

G. Allen. E. Ch.



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL
BOISE 83720-1000

LARRY ECHOHAWK
ATTORNEY GENERAL

TELEPHONE
(208) 334-2400

TELECOPIER
(208) 334-2530

NATURAL RESOURCES
TELECOPIER
(208) 334-2690

February 5, 1991

Honorable Rex L. Furness
Idaho State Senate
STATEHOUSE MAIL

THIS CORRESPONDENCE IS A LEGAL GUIDELINE OF THE
ATTORNEY GENERAL SUBMITTED FOR YOUR GUIDANCE

Dear Senator Furness:

You have requested the opinion of this office on the question of whether an individual or corporation can publish the Idaho Code statutes alone without the annotations.

This matter is governed by chapter 2, title 73, of the Idaho Code, which creates the Idaho Code Commission. The copyright provision of the Act states:

Copyright of all compilations shall be taken by and in the name of the publishing company which shall thereupon assign the same to the state of Idaho, and thereafter the same shall be owned by the state of Idaho. The commission is authorized and empowered to grant the use of the copyrights of the Idaho Code published pursuant to Session Laws of 1947, Chapter 224, and of all compilations authorized by this act, in connection with the performance of its said duties and obligations.

Thus, the ultimate decision-maker regarding use of the copyright for the Idaho Code is the Idaho Code Commission. The Commission, among other things, sets the price a publisher may charge in selling Code volumes. The Commission has a fiduciary

Honorable Rex L. Furness

February 5, 1991

Page 2

duty to maximize the benefits of the copyright to the state. As such the Commission does, on occasion, allow use of the copyright for particularized purposes. Several volumes or portions of the Code are available in pamphlet or booklet form for groups interested in specific areas of the law, e.g., the Rules of Civil Procedure, the water laws, etc.

The director of the Idaho Code Commission is Mr. Max Sheils, Ellis, Brown & Sheils, 707 N. 8th St., P.O. Box 388, Boise, Id. 83701 (208-345-7832). He is the person to contact in order to explore proposals for new uses of the copyright of the Idaho Code.

Sincerely,



JOHN J. McMAHON
Chief Deputy

JJM/lh