

CHAPTER 253

STATUTES

HOUSE BILL 96-1371

BY REPRESENTATIVES Kreutz, Adkins, DeGette, Kaufman, and Snyder;
also SENATORS Matsunaka, Perlmutter, Wattenberg, Wells, and Wham.

AN ACT

CONCERNING PUBLICATION OF THE OFFICIAL VERSION OF COLORADO REVISED STATUTES.

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

SECTION 1. 2-5-117, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-5-117. Softbound volumes - ancillary publications. (1) ~~After each~~ FOLLOWING THE regular legislative session convening ~~after 1973~~ AFTER JANUARY 1, 1997, the revisor, under the supervision and direction of the committee, shall annotate, arrange, and prepare for publication all laws of a general and permanent nature enacted at that session and at any special session intervening since the last preceding regular legislative session. SUCH LAWS SHALL BE COMBINED WITH THE LAWS PREVIOUSLY CONTAINED IN THE ORIGINAL HARDBOUND VOLUMES OR REPLACEMENT VOLUMES AND WITH THE LAWS CONTAINED IN THE 1996 CUMULATIVE SUPPLEMENTS FOR THOSE VOLUMES. SUCH COMBINED LAWS SHALL BE REPUBLISHED IN ACCORDANCE WITH THIS ARTICLE IN A FULLY ANNOTATED, SOFTBOUND SET OF STATUTES.

(2) AFTER EACH REGULAR LEGISLATIVE SESSION CONVENING AFTER JANUARY 1, 1998, the preparation for publication shall be as a ~~cumulative supplement in the form of pocket parts to be inserted in each volume of Colorado Revised Statutes~~ REPUBLICATION OF THE ENTIRE SET OF STATUTES IN SOFTBOUND FORMAT THAT COMBINES NEWLY ENACTED LAWS WITH THOSE PUBLISHED IN THE PRECEDING YEAR. ~~The revisor may, however, with the approval of the committee, prepare supplementary or replacement volumes to Colorado Revised Statutes when a pocket part has become too bulky or unwieldy for convenient insertion in any volume. These replacement volumes shall contain all the laws of a general and permanent nature;~~

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

~~including those enacted by the 1974 legislative session and by all succeeding regular and special legislative sessions.~~

(3) Such ~~cumulative supplements and replacement~~ SOFTBOUND volumes, when, in like manner as is provided for enactment of Colorado Revised Statutes 1973, certified and reported to the general assembly by the committee, approved and enacted by the general assembly, published, copyrighted, and deposited with the secretary of state, shall be received, recognized, and referred to in like manner as Colorado Revised Statutes. Such ~~supplements and replacement~~ SOFTBOUND volumes shall become effective on the date when so deposited and certified to the secretary of state.

(4) The committee may issue such ancillary publications as it considers necessary or desirable in aid of the general use and purposes of Colorado Revised Statutes. ~~and the supplements thereto.~~

SECTION 2. 2-5-103 (3), Colorado Revised Statutes, 1980 Repl. Vol., is amended to read:

2-5-103. Preparation of Colorado Revised Statutes. (3) The revisor, with the approval of the committee, may employ such additional professional and clerical staff, within limits of appropriations, as may be necessary for the preparation and publication of the statutes under this article. In addition, the committee may obtain, by contract, such technical and professional assistance as it deems advisable for the efficient and accurate preparation and publication of such statutes, ~~and supplements thereto,~~ including but not limited to preparation of annotations and indices. ~~to such statutes and supplements.~~

SECTION 3. 2-5-105, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-5-105. Publication contract - legislative declaration. (1) (a) Consistent with the requirement of section 8 of article XVIII of the state constitution that the general assembly provide for the publication of the laws passed at each session, the state acknowledges its obligation to provide official sets of statutes that are reasonably priced, accurate, and easy to use. In fulfillment of this obligation, the general assembly provides for distribution of statutes to state and local government agencies and the courts, without charge, in accordance with section 2-5-116 and provides for sale of statutes to the public in accordance with sections 2-5-111 and 2-5-118.

(b) The general assembly hereby finds and declares that:

(I) This section is enacted to assure that the obligation set forth in paragraph (a) of this subsection (1) is met consistent with the requirements of section 29 of article V of the state constitution governing the printing, binding, and distribution of the laws;

(II) An official, ~~hardbound~~ SOFTBOUND, fully annotated set of statutes that is ~~updated with annual supplements and periodic replacement volumes~~ REPUBLISHED IN ITS ENTIRETY ANNUALLY and that is prepared under the supervision and direction of the committee on legal services of the general assembly meets that obligation; and

(III) On and after ~~December 1, 1992~~ JANUARY 1, 1997, annual, ~~supplements and replacement volumes to the~~ SOFTBOUND, official statutes shall be printed as a continuation of the original enactment of the Colorado Revised Statutes printed in accordance with the provisions of this article. ~~and the contract entered into pursuant to said article and shall continue to be printed in substantially the same format and printing specifications as said statutes.~~

(2) On and after ~~December 1, 1992~~ JANUARY 1, 1997, the work of the printing, binding, and packaging of ~~replacement~~ SOFTBOUND volumes ~~and cumulative supplements for~~ and publications ancillary to Colorado Revised Statutes, originally entitled Colorado Revised Statutes 1973, and other similar operations precedent to the distribution thereof when published shall be performed pursuant to a contract or contracts bid and entered into in the manner directed by the committee on legal services in accordance with this section. Such contract or contracts shall be bid by employing standard bidding practices including, but not limited to, the use of requests for information, requests for proposals, or any other standard vendor selection practices determined by the committee to be best suited to selecting an appropriate printing contractor. The state purchasing director shall provide such technical advice and assistance regarding bidding procedures as deemed necessary by the committee.

(3) (a) It is the intent of the general assembly that the work of printing, binding, and packaging of ~~replacement~~ SOFTBOUND volumes ~~and cumulative supplements for~~ and publications ancillary to Colorado Revised Statutes be submitted to bid and any contract or contracts be awarded by the committee on legal services at least one year prior to the expiration of the current printing contract on ~~December 31, 1992~~ DECEMBER 31, 1997. HOWEVER, IF THE COMMITTEE DETERMINES THAT A FURTHER EXTENSION OF THE CURRENT CONTRACT WOULD FACILITATE PREPARATION OF COLORADO REVISED STATUTES IN A NEW FORMAT AND THAT SUCH AN EXTENSION WOULD BE IN THE PUBLIC INTEREST, THE COMMITTEE MAY EXTEND SUCH CONTRACT FOR AN ADDITIONAL PERIOD NOT TO EXCEED FIVE YEARS. THE COMMITTEE SHALL DETERMINE WHETHER SUCH AN EXTENSION SHOULD BE GRANTED AND, SUBJECT TO THE FIVE-YEAR LIMITATION, THE DURATION OF ANY EXTENSION. Subsequent contracts for the work of printing, binding, packaging, and distribution shall be rebid at the direction of the committee on legal services prior to the expiration of a contract or, if an extension is granted, prior to the expiration of the extension period. Subsequent contracts shall be awarded at least six months prior to the expiration of a prior contract or extension period. The committee shall assure that the work is rebid at least every ten years. Such contract or contracts shall be awarded to the lowest responsible bidder or bidders and the determination thereof by the committee shall be final.

(b) The terms and conditions of any contract shall be determined by the committee on legal services, subject to the following:

(I) The term of any contract shall not exceed five years; however, the committee on legal services may extend the term of any such contract for one additional period of not more than five years if it finds that such an extension would be in the public interest; and

(II) Any contract shall contain adequate procedures to allow for verification of actual costs of printing.

(c) The methods and terms of sale of Colorado Revised Statutes to the public ~~including the public sale price~~, shall be included in the contract as an alternative provision as provided for in section 2-5-111.

(d) The committee on legal services may authorize such enhancements to or improvements ~~in the replacement volumes and cumulative supplements and publications ancillary to~~ Colorado Revised Statutes as the committee deems appropriate.

(e) In the award of said contract or contracts, the committee on legal services shall take into consideration the policies set forth in the "Unfair Practices Act", article 2 of title 6, C.R.S.

(f) In determining the lowest responsible bidder in the award of said contract or contracts or in determining whether to extend any such contract as provided for in paragraph (b) of this subsection (3), the committee on legal services shall take into consideration the economic, fiscal, and tax impacts of the award or extension on the state of Colorado, its citizens, and its businesses. The information must be provided in writing and shall be verifiable by legal services staff.

(4) (Deleted by amendment, L. 93, p. 548, § 1, effective April 29, 1993.)

SECTION 4. 2-5-111, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-5-111. Sale price to public. The methods and terms of sale of Colorado Revised Statutes, and ~~supplements and ancillary publications thereto~~, to the public shall be included by the committee as an alternative specification and bid, and as a part of a contract let by bids authorized by this article. ~~The sale price to the public shall be fixed by the committee at the actual cost price per set purchased for the use of the state, as determined by the terms of the accepted bid, plus not more than twenty percent and delivery charges.~~

SECTION 5. 2-5-115, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-5-115. Copyright by state. Colorado Revised Statutes and ~~supplements and ancillary publications thereto~~, as published, shall be the sole property of the state of Colorado as owner and publisher thereof and shall be copyrighted for and in behalf of the state of Colorado by the secretary of state or the committee. The committee shall use its best efforts to assure that the appropriate federal copyright is maintained. Any prior actions of the committee and the revisor in securing such federal copyright are hereby validated.

SECTION 6. 2-5-116, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-5-116. Official list - designation and disposition of statutes. (1) The revisor shall prepare for approval by the committee an official list of the state, district, county, and municipal officials and state boards, commissions, divisions, and agencies who shall receive for official use sets of Colorado Revised Statutes, ~~and the~~

~~supplements thereto~~, including a sufficient number of volumes for exchange with other states and territories on a reciprocal basis.

(2) The office of legislative legal services shall distribute such sets ~~and supplements~~ to the officials and agencies so listed, taking a receipt for each set so delivered.

(3) All sets of volumes ~~and supplements~~ provided for official use shall remain the property of the state of Colorado for the use of the named officials and their successors, and shall bear such designation.

SECTION 7. 2-5-118 (4), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-5-118. Official statutes - publications by other persons or agencies - when permitted - notice of unofficial nature - penalty. (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 ~~insure~~ 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 part of Colorado Revised Statutes ~~and supplements thereto~~, 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.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 1996