative Office of the Courts is authorized~~  
13 ~~to furnish reports of the Supreme Court to the Library of Congress.~~

14           ~~(2) The Secretary of State shall not distribute to the Library~~  
15 ~~of Congress more than eight (8) copies of the acts, digests, and other~~  
16 ~~publications.~~

17           ~~(3) In no event shall any number be so distributed to the~~  
18 ~~Library of Congress until that library shall agree to furnish to the State of~~  
19 ~~Arkansas, for the use of the Supreme Court Library, a like number of the~~  
20 ~~copies of all similar publications made by the United States Government.~~

21  
22           SECTION 19. Arkansas Code § 25-18-221 is repealed.

23           ~~§ 25-18-221. Distribution of reports and proceedings of General~~  
24 ~~Assembly to Law Library Association, Inc., Shelby County, Tennessee.~~

25           ~~(a) The Administrative Office of the Courts is directed to deliver to~~  
26 ~~the Law Library Association, Inc., of Shelby County, Tennessee, as a donation~~  
27 ~~and without charge, as they are published, all volumes of the reports of the~~  
28 ~~Supreme Court.~~

29           ~~(b) The Secretary of State is directed to deliver to the Law Library~~  
30 ~~Association, Inc., of Shelby County, Tennessee, as a donation and without~~  
31 ~~charge, as they are published, all volumes of the proceedings of the General~~  
32 ~~Assembly of this state.~~

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34           \_\_\_\_\_ **APPROVED: 2/25/2009**