

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H2/18/99 S2/22/99 S3/18/99

A Bill

Act 1276 of 1999
HOUSE BILL 1574

5 By: Representatives Madison, Faris, Bennett, T. Thomas, Harris, Scrimshire, Eason, Hale, Trammell
6 By: Senator Critcher
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For An Act To Be Entitled

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9
10 "AN ACT TO REDUCE PUBLICATIONS DISTRIBUTED AND
11 PUBLISHED BY STATE AGENCIES; AND FOR OTHER PURPOSES."

Subtitle

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14 "TO REDUCE PUBLICATIONS DISTRIBUTED AND
15 PUBLISHED BY STATE AGENCIES."
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. (a) It is the intent of the General Assembly to reduce the
20 excessive flow of unsolicited state agency reports which, after being written,
21 printed, and distributed at significant public expense, are received without
22 having been requested by legislative offices, state agency offices, and other
23 recipients who often shelve, destroy, or otherwise dispose of the unsolicited
24 material often, again, at significant expense to the public.

25 (b) It is not the intent of the General Assembly to reduce the free
26 flow of information between state government and the public; rather the intent
27 is to reduce the use of state government publications for other than required
28 informational purposes and to effect a reduction in the escalating public
29 expense of writing, printing, and distributing unsolicited state agency
30 reports.

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32 SECTION 2. Reports by state agencies which are required to be submitted
33 to the General Assembly shall only be submitted to:

34 (1) The Speaker of the House;

35 (2) The President Pro Tempore of the Senate;

36 (3) The member of the General Assembly who was the lead sponsor

1 of the legislation authorizing the preparation of the report; and

2 (4) The Director of the Bureau of Legislative Research.

3
4 SECTION 3. (a) No state agency shall distribute a state publication
5 except as provided in this section.

6 (b) The state agency shall compile a mailing list of persons requesting
7 publications distributed by the agency. Prior to distributing the
8 publication, the state agency shall send, by mail, a card requesting the
9 interested party to return the card to the state agency if the interested
10 party wishes to receive the publication. The card shall include the agency
11 website on which the publication is located. Upon receipt of the card, the
12 state agency shall then send the publication to the interested party.

13 (c) This section shall not apply to the following publications:

14 (1) Public information pamphlets;

15 (2) Copies of legislative bills;

16 (3) Copies of statutes, laws, and regulations;

17 (4) Information disseminated to the press or requested pursuant
18 to the Freedom of Information Act of 1967;

19 (5) Publications which are applications, instructions, or
20 guidelines for complying with any state or federal law, regulation, or policy;

21 (6) Newsletters containing fewer than four (4) pages. The
22 newsletter shall include a statement providing the receiver of the newsletter
23 the option and method of removing the person's name from the newsletter's
24 mailing list;

25 (7) Directories;

26 (8) Documents generated, published, or otherwise disseminated by
27 The Center for Health Statistics of the Department of Health;

28 (9) Publications of the Cooperative Extension Service; and

29 (10) Information, forms and notices necessary to comply with state
30 tax laws, driver's licensing laws, and motor vehicle registration and titling
31 laws.

32 (d) A state agency shall not be prohibited from distributing an
33 abstract which contains a description of any reports submitted to the General
34 Assembly, and of any other information that is available upon request.

35 (e) Each state agency shall place the publication on the state agency's
36 internet web site. The Department of Information Systems shall assist those

1 state agencies requesting assistance in placing publications on the state
2 agency's internet web site.

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4 SECTION 4. Beginning with the 1999-2000 fiscal year, each state agency
5 shall include in its budget request a list of state publications which are
6 required by statutory law and shall state, in writing, the reasons for the
7 continued publication or distribution of its publications.

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9 SECTION 5. Every state agency which publishes or distributes a state
10 publication shall file a copy of the publication with the Legislative Council
11 if the state agency has published or distributed more than one thousand (1000)
12 copies of the publication in the preceding calendar year. This section shall
13 not apply to:

- 14 (1) Copies of legislative bills;
15 (2) Copies of statutes, laws, and regulations;
16 (3) Information disseminated solely to the press;
17 (4) Publications that are applications, instructions, or
18 guidelines for complying with any state or federal law, regulation, or policy;
19 (5) Promotional brochures and educational materials published by
20 the Department of Parks and Tourism;
21 (6) Publications of the Cooperative Extension Service; and
22 (7) Marketing and promotional information published by the
23 Arkansas Department of Economic Development.

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25 SECTION 6. The term "state agency" as used in this act does not include
26 institutions of higher education.

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28 SECTION 7. All provisions of this Act of a general and permanent nature
29 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
30 Revision Commission shall incorporate the same in the Code.

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32 SECTION 8. If any provision of this Act or the application thereof to
33 any person or circumstance is held invalid, such invalidity shall not affect
34 other provisions or applications of the Act which can be given effect without
35 the invalid provision or application, and to this end the provisions of this
36 Act are declared to be severable.

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SECTION 9. All laws and parts of laws in conflict with this Act are hereby repealed.

/s/ Madison, et al

APPROVED: 4/9/1999