

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

State of Arkansas *As Engrossed: H2/21/13 H3/4/13 S3/11/13*
89th General Assembly **A Bill**
Regular Session, 2013

HOUSE BILL 1216

By: Representative Linck

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING THE
DISTRIBUTION OF STATE AGENCY PUBLICATIONS; AND FOR
OTHER PURPOSES.

Subtitle

AN ACT TO AMEND ARKANSAS LAW CONCERNING
THE DISTRIBUTION OF STATE AGENCY
PUBLICATIONS.

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

SECTION 1. Arkansas Code § 15-4-1405(a), concerning the annual report prepared by the Center for Prototype Development and Emerging Technologies, is amended to read as follows:

(a) The Center for Prototype Development and Emerging Technologies shall submit an annual report based on the fiscal year on or before December 31 of each year to the Governor and shall ~~mail~~ file an electronic copy of the report ~~to~~ with the Legislative Council to be reviewed by the House Committee on State Agencies and Governmental Affairs and the Senate Committee on State Agencies and Governmental Affairs.

SECTION 2. Arkansas Code § 17-20-207 is amended to read as follows:
17-20-207. Annual reports.

~~(a)~~ The State Board of Barber Examiners shall annually, on or before January 1, make a report to the Governor of all its official acts during the preceding year and of its receipts and disbursements and such recommendations as it may deem expedient.



~~(b) At the time of filing its annual report with the Governor, the board shall mail a copy of this report to each barber in the state licensed by the board.~~

SECTION 3. Arkansas Code § 20-18-304(d), concerning the disclosure of information by the State Board of Health, is amended to read as follows:

(d)(1) The state registrar shall send to the county assessor of each county within this state a monthly report listing the residents of that county who have died.

(2) The report shall be sent to each county assessor by+

~~(A) Electronic electronic mail;~~

~~(B) Facsimile; or~~

~~(C) The United States Postal Service.~~

SECTION 4. Arkansas Code § 25-1-201 is amended to read as follows:

25-1-201. Legislative intent.

(a) It is the intent of the General Assembly to ~~reduce the excessive flow of unsolicited state agency reports which, after being written, printed, and distributed at significant public expense, are received without having been requested by legislative offices, state agency offices, and other recipients who often shelve, destroy, or otherwise dispose of the unsolicited material often, again, at significant expense to the public:~~

(1) Prohibit the excessive reproduction of state agency reports that are being written, printed, and distributed at significant public expense; and

(2) Provide for Internet publication as the primary means of publishing state agency reports.

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

SECTION 5. Arkansas Code § 25-1-202 is amended to read as follows:

25-1-202. Distribution of reports to the General Assembly.

(a) Reports by state agencies ~~which~~ that are required to be submitted to the General Assembly shall ~~only~~ be submitted only to:

- (1) The Speaker of the House;
- (2) The President Pro Tempore of the Senate;
- (3) The member of the General Assembly who was the lead sponsor of the legislation authorizing the preparation of the report; and
- (4) The Director of the Bureau of Legislative Research.

(b) A report required to be submitted to the General Assembly shall be filed in electronic form.

SECTION 6. Arkansas Code § 25-1-203 is amended to read as follows:
25-1-203. Distribution of other publications.

~~(a) No state agency shall distribute a state publication except as provided in this section.~~

~~(b) The state agency shall compile a mailing list of persons requesting publications distributed by the agency. Prior to distributing the publication, the state agency shall send by mail a card requesting the interested party to return the card to the state agency if the interested party wishes to receive the publication. The card shall include the agency Web site on which the publication is located. Upon receipt of the card, the state agency shall then send the publication to the interested party.~~

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

- ~~(1) Public information pamphlets;~~
- ~~(2) Copies of legislative bills;~~
- ~~(3) Copies of statutes, laws, and regulations;~~
- ~~(4) Information disseminated to the press or requested pursuant to the Freedom of Information Act of 1967, § 25-19-101 et seq.;~~
- ~~(5) Publications which are applications, instructions, or guidelines for complying with any state or federal law, regulation, or policy;~~
- ~~(6) Newsletters containing fewer than four (4) pages. The newsletter shall include a statement providing the receiver of the newsletter the option and method of removing the person's name from the newsletter's mailing list;~~
- ~~(7) Directories;~~
- ~~(8) Documents generated, published, or otherwise disseminated by~~

~~the Center for Health Statistics of the Department of Health;~~

~~(9) Publications of the University of Arkansas Cooperative Extension Service; and~~

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

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

~~(e) Each state agency shall place the publication on the state agency's Internet Web site. The Department of Information Systems shall assist those state agencies requesting assistance in placing publications on the state agency's Internet Web site.~~

(a) A state agency shall not distribute a state publication except as provided in this section.

(b)(1) A state agency shall place a state publication on its website.

(2) The Department of Information Systems shall assist those state agencies requesting assistance in placing publications on the state agency's website.

(c) Upon request, a state agency shall provide an unbound, black-and-white copy of a state publication to a person.

(d)(1) A state agency shall compile a mailing list of persons requesting publications distributed by the state agency.

(2)(A) Before distributing a state publication, the state agency shall send by mail a card to each person on the mailing list requesting the person to return the card to the state agency if the person wishes to receive an unbound, black-and-white copy of the publication.

(B) The card shall include the address of the website on which the publication is located.

(C) Upon return receipt of a card, the state agency shall then send a copy of the publication to the person.

(e) This section does not apply to the following publications:

(1) Public information pamphlets;

(2) Promotional brochures;

(3) Copies of legislative bills;

(4) Copies of statutes, laws, and regulations;

(5) Information disseminated to the press or requested pursuant to the Freedom of Information Act of 1967, § 25-19-101 et seq.;

(6) Publications that are applications, instructions, or guidelines for complying with state or federal law, regulation, or policy;

(7) Publications of the University of Arkansas Division of Agriculture;

(8) Information, forms, and notices necessary to comply with state tax laws, driver's licensing laws, and motor vehicle registration and titling laws;

(9) Financial reports required by a:

(A) Governing board if the rules, procedures, or bylaws of the governing board as of January 1, 2013, required a printed financial report;

(B) Bond rating agency;

(C) Bond trustee; or

(D) Financial institution; and

(10) The "Arkansas Highways" magazine published by the Arkansas State Highway and Transportation Department.

(f) A state agency may distribute upon request an abstract that contains a description of reports submitted to the General Assembly and of any other information that is available.

(g)(1) Except as provided in subdivision (g)(3) of this section, on or before October 1 of each even-numbered year a state agency shall submit an electronic report to the Department of Finance and Administration containing the:

(A) Number of unbound, black-and-white publications the state agency distributed under this section in the past two (2) years; and

(B) The cost of the producing the unbound, black-and-white publications distributed under this section in the past two (2) years.

(2)(A) The Department of Finance and Administration shall provide a report containing the information reported by state agencies under subdivision (g)(1) of this section by November 1 of each even-numbered year.

(B) The report shall identify the number of publications distributed and the cost of producing the publications for each individual state agency reporting under subdivision (g)(1) of this section.

(3) Subdivision (g)(1) of this section does not apply to the

General Assembly or the divisions, commissions, and bureaus operating under the authority of the General Assembly.

SECTION 7. Arkansas Code § 25-1-204 is amended to read as follows:

25-1-204. Publications to be included in agency budget.

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

SECTION 8. Arkansas Code § 25-1-205 is amended to read as follows:

25-1-205. Copies to be filed with the Legislative Council.

(a) ~~Every~~ A state agency which publishes or distributes a state publication shall file ~~a~~ an electronic copy of ~~the~~ a publication with the Legislative Council if the state agency has published or distributed more than one thousand (1,000) copies of the publication in the preceding calendar year.

(b) This section shall not apply to:

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

SECTION 9. Arkansas Code § 25-1-206 is amended to read as follows:

25-1-206. Definition of "state agency".

~~The term "state agency" as used in this subchapter does not include:~~

- ~~(1) The Arkansas Lottery Commission; and~~
- ~~(2) Institutions of higher education.~~

As used in this subchapter "state agency" means an agency, authority, board, bureau, commission, council, department, office, or officer of the state receiving an appropriation by the General Assembly, including without limitation a state-supported institution of higher education.

SECTION 10. Arkansas Code § 26-26-1118(b)(7), concerning monthly reports of residents of a county who have died, is amended to read as follows:

(7)(A) The Division of Vital Records of the Department of Health shall send to the county assessor by electronic mail a monthly report listing the residents of that county who have died.

~~(B) The report shall be sent to each county assessor by:~~

~~(i) Electronic mail;~~

~~(ii) Fax; or~~

~~(iii) United States Postal Service.~~

/s/Linck