

No. 94

AN ACT

To provide for the publication of the reports of the decisions of the Supreme Court of Pennsylvania and of the Superior Court in bound volumes and in advance sheets; regulating the basis upon which bids shall be submitted and provisions of the contract for publication of such reports; conferring powers and imposing duties on the State Reporter, the Department of Property and Supplies, and the Secretary of the Commonwealth; providing for the custody and disposition of plates used in the printing of the bound volumes of such reports and of the advance sheets thereof; and repealing certain acts and parts of acts.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Publication of
Supreme and
Superior Court
decisions.

Section 1. The decisions of the Supreme Court of Pennsylvania and of the Superior Court shall be published under the supervision of the State Reporter, in accordance with the terms of a contract to be entered into by the State Reporter with the responsible and capable person or persons, who shall agree to publish and sell the bound volumes of reports of the Supreme Court and of the Superior Court and the advance sheets thereof at the lowest total price, as hereinafter provided in this act. The State Reporter shall have no pecuniary interest in such contract.

Publication
supervised by
State Reporter.

Each bidder for the said contract shall designate the total price at which he will sell and deliver, prepaid, anywhere within the Commonwealth, to any person, one copy of each bound volume of reports of the Supreme Court and one copy of each bound volume of reports of the Superior Court and one subscription to the advance sheets of said bound volumes, or the current equivalent thereof. Upon award of the contract, the contractor shall be entitled to charge for one bound volume of the reports of the Supreme Court and of the Superior Court and one subscription to the advance sheets of said bound volumes, or the current equivalent thereof, the price bid by him. He shall also be entitled to charge for a single bound volume of reports of the Supreme Court or of the Superior Court or for a single subscription to the advance sheets of reports of the said courts, or of either of them, or for any combination of such services designated by the State Reporter, the price or prices determined by the State Reporter as hereinafter provided.

Bids; terms.

Award.

A bidder who proposes to subcontract any part of the work to be done under the terms of the contract shall state that fact in his bid and shall attach the name and address of each proposed subcontractor and a statement of his qualifications, and no part of the con-

Bidder may
subcontract.

tract, if awarded to such bidder, shall be otherwise subcontracted without the prior approval of the State Reporter.

Term of contract;
specifications
and provisions.

Section 2. The contract shall be for a term of five years, and shall (a) specify the total price for which the contractor agrees to sell the combination service of the bound volumes of the reports of the Supreme and Superior Courts and their advance sheets, as stated in his bid; (b) specify the price or prices expressed in percentages of the total price bid for which a single bound volume of the reports of each court or the advance sheets thereof, or any combination of such services, shall be sold; (c) provide that the contractor shall furnish the State Librarian, free of charge, for library and exchange, fifty copies of each bound volume of the reports of the said courts and of the advance sheets thereof, and shall furnish the State Reporter, free of charge, three copies of each said bound volume and eight copies of said advance sheets; (d) provide that the said bound volumes of reports and advance sheets shall be printed and published in this Commonwealth; (e) provide that the contractor, directly or under a written contract or contracts, shall maintain in this Commonwealth for the term of the contract, the plant facilities and place of business for printing and publishing the said bound volumes of reports and the advance sheets; (f) provide that all bound volumes of reports of the said courts and of the advance sheets published under such contract shall be kept by the contractor at his place of business within this Commonwealth, or at the direction of the State Reporter, at some other convenient place within this Commonwealth to be designated by the State Reporter, for sale to all persons at prices established in conformity with the provisions of section 1 of this act, during the term of the said contract; and (g) provide that the bound volumes of said reports shall be so kept for sale for five years thereafter.

Authority of
State Reporter.

Section 3. The State Reporter shall have full power to formulate and prescribe terms and specifications of the contract for the printing and publication of the said bound volumes and of the advance sheets, in addition to those enumerated in this act, including, but not limited to (a) the power to determine what part or parts of said contract may be subcontracted, and the terms and conditions upon which part or parts, or all of the said contract, may be subcontracted; (b) the form and the terms of the contract, including penalty provisions deemed necessary or desirable by him to assure proper performance by the contractor; and (c) the respective percentages of the total price bid for which a single bound volume of the reports of each

court or the advance sheets thereof, or any combination of such services, shall be sold: Provided, That the total of the prices authorized for the component individual services, or combinations thereof, shall not exceed one hundred thirty-five per cent* of the contract price. The State Reporter shall also have the power to reject any and every bid which he, in his sole discretion, deems unfavorable or disadvantageous to the State and to the public.

Proviso.

Section 4. The said reports in the bound volumes shall (a) be printed, lithographed or otherwise reproduced on first-class book paper; (b) be bound in buckram, airplane duck or any other first-class material or materials for binding of books in style and quality not inferior to volume 344, Pennsylvania State Reports; (c) be in form and manner of execution similar thereto; (d) contain not less than seven hundred pages of printed matter in each volume, including an index and table of cases which shall be prepared and furnished by the State Reporter, and including any other material directed to be published therein by the State Reporter, with the approval of the Supreme Court or of the Superior Court, as the case may be.

Reproduction requirements.

There shall be printed on the back of the reports the matter specified by the State Reporter.

The advance sheets of the said reports shall conform as nearly as may be practicable to the bound volumes in type, style, paging, content and manner of execution, and shall be published weekly or at such other intervals as the State Reporter may prescribe.

Advance sheets.

Section 5. If the State Reporter, in the exercise of his discretion, shall determine that the bound volumes of reports shall be electrotyped or stereotyped, the plates thereof shall (a) be preserved by the contractor; (b) kept within the Commonwealth; and (c) delivered to the Secretary of the Commonwealth as the property of the State, within three years after the expiration of the contract. Upon the receipt of such plates under any presently existing contract or any contract executed hereafter, the Secretary of the Commonwealth may, in his discretion, dispose of them as unserviceable property in the manner provided by law.

If volumes are electrotyped or stereotyped plates to be delivered to Commonwealth after printing.

Section 6. Before the State Reporter awards any contract as provided by this act, the Department of Property and Supplies, on behalf of and under the supervision and direction of the State Reporter, shall give notice of the time and place of awarding the contract and of the terms and specifications upon which sealed bids or proposals will be received by the State Reporter, by advertisement in one daily newspaper of general circulation in each of the cities of Harrisburg,

Department of Property and Supplies.

Advertising.

* "135%" in original.

Philadelphia and Pittsburgh once a week for six consecutive weeks, immediately preceding the awarding of such contract.

Copyright.

Section 7. Copyright of the advance sheets and of each bound volume of reports shall be obtained in the name of the Commonwealth of Pennsylvania, by and at the expense of the contractor.

Bond.

Section 8. The person to whom any contract shall be awarded under this act shall, at the time of executing such contract, give bond to the Commonwealth, with sufficient surety, to be approved by the Department of Property and Supplies in the sum of \$30,000, conditioned for the faithful performance of said contract.

Existing contracts not affected.

Section 9. Nothing in this act shall be construed to affect or change the rights, duties and liabilities of the parties to presently existing contracts for the publication of reports of the Supreme Court or of the Superior Court or the advance sheets thereof.

Specific repealer.

Section 10. The following acts and parts of acts are hereby specifically repealed:

Sections five, seven, eight, nine and eleven of the act, approved the twelfth day of June, one thousand eight hundred seventy-eight (Pamphlet Laws, two hundred one), entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter."

Section six of the act, approved the twenty-fourth day of June, one thousand eight hundred ninety-five (Pamphlet Laws, two hundred twelve), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments."

The act approved the fifteenth day of May, one thousand nine hundred forty-one (Pamphlet Laws, forty), entitled "An act to amend sections seven and eight of the act, approved the twelfth day of June, one thousand eight hundred and seventy-eight (Pamphlet Laws, two hundred one), entitled 'An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter,' requiring the publication of advance sheets of such reports, requiring printing and publication in this Commonwealth by a responsible person having a plant and facilities and place of business therein, and further regulating the basis upon which bids shall be submitted and provisions of the contract for publication of such reports and advance sheets."

The act approved the thirteenth day of April, one thousand nine hundred forty-two (Pamphlet Laws,

twenty-four), entitled "An act to further amend section seven of the act, approved the twelfth day of June, one thousand eight hundred seventy-eight (Pamphlet Laws, two hundred one), entitled, 'An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter,' by making further provision relative to the custody and disposition of plates used in the printing of supreme court reports and supreme court advance sheets."

The act approved the thirteenth day of April, one thousand nine hundred forty-two (Pamphlet Laws, twenty-six), entitled "An act to amend section six of the act, approved the twenty-fourth day of June, one thousand eight hundred ninety-five (Pamphlet Laws, two hundred twelve), entitled, 'An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments,' by making further provision as to the preparation, custody and disposition of plates used in the printing of Superior Court Reports."

All other acts or parts of acts inconsistent herewith are hereby repealed.

Inconsistent
acts repealed.

APPROVED—The 6th day of May, A. D. 1943.

EDWARD MARTIN

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No. 95

AN ACT

To authorize the State Reporter to waive the provisions of any existing contracts requiring volumes of the reports of the decisions of the Supreme Court of Pennsylvania or of the Superior Court, to be stereotyped or electrotyped.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The State Reporter is authorized to waive any provisions of any presently existing contracts requiring the volume of the decisions of the Supreme Court of Pennsylvania or of the Superior Court, to be stereotyped or electrotyped: Provided, That such waiver shall be on terms which the State Reporter shall, in his sole discretion, determine are advantageous to the State and to the public.

State Reporter
may waive exist-
ing contract re-
quirements to
stereotype or
electrotype de-
cisions of
Supreme and
Superior Courts.
Provido.

Section 2. This act shall become effective immediately upon its final enactment.

Act effective
immediately.

APPROVED—The 6th day of May, A. D. 1943.

EDWARD MARTIN