

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 11-261

BY SENATOR(S) Roberts, Brophy, Carroll, Morse, Schwartz, Lundberg;
also REPRESENTATIVE(S) Gardner B., Labuda, Levy, Murray, Waller,
Fields, Gerou, Priola, Todd.

CONCERNING THE PUBLICATION OF THE COLORADO REVISED STATUTES BY
PERSONS OTHER THAN THE GENERAL ASSEMBLY.

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

SECTION 1. 2-5-115, Colorado Revised Statutes, is amended to read:

2-5-115. Copyright by state. Colorado Revised Statutes 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~~ THE COMMITTEE, OR ITS DESIGNEE, MAY REGISTER A COPYRIGHT for and in behalf of the state of Colorado ~~by the secretary of state or the committee~~ IN ANY AND ALL ORIGINAL PUBLICATIONS AND EDITORIAL WORK ANCILLARY TO THE COLORADO REVISED STATUTES THAT ARE PREPARED BY THE GENERAL ASSEMBLY OR ITS STAFF. The committee shall use its best efforts to ~~assure~~ ENSURE that ~~the appropriate~~ ANY federal copyright REGISTERED PURSUANT TO THIS SECTION is APPROPRIATELY maintained. Any prior actions of the committee and the revisor in securing such federal copyright are hereby

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

validated.

SECTION 2. 2-5-117 (3), Colorado Revised Statutes, is amended to read:

2-5-117. Softbound volumes - ancillary publications. (3) Such 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~~ EACH YEAR'S SET OF softbound volumes shall become effective on the date ~~when so deposited and certified to the secretary of state~~ SPECIFIED IN SECTION 2-5-126 (2).

SECTION 3. 2-5-118, Colorado Revised Statutes, is amended to read:

2-5-118. Official statutes - publications by other persons or agencies. (1) (a) The statutes prepared in accordance with sections 2-5-102 and 2-5-103 and printed and enacted as the law of the state in accordance with sections 2-5-105, 2-5-113, ~~and~~ 2-5-117, ~~AND~~ 2-5-126 ~~and any reprintings thereof authorized in accordance with subparagraph (I) of paragraph (b) of this subsection (1)~~ shall be considered to be the official statutes of the state of Colorado. Such official statutes shall be the only publication of the statutes entitled to be considered as evidence in Colorado courts in accordance with section 13-25-101, C.R.S., and with applicable Colorado court rules. The courts of this state shall take judicial notice of such official statutes.

(b) To ~~assure~~ ENSURE public access to the statutes, the committee:

(I) SHALL AUTHORIZE THE PRINTING OF THE OFFICIAL STATUTES IN SOFTBOUND SETS IN ACCORDANCE WITH SECTION 2-5-105;

~~(I)~~ (II) May authorize ~~AND WORK COOPERATIVELY WITH~~ the person printing the official statutes in accordance with section 2-5-105 to reprint and distribute the statutes in alternative printed and electronic formats, including, but not limited to ~~softbound sets~~ THE FOLLOWING:

(A) COMPACT DISKS;

(B) ON-LINE PUBLIC ACCESS THROUGH THE WORLD WIDE WEB;

(C) ELECTRONIC APPLICATIONS FOR HANDHELD ELECTRONIC DEVICES;

(D) ELECTRONIC BOOKS OR DIGITAL VERSIONS OF BOOKS READABLE ON PERSONAL COMPUTERS, MOBILE HANDHELD ELECTRONIC DEVICES, OR SPECIAL E-READER OR TABLET-STYLE DEVICES; AND

(E) OTHER ELECTRONIC PRODUCTS OR FORMATS;

~~(H)~~ (III) May, ~~authorize~~ PURSUANT TO SUBSECTION (2) OF THIS SECTION, PROVIDE THE STATUTORY DATABASE CONTAINING THE OFFICIAL TEXT OF THE STATUTES, WITH OR WITHOUT ORIGINAL ANCILLARY PUBLICATIONS PREPARED BY THE GENERAL ASSEMBLY OR ITS STAFF, FOR THE additional publication, reprinting, and distribution of ~~all or a substantial part~~ of the statutes IN PRINT, ELECTRONIC, OR OTHER DIGITAL FORMAT BY ANOTHER PERSON, AGENCY, OR POLITICAL SUBDIVISION, in accordance with subsections (2) to (5) of this section; AND

(IV) RECOGNIZES THAT OTHER PERSONS, AGENCIES, OR POLITICAL SUBDIVISIONS MAY, FROM TIME TO TIME, ALSO PUBLISH, REPRINT, OR OTHERWISE DISTRIBUTE THE STATUTES IN PRINT, ELECTRONIC, OR OTHER DIGITAL FORMAT WITHOUT THE USE OF THE STATUTORY DATABASE CONTAINING THE OFFICIAL TEXT OF THE STATUTES AS PREPARED BY THE GENERAL ASSEMBLY OR ITS STAFF.

(c) Publication, reprinting, or distribution of ~~all or a substantial part~~ of ANY OF THE PUBLICATIONS ANCILLARY TO the statutes of the state of Colorado, ~~and annotations thereto~~, AS PREPARED BY THE GENERAL ASSEMBLY OR ITS STAFF, other than pursuant to sections 2-5-101 to 2-5-116, may be made only as provided for in 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 distribute, whether by use of printed matter or by use of computer or other electronic means, ~~all or 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~~ USING THE STATUTORY DATABASE PREPARED BY THE GENERAL ASSEMBLY OR ITS STAFF CONTAINING THE OFFICIAL TEXT OF THE STATUTES, SHALL SUBMIT TO THE COMMITTEE OR THE COMMITTEE'S DESIGNEE:

(I) ~~Specifies the parts~~ A STATEMENT SPECIFYING THOSE PORTIONS of the statutes ~~and annotations and the number of copies the applicant desires to publish, reprint, or distribute~~ THE PERSON, AGENCY, OR POLITICAL SUBDIVISION SEEKS TO PUBLISH;

(II) ~~States generally the purpose for the publication, reprinting, or distribution and the persons or classes of persons to receive copies thereof~~ A STATEMENT SPECIFYING WHETHER THE PERSON, AGENCY, OR POLITICAL SUBDIVISION IS SEEKING TO PUBLISH, REPRINT, OR DISTRIBUTE ANY OF THE PUBLICATIONS ANCILLARY TO THE STATUTES AS PREPARED BY THE GENERAL ASSEMBLY OR ITS STAFF PURSUANT TO SUBSECTION (2.5) OF THIS SECTION;

(III) ~~Agrees to pay~~ The costs and fees required by the committee AS SPECIFIED IN PARAGRAPH (c) OF THIS SUBSECTION (2); and

(IV) ~~Provides~~ Such other information as the committee reasonably requires.

(b) Any person, agency, or political subdivision who wishes to publish, reprint, or distribute ~~all or a substantial part of the statutes shall also demonstrate to the satisfaction of the committee that the statutes will be accurately reproduced~~ AN OFFICIALLY SANCTIONED VERSION OF THE STATUTES PURSUANT TO THIS SUBSECTION (2) SHALL REPRODUCE THE STATUTES AND ANCILLARY PUBLICATIONS, IF ANY, ACCURATELY.

(c) (I) In addition to any other requirement, the committee may require that ~~an applicant who wishes~~ ANY PERSON, AGENCY, OR POLITICAL SUBDIVISION SEEKING to publish, reprint, or distribute ~~all or a substantial part of~~ the statutes USING THE STATUTORY DATABASE PREPARED BY THE GENERAL ASSEMBLY OR ITS STAFF CONTAINING THE OFFICIAL TEXT 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 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~~ ENSURE the accuracy of the statutes.

(II) (Deleted by amendment, L. 92, p. 959, § 1, effective April 29, 1992.)

(2.5) (a) ANY PERSON, AGENCY, OR POLITICAL SUBDIVISION DESIRING TO PUBLISH, REPRINT, OR DISTRIBUTE, WHETHER BY USE OF PRINTED MATTER OR BY USE OF COMPUTER OR OTHER ELECTRONIC MEANS, ANY OF THE PUBLICATIONS ANCILLARY TO THE STATUTES OF THE STATE OF COLORADO SHALL MAKE PRIOR WRITTEN APPLICATION TO THE COMMITTEE, IN WHICH THE APPLICANT:

(I) SPECIFIES WHAT ANCILLARY PUBLICATIONS IT SEEKS TO PUBLISH;

(II) STATES GENERALLY THE PURPOSE FOR THE PUBLICATION, REPRINTING, OR DISTRIBUTION AND THE PERSONS OR CLASSES OF PERSONS TO RECEIVE COPIES THEREOF;

(III) DEMONSTRATES TO THE SATISFACTION OF THE COMMITTEE THAT SUCH ANCILLARY PUBLICATIONS WILL BE ACCURATELY REPRODUCED; AND

(IV) AGREES TO PAY THE COSTS AND FEES REQUIRED BY THE COMMITTEE.

(b) IF THE COMMITTEE FINDS FROM THE APPLICATION THAT SUCH DISTRIBUTION MEETS THE REQUIREMENTS OF THIS SUBSECTION (2.5) AND THAT IT WILL NOT BE DETRIMENTAL TO THE INTERESTS OF THE CITIZENS OF THE STATE, IT MAY AUTHORIZE DISTRIBUTION OF SUCH ANCILLARY PUBLICATIONS SPECIFIED IN THE APPLICATION. UPON SATISFACTORY ARRANGEMENTS FOR THE PAYMENT BY SUCH PERSON, AGENCY, OR POLITICAL SUBDIVISION OF ANY COSTS AND FEES, THE COMMITTEE MAY PROVIDE COPIES OF SUCH ANCILLARY PUBLICATIONS IN PRINTED OR ELECTRONIC FORMAT.

~~(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 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.~~

(b) The committee may enter into such contracts as it deems necessary to ~~grant such authorization and to otherwise~~ implement the provisions of this section. Any contracts entered into prior to ~~March 20, 1990~~, THE EFFECTIVE DATE OF THIS PARAGRAPH (b), AS AMENDED, are hereby validated.

(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 a substantial part of~~ THE 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. ANY PERSON, AGENCY, OR POLITICAL SUBDIVISION THAT PUBLISHES, REPRINTS, OR OTHERWISE DISTRIBUTES THE STATUTES OF THE STATE OF COLORADO, WITH OR WITHOUT ANY ANCILLARY PUBLICATIONS TO THE STATUTES, SHALL REPRODUCE THEM ACCURATELY.

(5) (a) Any publication, reprinting, or distribution that is ~~approved~~ PUBLISHED in accordance with PARAGRAPH (a) OF SUBSECTION (2) OF this section USING THE STATUTORY DATABASE CONTAINING THE OFFICIAL TEXT OF THE STATUTES may contain a notice, approved by the committee, that indicates that it is ~~a~~ AN OFFICIALLY SANCTIONED publication ~~for which the committee has given permission but~~ USING THE OFFICIAL TEXT OF THE COLORADO REVISED STATUTES. ~~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 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 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 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 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 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 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, A PERSON, AGENCY, OR POLITICAL SUBDIVISION MAY PUBLISH, REPRINT, OR DISTRIBUTE two hundred or ~~more~~ FEWER sections of the Colorado Revised Statutes, WITH OR WITHOUT THE ANCILLARY PUBLICATIONS THERETO, FOR EDUCATIONAL PURPOSES.~~

SECTION 4. 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.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO