

A BILL

FOR AN ACT TO FIX AND DECLARE THE DUTIES OF THE REPORTER OF THE SUPREME COURT, TO PROVIDE THE METHOD AND MANNER OF PUBLISHING AND DISTRIBUTING THE REPORTS OF THE SUPREME COURT, TO TRANSFER THE POWERS AND RIGHTS IN THE PRESENT CONTRACT FOR PUBLISHING SAID REPORTS TO THE JUDGES OF THE SUPREME COURT; TO AUTHORIZE THE PUBLICATION OF NEW EDITIONS OF ANY VOLUME OF SAID REPORTS AND THE TERMS AND CONDITIONS THEREOF, TO PROVIDE FOR THE COPYRIGHTS OF SAID REPORTS; TO PROVIDE FOR THE PREPARATION, PRINTING, BINDING AND CERTIFICATION OF THE ACTS OF THE GENERAL ASSEMBLY AND THE FORM AND NUMBER THEREOF; TO PROVIDE FOR THE ANNOTATIONS OF THE LAWS OF THE STATE AND THE SUPPLEMENT EMBRACING THE SAME, TO PROVIDE FOR THE CONTENTS OF THE VOLUMES CONTAINING SAID ACTS AND LAWS, TO PROVIDE FOR A REVISION OF THE LAWS OF THE STATE; TO FIX THE SALARY OF THE REPORTER OF THE SUPREME COURT; TO MAKE ANNUAL APPROPRIATION FOR SAID WORK, AND TO REPEAL CHAPTER FOUR (4) OF TITLE THREE (3), SECTION THIRTY-EIGHT (38), SECTION THIRTY-NINE (39), SECTION FORTY (40), AND SECTION ONE HUNDRED THIRTY-THREE (133), OF THE CODE.

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

Section 1. The reporter of the supreme court shall keep his office at the seat of government in rooms to be provided by the state, and shall devote his entire time to the discharge of the duties hereinafter prescribed. He shall be provided by the executive council with suitable room or rooms convenient to the state law library, necessary office furniture, supplies, stationery, books, periodicals, and postage, and in the use of the state law library he shall be subject to the general control of the trustees and the librarian. Subject to the approval of the trustees of the state library and historical department, he shall appoint such assistants, clerk, and stenographers as may be necessary and fix their compensation.

Sec. 2. When the opinions of the supreme court are filed, recorded by the clerk, and released, he may take and retain the same for a period not to exceed four months, to prepare a report therefrom, but within said time shall return the same to the clerk of said court in whose office they shall remain.

Sec. 3. Whenever such opinions are sufficient to make a volume he shall forthwith deliver
2 at his office, to the person, persons or corporation having the contract with the state for pub-
3 lishing the same, copies of such opinions, and with each opinion, a syllabus, and a brief state-
4 ment of the facts involved. Within twenty days after the proof sheets for a volume have
5 been furnished to him by the publishers at his office, he shall furnish to such publishers an
6 index and table of cases to such volume. The publishers shall furnish to the reporter with-
7 out delay, as soon as they shall be issued, ten copies of the revised proof sheets of the opin-
8 ions, head notes, index and table of cases of each volume for correction and approval by the
9 reporter and judges of the supreme court, and shall cause such corrections to be made there-
10 in as shall be indicated by the reporter or said judges. The reporter shall have no pecuniary
11 interest in said reports.

Sec. 4. The supreme court reports shall be published under contract entered into in the
2 name of the State of Iowa under such terms, stipulations and conditions as a majority of the
3 judges of the supreme court, acting through the chief justice, shall prescribe, provided that
4 every such contract shall provide that the three hundred fifty copies first issued shall be deliv-
5 ered by the publisher to the secretary of state free of all cost to the state. The present contract
6 for the printing and publication of the reports of the supreme court is hereby transferred to
7 the jurisdiction of said judges for the sole use and benefit of the state, which shall have the
8 same power and rights in reference thereto as now possessed by the executive council.

Sec. 5. The copies received by the secretary of state shall be disposed of by him as fol-
2 lows: Two copies of each volume to the library of Congress and the library of the supreme
3 court of the United States; one copy to each judge of the supreme, district and superior courts,
4 including United States district judges whose districts lie within this state, the clerk of the
5 supreme court and attorney general; one hundred copies to the state library, one copy to each
6 county in the state, two copies to each county where the district court is held in more than
7 one place; one copy to the supreme court reporter; twenty copies to the law department of
8 the state university; twenty copies to the state historical society for exchange in such manner
9 as the proper officers thereof think advisable. The remaining copies shall be used by the trus-
10 tees of the state library in exchange for such books on law or equity or reports of other
11 states as they may select. All books received by such exchange shall be deposited in and
12 become a part of the state library.

Sec. 6. The supreme court may order the publication of a new edition of any volume of
2 its report of which the copyright is owned by the reporter, when the public interest requires
3 it, and may require compliance therewith within six months by an order entered of record;
4 and if the reporter neglects or refuses to comply with such order then such copyright shall be
5 forfeited to the state.

1 Sec. 7. The copyrights of all the supreme court reports hereafter published shall be taken
2 out by and vest in the secretary of the state for the benefit of the people of the state; but
3 this shall not be construed to prevent the contractor by whom any volume is published, his
4 representatives, or assigns, from continuing the exclusive publication and sale of such vol-
5 ume so long as he or they shall, in all respects, comply with the requirements of this chap-
6 ter in respect to the character, sale, and price of such volume.

1 Sec. 8. The reporter of the supreme court shall be ex-officio editor of the code. He shall
2 keep and maintain at all times in the state law library a loose leaf set of statutes arranged
3 numerically, and under each section a citation of all supreme court decisions construing the
4 same. He shall, subject to the approval of the trustees of the state library and historical de-
5 partment, attend to the preparation, printing and binding of a complete revision of the code,
6 whenever ordered by the legislature.

1 Sec. 9. Immediately upon the taking effect of this act, and at the beginning of each legis-
2 lative session thereafter, he shall commence and continue throughout said session, the prep-
3 aration, with all due diligence, of what shall be known as a supplement to the code, treat-
4 ing the present code and present supplement thereto as a code in two volumes. Said sup-
5 plement shall be prepared substantially in the following manner: All sections of the consti-
6 tution and laws of said code (treated as in two volumes) not changed or modified, shall be
7 inserted in said supplement by section number only and immediately following shall be noted
8 all annotations of all decisions not appearing under said section in the then existing code and
9 supplement, stating the pertinent points decided under said section, said annotations to in-
10 clude not only those of the supreme court of Iowa but of the supreme court of the United
11 States, the United States circuit court of appeals, and as far as practicable the United States
12 district court, construing said section. All sections of the constitution and laws of said code
13 which shall have been changed shall appear in said supplement in their complete revised form
14 with appropriate headings and sectional catchwords, and followed by the annotations of de-
15 cisions as aforesaid. All new constitutional provisions and new sections of law shall be in-
16 serted in logical order, all new and original sections to be given such chapter and number as
17 will be logical and not destroy or confuse the numbering of the sections already existing.
18 The supplement first following the thirty-seventh general assembly, and all subsequent sup-
19 plements, shall be so prepared as to supplant the supplement last preceding.

1 Sec. 10. The copy for such supplement shall, at the earliest possible time after the adjourn-
2 ment of the assembly, be delivered to the state printer, who shall print the same with equal
3 dispatch in the same size and in the same style, type and appearance with the official edition
4 of the code, and deliver a copy of the final corrected volume to the said reporter, who shall
5 prepare an index thereto with proper tables of contents, and deliver the same to the state

6 printer who shall print the same and deliver the completed volume to the state binder, who
7 shall bind the same in such manner and number, and within such time as the aforesaid board
8 of trustees shall order, unless the general assembly shall otherwise direct.

Sec. 11. To such volume shall be attached the certificate of said reporter that the statu-
2 tory and constitutional provisions therein contained have been prepared from the original
3 rolls and are correct, which certificate shall be presumptive evidence of their correctness.

Sec. 12. The secretary of state shall prepare and deliver to the said reporter for inser-
2 tion in each of said supplements a correct list of state officers, judges of the supreme, district
3 and superior courts, members of the general assembly, and commissioners for this state in
4 other states. There shall be also inserted therein the statement of the conditions of the state
5 treasury as provided by the constitution, and all other matters provided by law.

Sec. 13. The reporter of the supreme court shall receive a salary of four thousand dollars
2 per year in full for all services, payable out of the appropriation herein made. The total
3 expenses including all salaries for the matters herein provided for shall not exceed the sum
4 of ten thousand dollars per year, which sum, or so much thereof as shall be necessary, is
5 hereby appropriated annually from any money in the state treasury not otherwise appro-
6 priated, the same to be immediately available.

Sec. 14. Chapter four (4) of title three (3) of the code and sections thirty-eight (38),
2 thirty-nine (39), forty (40), and one hundred thirty-three (133) of the code are hereby re-
3 pealed.

Sec. 15. This act being deemed of immediate importance shall take effect and be in force
2 from and after its publication in the Register and Leader and Des Moines Capital, newspapers
3 published at Des Moines, Iowa.