



STATE OF IDAHO  
OFFICE OF THE SECRETARY OF STATE  
BEN YSURSA

April 2, 2014

Mr. Carl Malamud  
Public.Resource.Org  
1005 Gravenstein Hwy North  
Sebastopol CA 95472

Dear Mr. Malamud:

Enclosed please find those documents pertinent to the Idaho Code Commission that you recently requested under the Idaho Public Records Act.

Sincerely,

A handwritten signature in blue ink that reads "Miren E. Artiach".

MIREN E. ARTIACH  
Deputy Secretary of State

Enclosures

## MINUTES OF CODE COMMISSION MEETING

A Code Commission meeting was held on Wednesday, July 3, 2012, pursuant to notice, at the office of the Idaho Secretary of State, in Boise, Idaho. All three commissioners were in attendance either in person or via telephone. Also in attendance was Ben Yursa, Secretary of State, Brian Kane, Deputy Chief of Staff, Attorney General, and Tim Hurst, Chief Deputy, Secretary of State.

The minutes of the September 6, 2012 meeting of the Code Commission were reviewed. Motion was made by Commissioner Bowen to approve the minutes, seconded by Commissioner Pisca. The minutes were approved as written by unanimous vote.

A discussion was held regarding the function of an executive secretary of the Commission. Motion was made by Commissioner Bowen, seconded by Commissioner Pisca to have Secretary Yursa's office function in the role of executive secretary of the Commission. Voting was unanimous.

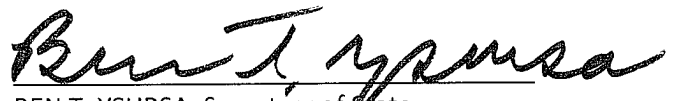
Discussion was held regarding correspondence received from LexisNexis, the publisher of the Idaho Code, about a company – Public.Resource.com – publishing the Idaho Code, including the compiler's notes and annotations on-line. Brian Kane, from the Attorney General's Office, said that it is clear that the statutes are in the public domain; however the annotations and notes that were developed and published by LexisNexis were probably not. Mr. Kane recommended sitting down with a copyright attorney to review the options open to the Commission if litigation is to be pursued. Secretary Yursa presented the financial status of the Commission, and it does appear to have money to hire an outside counsel.

Commissioner Pisca asked about how and to what extent LexisNexis would, or should, be involved. Mr. Kane will talk to LexisNexis and check into their involvement in other states. The Commission will then make a determination.

Commissioner Pisca made a motion to do the following: (1.) Have the Attorney General look into what is happening in other states regarding this issue, (2.) get LexisNexis' legal analysis and briefings from similar situations, (3.) have the Attorney General engage outside counsel to review and advise the Commission and (4.) meet again in about a month to make a decision on what course to follow. Motion was seconded by Commissioner Bowen and the voting was unanimous.

There being no further business, the meeting was adjourned.

RESPECTFULLY SUBMITTED this 3<sup>rd</sup> day of July, 2013.

  
BEN T. YURSA, Secretary of State  
Acting Executive Secretary



**CODE COMMISSION**

State of Idaho  
Statehouse Mail  
Boise, Idaho 83720

**COMMISSIONERS**

R. Daniel Bowen  
Jeremy P. Pisca  
Andrew Paul Doman

**SECRETARY OF STATE**

Benito T. Ysursa

June 28, 2013

Honorable Benito T. Ysursa  
Secretary of State  
[bysursa@sos.idaho.gov](mailto:bysursa@sos.idaho.gov)

Jeremy Pisca  
[jpisca@rischpisca.com](mailto:jpisca@rischpisca.com)

Tim Hurst  
[thurst@sos.idaho.gov](mailto:thurst@sos.idaho.gov)

Andrew Doman  
[apd@christdom.net](mailto:apd@christdom.net)

Re: Idaho Code Commission

Gentlemen:

We are going to have a meeting of the Idaho Code Commission on July 2, 2013, at 10:00 a.m., over in the conference room at the Secretary of State's office. The purpose of the meeting is to discuss what, if anything, we should do about publication of the Idaho Code Annotated on the internet by Mr. Malamud through his entity, [Public.resource.org](http://Public.resource.org). Commissioner Doman will participate by phone. I have verified that there is a conference/speaker phone available in the conference room we will be using.

Sincerely yours,

  
R. Daniel Bowen

RDB:gmh

cc: Nikki Daugherty

## Tim Hurst

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**From:** Tim Hurst  
**Sent:** Wednesday, June 26, 2013 9:37 AM  
**To:** sbedke@house.idaho.gov  
**Subject:** Idaho Code  
**Attachments:** Bedke\_Youtz Doc.pdf

Mr. Speaker,

Did you respond to the letter from Carl Malamud at Public.Resource.Org that was sent to you May 30, 2013? It was accompanied with a thumb drive containing a version of the Idaho Code. I have attached a copy of the letter to help refresh your memory. The Code Commission is meeting next week to address a possible copyright violation by these folks. It would be helpful if we knew what, if anything, you told Mr. Malamud.

Thanks for your help.  
Tim

Tim Hurst  
Chief Deputy  
Idaho Secretary of State  
700 W. Jefferson, Room E205  
Boise, Idaho 83720  
phone: 208-334-2852  
cell: 208-841-8890  
[thurst@sos.idaho.gov](mailto:thurst@sos.idaho.gov)



**PUBLIC.RESOURCE.ORG ~ A Nonprofit Corporation**

**Public Works for a Better Government**

May 30, 2013

Hon. Scott Bedke  
Speaker of the House  
Idaho State Legislature  
P.O. Box 89  
Oakley, ID 83346

Mr. Jeff Youtz, Director  
Legislative Services Office  
P.O. Box 83720  
Boise, ID 83720

Dear Speaker Bedke and Mr. Youtz:

I am pleased to enclose for your consideration a George Washington USB Thumb Drive containing a scanned version of the Idaho Code as well as XML-encoded versions of the code. Our purpose in making these statutes available is to promote access to the law by citizens and to promote innovation in ways the statutes are made available so that public servants, members of the bar, citizens, and members of the business community have ready access to the laws that govern them.

Access to the law is a fundamental aspect of our system of democracy, an essential element of due process, equal protection, and access to justice. The Supreme Court of the United States has repeatedly reaffirmed this principle, stating for example in *Banks v. Manchester* (128 U.S. 244, 1888) that "the authentic exposition and interpretation of the law, which, binding every citizen, is free for publication to all, whether it is a declaration of unwritten law, or an interpretation of a constitution or a statute."

The fact that there is no copyright in the law has been affirmed as a statement of policy by the United States Copyright Office which stated "Edicts of government, such as judicial opinions, administrative rulings, legislative enactments, public ordinances, and similar official legal documents are not copyrightable for reasons of public policy. This applies to such works whether they are Federal, State, or local as well as to those of foreign governments."

I would be pleased to answer any questions you may have and look forward to better access to the law by the citizens of Idaho.

Sincerely yours,

Carl Malamud  
Public.Resource.Org

## Tim Hurst

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**From:** Info <info@bowen-bailey.com>  
**Sent:** Tuesday, June 25, 2013 4:36 PM  
**To:** Ben Ysursa; jpisca@rischpisca.com; Tim Hurst; apd@christdom.net  
**Cc:** nikki.daugherty@lexisnexus.com  
**Subject:** FW: Idaho Code on public.resource.org

Gentlemen:

I am forwarding to you an email I received from Nikki Daugherty from LexisNexis. It contains a hyperlink to the web pages where public.resource.org, inc has, indeed, uploaded and published the Idaho Code Annotated. It is difficult to use, but I was able to open up enough pages to ascertain that this fellow went out and bought a copy of the Idaho Code, obviously scanned it into a database, and he has uploaded the database, compilers' notes, annotations and all onto the internet. Per Idaho Code Section 73-210, all the compilations are copyrighted in the name of the publishing company, which then, in turn, assigns the same to the State of Idaho. The statute then leaves in the hands of the Code Commission the responsibility to determine how the copyrights are used. The point of all this is, we need to meet and discuss the issues posed by Mr. Malamud's publication.

I have arranged for the Idaho Code Commission to meet on July 3, 2013, at 10:00 a.m. at the Secretary of State's Office in the Capitol building. Commissioner Doman will participate by telephone. Mr. Hurst will post the necessary notice.

Sincerely yours,

R. Daniel Bowen

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**From:** Daugherty, Nikki (LNG-CHO) [<mailto:nikki.daugherty@lexisnexus.com>]  
**Sent:** Monday, June 24, 2013 11:33 AM  
**To:** Dan Bowen ([info@bowen-bailey.com](mailto:info@bowen-bailey.com))  
**Subject:** Idaho Code on public.resource.org

Hi Dan: Good to talk to you. We have confirmed that Mr. Malamud has put up the fully annotated ID Code up on his website for free public access. Here's the link to the pdf and xml versions: <https://law.resource.org/pub/us/code/id/>

The notification letter was addressed to Speaker Bedke and to Jeff Youtz. Here's the link: <https://law.resource.org/pub/us/code/id/idaho.letter.pdf>

I would appreciate a copy of the letter that you send to Mr. Malamud.

Thanks  
Nikki

Nikki L. Daugherty  
Director, Government Content Acquisition  
LexisNexis  
701 E. Water St.  
Charlottesville, VA 22902  
800.446.3410 x7605  
[nikki.daugherty@lexisnexus.com](mailto:nikki.daugherty@lexisnexus.com)

No virus found in this incoming message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 8.5.455 / Virus Database: 271.1.1/5932 - Release Date: 06/22/13 18:39:00

## Tim Hurst

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**From:** Tim Hurst  
**Sent:** Tuesday, June 25, 2013 10:38 AM  
**To:** info@bowen-bailey.com  
**Subject:** FW: document  
**Attachments:** Bedke\_Youtz Doc.pdf

Dan,

I talked with Ben about going after the folks at public.resource.org for copyright violation of the Idaho Code. We both visited with Brian Kane from the Attorney General's Office this morning and they are on board with challenging the actions of public.resource.org.

We do need the Code Commission to meet and make the decision for proceed. If you will let me know the date and time you would like to meet along with an agenda, I will post it on our web site and take care of the other legal posting requirements. You are welcome to use our conference room for the meeting. I will let you know the number for Mr. Doman to call to participate so he isn't required to travel to Boise for a few minutes meeting.

Attached is a copy of the letter sent to the Speaker and Jeff Youtz. I don't know if you have actually seen it or not. So you know, I have also asked Nikki Daugherty for a copy of the copyright certificate that they were to take out for the Idaho Code along with any legal arguments they may have used in dealing with these people to this point.

Let me know if I need to do anything else.

Tim

Tim Hurst  
Chief Deputy  
Idaho Secretary of State  
700 W. Jefferson, Room E205  
Boise, Idaho 83720  
phone: 208-334-2852  
[thurst@sos.idaho.gov](mailto:thurst@sos.idaho.gov)





**PUBLIC.RESOURCE.ORG ~ A Nonprofit Corporation**

**Public Works for a Better Government**

May 30, 2013

Hon. Scott Bedke  
Speaker of the House  
Idaho State Legislature  
P.O. Box 89  
Oakley, ID 83346

Mr. Jeff Youtz, Director  
Legislative Services Office  
P.O. Box 83720  
Boise, ID 83720

Dear Speaker Bedke and Mr. Youtz:

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Access to the law is a fundamental aspect of our system of democracy, an essential element of due process, equal protection, and access to justice. The Supreme Court of the United States has repeatedly reaffirmed this principle, stating for example in *Banks v. Manchester* (128 U.S. 244, 1888) that "the authentic exposition and interpretation of the law, which, binding every citizen, is free for publication to all, whether it is a declaration of unwritten law, or an interpretation of a constitution or a statute."

The fact that there is no copyright in the law has been affirmed as a statement of policy by the United States Copyright Office which stated "Edicts of government, such as judicial opinions, administrative rulings, legislative enactments, public ordinances, and similar official legal documents are not copyrightable for reasons of public policy. This applies to such works whether they are Federal, State, or local as well as to those of foreign governments."

I would be pleased to answer any questions you may have and look forward to better access to the law by the citizens of Idaho.

Sincerely yours,

Carl Malamud  
Public.Resource.Org



June 10, 2013

Mr. Jeff Youtz  
Director  
Legislative Services Office  
700 W. Jefferson Street  
P.O. Box 83720  
Boise, ID 83720-0054

RE: **Idaho Code**

Dear Jeff:

I am writing to you to follow-up on our phone conversation regarding an urgent issue related to the Publication Contract (Contract) for the Idaho Code. As discussed, we have learned that an entity operating under the name Public.Resource.Org has acquired a full set of the Idaho Code and is currently in the process of scanning the books with the intent of making them freely available on the open web.

This is deeply troubling and appears to violate the State's copyright as defined in Section 9 of the Contract. Therefore, LexisNexis is respectfully requesting that the Legislative Services Office (LSO), on behalf of the State, take reasonable and measured steps to protect its interests in the Idaho Code editorial enhancements subject to copyright law.

As you already know, each year LexisNexis devotes considerable resources to compile, enhance and annotate the Idaho Code so it is imperative that Public.Resource.org not be permitted to go forward with its proposed plan to make the Idaho Code available to the public at no cost. If the LSO fails to act in a timely manner it may cause irreparable harm to the Idaho Code and undermine the viability of the current and any future publishing contracts for the Idaho Code.

Please call me at your earliest convenience to discuss the next steps to take or should you have any questions or require further information.

Sincerely,

A handwritten signature in black ink that reads "Nikki L. Daugherty".

Nikki L. Daugherty  
Director  
Government Content

Cc: Daniel Bowen, Idaho Code Commission



**CODE COMMISSION**

State of Idaho  
Statehouse Mail  
Boise, Idaho 83720

**COMMISSIONERS**

R. Daniel Bowen  
Jeremy P. Pisca  
Andrew Paul Doman

**SECRETARY OF STATE**

Benito T. Ysursa

November 26, 2013

Jeremy Pisca  
[jpisca@rischpisca.com](mailto:jpisca@rischpisca.com)

Andrew Doman  
[apd@christdom.net](mailto:apd@christdom.net)

Re: Idaho Code Commission

Gentlemen:

I wanted to bring you up to speed on a couple of issues that affect the Code Commission. Secretary of State Ysursa and his colleague, Mr. Hurst, and I attended a telephone conference with our Hawley Troxell lawyer, Brad Frazer, Nikki Daugherty (our main contact with Michie), and Nikki's boss, a gentleman by the name of Anders Ganten. As a precursor to this telephone conference, someone within the LexisNexis legal tribe had prepared an analysis of some of the copyright issues we confront. My recollection is that everybody got a copy of that by email earlier, but if you did not, let me know, and I will get it to you. It is a rather esoteric legal analysis, but the thrust of it was that annotations, indexes, etc., are copyrightable.

Early on in the telephone conference Mr. Frazer shared with everybody some concerns he had about who should initiate the litigation. He pointed out that in order to get a preliminary injunction, there would have to be some proof of damages and that the State of Idaho didn't really have anything. He pointed out that if anybody would be damaged it would be LexisNexis, but that as matters stood they did not have standing. His recommendation, as gleaned from other emails, was to the effect that the State of Idaho consider an assignment of the copyright to Lexis and that they prosecute the action. Mr. Ganten shared with us that Lexis was not terribly excited about doing that. He noted that this wasn't just because of the legal costs that were concerned, but involved other issues. He did not share with us what those other issues were.

Mr. Frazer went on to state he felt that, while there wasn't a lot of case law, or in fact any meaningful case law on the issue, those items we are concerned about – annotations, indexing, etc. – are copyrightable. He also shared with us that while getting a preliminary injunction is dependent upon some sort of proof of material damages, it does not preclude us from proceeding on to trial or summary judgment on the underlying substantive issue as to whether these matters are copyrightable and whether Mr. Malamud has violated a copyright held by the State of Idaho.

As to those substantive issues, we don't have to prove monetary damage in order to get a court order requiring him to remove the materials from the internet. I expressed concern that even if we got a court order, would it be enforceable – that is to say, can we make Malamud do it? Mr. Frazer was quick to point out that getting the materials off the internet is not dependent upon Malamud's cooperation, but that rather, armed with an Order from the court, we could go to the various internet hosts and have them remove the material. The point of all this would be, the attorney we hired thinks that the interests we contend are copyrightable are, in fact, copyrightable. He believes that we could initiate a federal court action and prosecute it to conclusion favorably with a reasonable expectation that the materials we want to get off the internet would, in fact, be taken off the internet.

It is somewhat troubling though, that LexisNexis, while on the one hand expressing concern and feeling that we should file a federal court action, doesn't express any interest in participating in that action as a party and is not all that forthcoming as to why.

There are apparently other states that are in the midst of deciding what to do about this problem. Apparently Arkansas is having their attorney general look at upsides and downsides of initiating a legal action. Colorado apparently produces their own Code, including annotations, but at this point has taken a hands-off approach. District of Columbia is looking at what they might do about Mr. Malamud's publication of its Code. Finally, I understand that Georgia is moving towards initiating legal action, but has to hire outside counsel. They have sent a cease and desist letter to Malamud. I suspect that our sister states are reluctant to spend money on an infringement that isn't usable anyway.

Mr. Frazer shared with us that we have a three year statute of limitations at least as to the publication of what is arguably our copyrightable material as occurred to date. The point is, we have time, and we don't need to do anything quickly. There doesn't really seem to be a pressing need to do anything to the extent that Mr. Malamud's publication of the Idaho Code remains as it was when we first found out about it – that is to say, basically useless to anybody trying to conduct any legal research. As such, it really doesn't present a risk to our publisher at this point, although I suppose it could in the future.

At some point we are going to have to meet and vote as to whether we want to take any action now or just continue to monitor the situation. Frankly, at this juncture, I am of a mind to continue to monitor it until such point as we have to fish or cut bait by virtue of the statute of limitations.

On another front, Secretary of State Yursa shared with me that there is a problem with our publication contract. As you are aware, we have contracts that last 3 years. In these contracts, historically we have set out the number of sets of Code that we are going to maintain and buy. It turns out that can present a problem, because periodically the number of sets that the State wants to maintain changes when the Board of Examiners does a review and makes a determination. They have done so this year, and the number is lower than that which the current contract calls

for. At present, the Secretary of State's office is working that out with Lexis, but we may have to modify the existing contract. As I understand matters, the discrepancy is over about 30 sets of the Code. When we meet again, Secretary of State Ysursa or his colleague Mr. Hurst can bring us up to date on that issue.

Finally, there is of course the issue of what we are going to do about next year's Code, and specifically which volumes we are going to replace. As I shared with you by letter dated September 18, 2013, a fairly large piece of legislation is in all likelihood going to go through the legislature this upcoming year, something called the Uniform Business Organization Code. I passed this on to our editor, Dennis Dougherty with Michie. He got back to me November 25, 2013, and advised that he would have recommendations for us by the end of the month. I would envision that when we get his recommendations in December we would have a meeting, at which time we could discuss which volumes, if any, we feel need to be replaced, where we stand on the contract issue, and, finally, what we want to do, if anything, about our copyright infringement issue, at least at this time.

If you have any questions about the foregoing, please do not hesitate to contact me.

Sincerely yours,



R. Daniel Bowen

RDB:gmh

cc: Benito Ysursa, Secretary of State  
Tim Hurst  
Dennis Dougherty

## MINUTES OF CODE COMMISSION MEETING

A Code Commission meeting was held on Monday, January 30, 2014, pursuant to notice, at the office of the Idaho Secretary of State, in Boise, Idaho. All three commissioners were in attendance either in person or via telephone. Also in attendance was Ben Ysursa, Secretary of State, Brian Kane, Deputy Chief of Staff, Attorney General, and Tim Hurst, Chief Deputy, Secretary of State, with Mike Nugent, and Jackie Gunn from the Legislative Services Office.

Secretary Ysursa and Mr. Kane gave an update on the status of the copyright infringement claim against Public.Resource.com. It was recommended by the Attorney General that the contract with Hawley-Troxell be terminated. A cease and desist order has been issued which preserves a position of the State in case there is need for further action in the future. Mr. Kane will continue to monitor the issue.

Motion was made by Comm. Bowen, seconded by Comm. Pisca to thank Brad Frazier from Hawley-Troxell for his efforts and to close the file. Voting was unanimous.

Comm. Bowen stated that the contract with the publisher calls for printing 1025 volumes and 3 replacement volumes of the Code per year. Sec. Ysursa pointed out that the State only needs 995 sets of the Code for State use.

Motion was made by Comm. Pisca, seconded by Comm. Doman to amend the contract with LexisNexis for the purchase of 995 copies keeping the price the same. Voting was unanimous. Sec. Ysursa will follow up with LexisNexis.

Following discussion, motion was made by Comm. Pisca, seconded by Comm. Doman to replace Titles 67, 25-27 and 44-48.

There being no further business, the meeting was adjourned.

RESPECTFULLY SUBMITTED this 31st day of January, 2014.



BEN YSURSA, Secretary of State  
Acting Executive Secretary

ORIGINAL

PUBLICATION CONTRACT

THIS AGREEMENT is made and entered into this 24<sup>th</sup> day of October 2012, by and between the Code Commission of the state of Idaho, hereinafter referred to as "Commission," and Matthew Bender & Company, Inc., hereinafter referred to as "Publisher."

WITNESSETH:

WHEREAS, it is now agreed between the parties that the state of Idaho will purchase, for its use in the sets of the Idaho Code now owned by the State, one thousand twenty-five (1,025) sets each of 2013, 2014, and 2015 soft-bound annotated two volume Cumulative Supplements (hereinafter "Supplements") to replace the then-existing supplements; one thousand twenty-five (1,025) soft-bound two volume replacement sets each of the 2013, 2014, and 2015 General Indexes (hereinafter "Indexes") to replace the then-existing indexes; one thousand twenty-five (1,025) soft-bound annotated two volume replacement sets each of the 2013, 2014, and 2015 Court Rules to replace the then-existing Idaho Court Rules two volume set; and one thousand twenty-five (1,025) hard-bound annotated three volume replacement volumes to replace volumes to be determined later in 2013 and three additional hard-bound annotated replacement volumes each in 2014 and 2015 and corresponding annotated annual supplements thereto; and,

WHEREAS, the parties hereto have agreed upon the price to be paid annually for each of the next three calendar years (2013–2015) for such soft-bound Supplements and Indexes, and hard-bound Replacement Volumes covering all legislation enacted during all regular sessions through the First Regular Session of the Sixty-Third Idaho Legislature and during any special session or extraordinary session called by the Governor of Idaho and held before December 31, 2015, and the annual soft-bound two volume Idaho Court Rules sets, to-wit: the sum of \$398.00 in 2013 and 2014, and no more than \$410.00 in 2015 for all such sets to be sold to or within the

state of Idaho. As to the pricing for the 2015 sets, any price increase will be based on the percentage change in U.S. Department of Labor, Bureau of Labor Statistics, Producer Price Index for Technical, Scientific, and Professional book publishing (Series ID: PCU5111305111303) as an objective measure of the rate of inflation, but not to exceed 3% increase over 2014 package price.

NOW, THEREFORE, in consideration of the premises, IT IS HEREBY AGREED AS FOLLOWS:

1. The Publisher will prepare, edit, annotate, index, print, and manufacture the necessary annual soft-bound annotated Supplements for all volumes (except new Replacement Volumes) of the Idaho Code covering all enacted legislation or laws (which terms shall include, throughout this contract, adopted constitutional joint resolutions (and, later, action thereon by the electorate ratifying or failing to ratify the same)) during all regular sessions through the First Regular Session of the Sixty-Third Idaho Legislature and during any special session or extraordinary session held in calendar years 2013, 2014, and 2015, and including appropriate annotations thereto, at a price per set of Supplements, as follows:

- A. All legislation through the First Regular Session of the Sixty-Second Idaho Legislature and any special session or extraordinary session held in 2013 at a price of \$178.00;
- B. All legislation through the Second Regular Session of the Sixty-Second Idaho Legislature and any special session or extraordinary session held in 2014 at a price of \$178.00;
- C. All legislation through the First Regular Session of the Sixty-Third Idaho Legislature and any special session or extraordinary session held in 2015 at a price based on the percentage change in U.S. Department of Labor, Bureau of Labor Statistics, Producer Price Index for Technical, Scientific, and Professional book publishing (Series ID: PCU5111305111303) as an objective measure of the rate of inflation, but not to exceed 3% increase over 2014 package price



2. The publisher will also prepare, edit, print, and manufacture a soft-bound two volume annual Index in each 2013, 2014, and 2015, covering all legislation enacted during all regular sessions through the First Regular Session of the Sixty-Third Idaho Legislature and during any special session or extraordinary session held before 2016 at a price for each two-volume set of \$54.00.

3. The Indexes and Supplements will be prepared on 35# paper grade or better and be in form and style and of equal or better quality than the 2012 Supplements and 2012 Index. Said Supplements and Indexes will be cumulative and will contain all the laws of a general and permanent nature enacted by the Idaho Legislature during all regular sessions through the First Regular Session of the Sixty-Third Idaho Legislature and during any special session or extraordinary session held before 2016, and shall reference all laws amended, repealed or declared invalid in whole or in part. The Supplements shall contain annotations, cross-references, comparative legislation, history, and other ancillaries in the same form as found in the existing Idaho Code volumes and supplements. A ready reference will be prepared for the supplement of each volume other than the Index Volumes, and the tables contained in the supplement to the Constitution Volume will be further supplemented. The hard volumes and the supplements will be manufactured in such a way as to permit convenient insertion of the supplements in the parent volumes and also shall contain parallel reference tables to reflect any new sections or changes in section numbering occasioned by the republication of any of the volumes.

4. The Publisher shall prepare, edit, annotate, index, print and manufacture in the form and style of the 2012 Idaho Court Rules volumes and in accordance and compliance with Chapter 2, Title 73, Idaho Code, as amended, and with this Contract, annual two volume soft-

bound replacement Rules sets in each 2013, 2014, and 2015, to replace the then existing Rules volumes. The price for each annual two volume Rules set will be \$46.00. The annual two volume Rules sets will be prepared in form and style and on paper and type of equal or better grade and quality as compared to the 2012 Rules volumes. Said published soft-bound 2013, 2014, and 2015 Rules volumes shall contain all Rules, appropriately annotated, of the various courts and agencies now contained in the 2012 two volumes entitled "Idaho Court Rules," which are then in effect, from time to time, and all rules, regulations, and laws passed during all regular sessions through the First Regular Session of the Sixty-Third Idaho Legislature and during any special session or extraordinary session held before 2016, and/or by the Idaho Supreme Court or other appropriate rule making body affecting the rules, regulations, and laws compiled therein or which properly should be included in the volumes to replace.

5. Concerning the 2013 Idaho Code, the Publisher shall prepare, edit, annotate, index, print and manufacture three hard bound replacement volumes in the form and style of the current Volume Title 28 in accordance and compliance with Chapter 2, Title 73, Idaho Code, as amended, and with this Contract, one thousand twenty-five (1,025) three hard-bound replacement volumes to take the place of volumes Title 28 and Titles 28-30. The price for each hard-bound replacement volume will be \$40.00. Said hard-bound replacement volumes will be prepared on #40 paper grade or better and be of equal or better grade and quality as, and in form and style of, the volumes to be replaced. Said republished volumes shall contain all enactments of the Idaho Legislature and all existing and future annotations thereto of the kind now contained in volumes Title 28 and Titles 28-30, and in the 2012 supplements thereto, and all laws passed during the First Regular Session of the Sixty-Second Idaho Legislature and during any special session or extraordinary session held in 2013 affecting the laws compiled therein or which

properly should be included in the volumes to be replaced, together with cross-references, comparative legislation, legislative history and other ancillaries in the form found in the existing Idaho Code and Supplements.

6. Concerning the 2014 Idaho Code, the Publisher shall prepare, edit, annotate, index, print and manufacture in the form and style of the Volume Titles 68-73, and in accordance and compliance with Chapter 2, Title 73, Idaho Code, as amended, and with this Contract, one thousand twenty-five (1,025) each of three hard-bound replacement volumes to take the place of certain volumes to be determined by the Commission by November 1, 2013. The price for each hard-bound replacement volume will be \$40.00. Said hard-bound replacement volumes will be prepared on #40 paper grade or better and be of equal or better grade and quality than the volumes to be replaced. Said republished volumes shall contain all enactments of the Idaho Legislature and all existing and future annotations thereto of the kind now contained in the volumes to be replaced, and supplements which are then in effect and all laws passed during the Second Regular Session of the Sixty-Second Idaho Legislature and during any special session or extraordinary session held in 2014 affecting the laws compiled therein or which should properly be included in the volumes to be replaced, together with cross-references, comparative legislation, legislative history and other ancillaries in the form found in the existing Idaho Code and supplements.

7. Concerning the 2015 Idaho Code, the Publisher shall prepare, edit, annotate, index, print and manufacture in the form and style of the Volume Titles 68-73, and in accordance and compliance with Chapter 2, Title 73, Idaho Code, as amended, and with this Contract, one thousand twenty-five (1,025) each of three replacement hard-bound volumes to take the place of certain volumes to be determined by the Commission by November 1, 2014. The price for each

hard-bound replacement volume will be \$40.00. Said hard-bound replacement volumes will be prepared on #40 paper grade or better and be of equal or better grade and quality than the volume to be replaced. Said republished volumes shall contain all enactments of the Idaho Legislature and all existing and future annotations thereto of the kind now contained in the volumes to be replaced, and in current supplements which are in effect and all laws passed during the First Regular Session of the Sixty-Third Idaho Legislature and during any special session or extraordinary session held in 2015 affecting the laws compiled therein or which should properly be included in the volumes to be replaced, together with cross-references, comparative legislation, legislative history and other ancillaries in the form found in the existing Idaho Code and supplements.

8. The Publisher will prepare, edit, annotate, index, print, and manufacture in accordance and in compliance with Chapter 2, Title 73, Idaho Code, as amended, and with this Contract, and deliver, f.o.b., to the state of Idaho at various locations as the Idaho Secretary of State shall designate, one thousand twenty-five (1,025) sets each of the 2013, 2014, and 2015 Supplements, Replacement Volumes, and Idaho Court Rules volumes and Indexes, not later than Friday, June 21, 2013, Friday, June 20, 2014, and Friday, June 26, 2015, respectively (unless any of the deadlines therefor is extended by written permission of the Commission), and at an earlier date if possible, for which the consideration shall be as follows: For the 2013 and 2014 Code, Four Hundred Seven Thousand Nine Hundred Fifty Dollars (\$407,950.00) payable within 30 days after the delivery of said one thousand twenty-five (1,025) sets, to be paid out of the Code Fund; for the 2015 Code, no more than Four Hundred Twenty Thousand Two Hundred Fifty Dollars (\$420,250.00) payable within 30 days after delivery of said one thousand twenty-five (1,025) sets of the 2015 Code to be paid out of the Code Fund. The exact price of the 2015 Code

will be based on the percentage change in U.S. Department of Labor, Bureau of Labor Statistics, Producer Price Index for Technical, Scientific, and Professional book publishing (Series ID: PCU5111305111303) as an objective measure of the rate of inflation, but not to exceed 3% increase over 2014 package price.

9. The Publisher may subcontract the printing, manufacturing, and shipping of the products which are the subject matter of this Publication Contract. Though such printing, manufacturing, and shipping is subcontracted, the Publisher shall remain contractually responsible for such printing, manufacturing, and shipping, pursuant to the terms of this Publication Contract. Publisher will work closely with the subcontractor to perform its duties and requirements pursuant to the terms of this Publication Contract. The current subcontractor is Cadmus Communications, which may work through its affiliates. In the event that Publisher uses a different subcontractor, Publisher will so notify the Commission.

10. The Publisher agrees to sell to the state of Idaho additional sets of the 2013 and 2014 Supplements at a price of \$178.00 per set, to be paid out of the Code Fund, or other legally available funds of the state of Idaho, and further agrees to sell the 2013 and 2014 Supplements to individual purchasers and the public generally at the price of \$178.00 per set.

11. The Publisher agrees to sell to the state of Idaho additional sets of the 2015 Supplements at a price based on the percentage change in U.S. Department of Labor, Bureau of Labor Statistics, Producer Price Index for Technical, Scientific, and Professional book publishing (Series ID: PCU5111305111303) as an objective measure of the rate of inflation, but not to exceed 3% increase over 2014 package price, to be paid out of the Code Fund, or other legally available funds of the state of Idaho, and further agrees to sell the 2015 Supplements to individual purchasers and the public generally at a similar price per set.

continue payments, or if the Executive Branch mandates any cuts or holdbacks in spending by the Commission. All affected future rights and liabilities of the parties hereto shall thereupon cease or be modified, at the case may be, within ten (10) calendar days after notice to the Publisher.

16. Copyrights of the Idaho Code and compilation and the notes, annotations, and indexes thereof, shall be taken by the Publisher in the name of the state of Idaho. The Publisher shall promptly furnish to the Commission, as the Commission from time to time may reasonably request, general information regarding the Publisher's editorial and manufacturing processes for and marketing of the Idaho Code, and statistics regarding the number and type of print customers. The Commission shall not disclose such information to any third party.

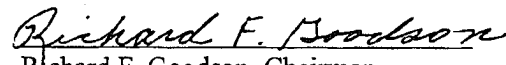
IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed as of the day and year first above written, the signatory officers of the Publisher acting herein pursuant to authority duly conferred by a resolution duly passed by its Board of Directors.


MATTHEW BENDER & COMPANY, INC. IDAHO CODE COMMISSION:

By: 

Dawn Conway  
Vice President Content

Anders Garden  
Senior Director, Government Content

By:   
Richard F. Goodson, Chairman

By:   
R. Daniel Bowen, Commissioner

By:   
Jeremy Plisca, Commissioner