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To: Ilana Rubel <IRubel@fenwick.com>
Cc: "Adams, Mark (marka@uidaho.edu)" <marka@uidaho.edu>, "Schumacher, Randi (randi.schumacher@vandals.uidaho.edu)" <randi.schumacher@vandals.uidaho.edu>, "Stott, Jordan (stot2975@vandals.uidaho.edu)" <stot2975@vandals.uidaho.edu>
Subject: Proposed Amendments to Idaho Code Copyright Provisions
Date: February 4, 2015 at 8:29:56 AM PST

Dear Ilana,

Attached are the first fruits of Randi and Jordan's work on the Idaho Code project. Please let me know what else we can do for you.

All the best,

Annemarie

Annemarie Bridy

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February 4, 2015

VIA E-MAIL and U.S. MAIL

Representative Hana S. Rubel
House of Representatives
State of Idaho
2750 E. Migratory Dr.
Boise, ID 83705

Re: Proposed Amendment to Idaho Code Sections 9-352 & 73-210

Dear Representative Rubel,

Thank you for the opportunity to conduct research and draft a bill for you and your colleagues concerning the best copyright policy for the Idaho Code. Attached to this cover letter you will find our proposed amendment to Idaho Code Section 73-210, which currently assigns copyright in the Idaho Code, including the statutory annotations, to the state of Idaho. We also propose repealing Section 9-352, which sets forth the liability of any infringer of the State's copyright. In addition, you will find a brief summary setting forth the policy rationale for these proposed amendments.

Together, the policy rationale and the amendments assert that, as a matter of due process, the law must belong to the citizens it binds and must therefore be part of the public domain for purposes of federal copyright law. Further, we explain why citizens' ability to know and read the law is an essential element to a functioning democracy. We justify these assertions by explaining the benefits, such as innovation, convenience, and accessibility, resulting from the Code's placement in the public domain. We also address the concern of the code's textual integrity. We believe this policy and these amendments best reflect the value Idaho places on having an educated and law-abiding citizenry.

To find out more about the work of the Office of the Attorney General, please contact us at www.idaho.gov.

PRO-001410

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. _____

BY STATE AFFAIRS COMMITTEE

1 AN ACT
2 RELATING TO DEDICATING THE IDAHO CODE TO THE PUBLIC DOMAIN; REPEALING SECTION 9-
3 352, IDAHO CODE.
4 Be It Enacted by the Legislature of the State of Idaho:
5 SECTION 1. That Section 73-210, Idaho Code, be, and the same is hereby amended to
6 read as follows:
7 73-210. Copyright of all compilations shall be taken by and in the name of the publishing
8 company which shall hereupon assign the same to the state of Idaho, and the cost for the same
9 shall be owed by the state of Idaho. The commission is authorized and empowered to grant
10 the use of the copyrights of the Idaho Code published pursuant to Session Laws of 1944,
11 Chapter 224, and of all compilations included by the act, in connection with the performance
12 of its sole duties and obligations. The Idaho Code, as set forth in Sections 73-201 and 73-202,
13 Idaho Code, including the statutes themselves, notes, annotations, indexes, and the
14 organizational and numbering scheme, shall be the official compilation of the general Acts of
15 Idaho and shall be entirely in the public domain for purposes of federal copyright law. No
16 copyright in the Idaho Code shall be claimed by the State of Idaho or any other entity. The only
17 official source of the Idaho Code shall be the publication by the Idaho Code Commission, as the
18 Official Publisher of the Idaho Code, in accordance with powers granted it under Section 73-
19 205, Idaho Code.
20 SECTION 2. That Section 9-352, Idaho Code, be, and the same is hereby repealed.

mailcore:MessageHeader:0x79181671970 Message-ID: DM2PR0401MB113361EDBC68B939A341963B3A00 DM2PR0401MB1133 aamp04.prod.outlook.com From: mailcore:Address:0x79181671d40 Bridy, Anemarie (abridy@uidaho.edu) <abridy@uidaho.edu> To: [mailto:Address:0x79181672580 Ilana Rabel <IRabel@ferwick.com> | Cc: [mailto:Address:0x79181672170 Adams, Mark (marka@uidaho.edu) <marka@uidaho.edu>; mailcore:Address:0x79181672b59 Schumacher, Randi (randi.schumacher@vandals.uidaho.edu) <randi.schumacher@vandals.uidaho.edu>; mailcore:Address:0x79181672300 Stott, Jordan (jstott2975@vandals.uidaho.edu) <stott2975@vandals.uidaho.edu>] Subject: Proposed Amendments to Idaho Code Copyright Provisions X-MS-Exchange-CrossTenant: Content-Type: multipart/mixed; boundary="05_ DM2PR0401MB113361EDBC68B939A341963B3A00 DM2PR0401MB1133_ x-forefront-antispam-report: SPF: NSPMKSFUS: (0000020)9256600247916001) (290100001) (102836002) (1597544907) (4010000) (1958040501) (1958039003) (90282001) (13656002) (19025215002) (16236675004) (85522001) (66366001) (86362001) (229853001) (99286002) (89122001) (110136001) (2656002) (76576001) (75432002) (54356999) (50869999) (46102001) (99036001) (1961731501) (19273905006) (19300405004) (74316001) (62966003) (7136002) (2039030) <DIR-OUT> (SPF: 110) (SCL: 1) (SRV: DM2PR0401MB1293JH DM2PR0401MB1133 aamp04.prod.outlook.com) (PR: SPF: None) (MLV: S) (LANG: en) authentication-results: ferwick.com; dkim=none (message not signed) / header=none; X-MS-Exchange-CrossTenant-originalarrivaltime: 04 Feb 2015 16:28:56.7381 (UTC) MIME-Version: 1.0 Thread-Topic: Proposed Amendments to Idaho Code Copyright Provisions X-OriginatorOrg: uidaho.edu X-MS-Exchange-CrossTenant-id: 74b6c633-7922-4a19-b206-b48826488373 Thread-Index: ABAAS6RbPVZdYd98StEWj7w0Mmg= x-originating-ip: 1129.101.35.173] X-MS-Has-Attach: yes Content-Language: en-US Received: from n01-by2-obe.outbound.protection.outlook.com (mail-by2on006.outbound.protection.outlook.com [207.46.100.66]) by cyclone.public.resource.org (8.14.5.8.14.4) with ESMTP id 114GUAmL051074 (version=TLSv1/SSLv3 cipher=AES256-SHA bits=256 verify=FAIL) for <caat@media.org>; Wed, 4 Feb 2015 08:30:10 -0800 (PST) (envelope-from abridy@uidaho.edu) X-MS-Exchange-Transport-CrossTenantHeaderStamped: DM2PR0401MB1293 x-forefront-prvs: 04772EA191 Accept-Language: en-US x-exchange-antispam-report-test: UriScan; X-MS-Exchange-CrossTenant-fromentityheader: Hosted x-exchange-antispam-report-cta-test: BCL:0;PCL:0;RULEID:;SRV: DM2PR0401MB1293; x-microsoft-antispam: BCL:0;PCL:0;RULEID:;SRV: DM2PR0401MB1293; x-iscan: >