

CHAPTER 97

GENERAL ASSEMBLY

HOUSE BILL 03-1165

BY REPRESENTATIVE(S) Lundberg, Lee, Schultheis, King, Cloer, Johnson R., and Rose;
also SENATOR(S) Hillman.

AN ACT

CONCERNING UNOFFICIAL COPIES OF THE COLORADO REVISED STATUTES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 2-5-118 (1) (b) (II) and (1) (c), the introductory portion to 2-5-118 (2) (a), and 2-5-118 (2) (b), (2) (c) (I), (3) (a), (4), and (5), Colorado Revised Statutes, are amended, and the said 2-5-118 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

2-5-118. Official statutes - publications by other persons or agencies - when permitted. (1) (b) To assure public access to the statutes, the committee:

(II) May authorize additional publication, reprinting, and distribution of ALL OR A SUBSTANTIAL PART OF the statutes in accordance with subsections (2) to (5) of this section.

(c) Publication, reprinting, or distribution of all or ~~any~~ A SUBSTANTIAL part of the statutes of the state of Colorado and annotations thereto, other than pursuant to sections 2-5-101 to 2-5-116, may be made only as provided for in this section. ~~This section shall not apply to persons who copy parts of the official statutes for their own personal use. The committee at its regularly scheduled meetings may exempt persons who reproduce, reprint, or distribute parts of the statutes for bona fide teaching or educational purposes from all or any part of the provisions of subsection (2) of this section.~~ ANY PERSON, AGENCY, OR POLITICAL SUBDIVISION WHO PUBLISHES, REPRINTS, OR DISTRIBUTES LESS THAN A SUBSTANTIAL PART OF THE STATUTES MAY DO SO WITHOUT COMMITTEE APPROVAL, AND SUBSECTIONS (2) AND (3) OF THIS SECTION SHALL NOT APPLY TO SUCH PERSON, AGENCY, OR POLITICAL SUBDIVISION.

(2) (a) Any person, agency, or political subdivision desiring to publish, reprint, or

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

distribute, whether by use of printed matter or by use of computer or other electronic means, all or ~~any~~ A SUBSTANTIAL part of the statutes of the state of Colorado, with or without the annotations thereto, must make prior written application to the committee, in which the applicant:

(b) Any person, agency, or political subdivision who wishes to publish, reprint, or distribute all or ~~any~~ A SUBSTANTIAL part of the statutes shall also demonstrate to the satisfaction of the committee that the statutes will be accurately reproduced.

(c) (I) In addition to any other requirement, the committee may require that an applicant who wishes to publish, reprint, or distribute all or ~~any~~ A SUBSTANTIAL part of the statutes pay a fee to the state and any direct costs of preparation of any material provided by the state. Such fee and costs shall be determined by the committee, and any fee shall be in an amount ~~which~~ THAT the committee determines is necessary to pay for state property interests in the statutes, to pay for the use of any material copyrighted by the state, and to pay for expenses incurred by the committee to assure the accuracy of the statutes.

(3) (a) If the committee finds from the application that such distribution meets the requirements of subsection (2) of this section and that it will not be detrimental to the interests of the citizens of the state, it may authorize distribution of all or ~~any~~ A SUBSTANTIAL part of the statutes and annotations specified in the application. Upon satisfactory arrangements for the payment by such person or agency of the costs and any fees, the committee may provide copies of such statutes in printed or electronic format.

(4) The general assembly hereby finds and declares that this section and the other provisions of this article are enacted in furtherance of the general assembly's legislative duty to provide for the publication of the laws as required by section 8 of article XVIII of the state constitution and that any acts of the committee or its staff in implementing these provisions are legislative in character. The purpose of this section is to ensure that the official statutes are made available to the courts, state and local government agencies, and other users; that copies of all or ~~any~~ A SUBSTANTIAL part of Colorado Revised Statutes, when published, reprinted, or distributed to interested citizens, accurately state the law in effect when those copies are prepared; and that unofficial publications, reprintings, or distributions of the statutes are not mistaken for the official statutes produced and enacted in accordance with this article.

(5) (a) Any publication, reprinting, or distribution ~~which~~ THAT is approved in accordance with this section may contain a notice, approved by the committee, ~~which~~ THAT indicates that it is a publication for which the committee has given permission but that it is an unofficial publication of the statutes. Except for the official statutes provided for in subsection (1) of this section, publications of the statutes shall not contain any notice or other indication that they are official statutes of this state. Except for the official statutes provided for in subsection (1) of this section, any person, agency, or political subdivision who ~~obtains permission of the committee to publish, reprint, or distribute~~ PUBLISHES, REPRINTS, OR DISTRIBUTES all or any part of the statutes of this state and who includes a notice or other indication that such statutes are official publications shall forfeit to the state the sum of two hundred fifty dollars for each and every book, volume, computer representation, or pamphlet so published, printed, or distributed.

(b) Any person, agency, or political subdivision who publishes, reprints, or distributes all or ~~any~~ A SUBSTANTIAL part of the statutes of this state without obtaining the permission of the committee as required by this section shall forfeit to the state the sum of five hundred dollars for each and every book, volume, computer representation, or pamphlet so published, printed, or distributed or the amount of any fee and costs imposed pursuant to paragraph (c) of subsection (2) of this section, whichever is greater.

(c) Any such forfeitures shall be recovered by an action in the name of the state ~~which~~ THAT may be authorized by the committee. An action to enforce the notice requirement set out in paragraph (d) of this subsection (5) may be joined with the appropriate forfeiture action or brought on its own merits.

(d) If any person, agency, or political subdivision publishes, reprints, or distributes all or ~~any~~ A SUBSTANTIAL part of the statutes of this state without the permission of the committee, the committee may require such person, agency, or political subdivision to send a notice to all persons who have previously received the unapproved publication, reprinting, or distribution ~~which~~ THAT indicates that such publication was an unapproved and unofficial publication of the statutes.

(6) AS USED IN THIS SECTION, "SUBSTANTIAL PART OF THE STATUTES" MEANS TWO HUNDRED OR MORE SECTIONS OF THE COLORADO REVISED STATUTES.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 1, 2003