

CAPITOL RESEARCH

● ● ● SPECIAL REPORT

Public Access to Official State Statutory Material Online

Executive Summary

As state leaders begin to realize and utilize the incredible potential of technology to promote transparency, encourage citizen participation and bring real-time information to their constituents, one area may have been overlooked. Every state provides public access to their statutory material online, but only seven states—Arkansas, Delaware, Maryland, Mississippi, New Mexico, Utah and Vermont—provide access to *official*¹ versions of their statutes online. This distinction may seem academic or even trivial, but it opens the door to a number of questions that go far beyond simply whether or not a resource has an official label.

Has the information online been altered—intentionally or not—from its original form? Who is responsible for mistakes? How often is it updated? Is the information secure? If the placement of a resource online is not officially mandated or approved by a statute or rule, its reliability and accuracy are difficult to gauge.

As state leaders have moved quickly to provide information electronically to the public, they may have overlooked the process and manner in which that information is conveyed online. Several states, such as Delaware, have recognized this issue and met it head-on, establishing procedures and rules that clarify the status of their statutory material. The Uniform Law Commission recently approved The Uniform Electronic Legal Material Act, which provides guidance for states as they move to provide the most reliable information possible to the public through electronic means.

Background

The reason public access to government information matters is simple, Associate U.S. Attorney General Tom Perrelli told an audience of federal workers



in March:² “You’ve often heard it said that sunlight is the best disinfectant. And the recognition is that, for us to do better, it’s critically important for the public to know what we’re doing.”

At the most basic level, free and open public access to the law that governs this country—federal and state—is necessary to create the transparency that is fundamental to a functional participatory democracy. Furthermore, as a democratic society, the citizens of this country are the driving force behind all its institutions, including those institutions that create and compose the law. The court eloquently relays this concept in *State of Georgia v Harrison Co.*, saying, “the citizens are the authors of the law, and therefore its owners, regardless of who actually drafts the provisions, because the law derives its authority from the consent of the public, expressed through the democratic process...”³ It logically follows that, as the “owners” of the law, citizens should have unfettered access to that which they own.

In the early 1960s, a team of University of Pittsburgh employees under the leadership of professor John Harty successfully converted the public health statutes of all 50 states into a digital format, using

¹Black’s Law Dictionary provides us with a working definition for an “official” legal resource, defining the term as “an official version of regulatory materials, statutes, session laws, or court opinions *is one that has been governmentally mandated or approved by statute or rule. It might be produced by the government, but does not have to be.*”

²Carrie Johnson, *Has Obama Lived Up to His Pledge on Transparency?* National Public Radio, (March 15, 2011). <http://www.npr.org/2011/03/15/134540530/has-obama-lived-up-to-his-pledge-on-transparency>, accessed July 5, 2011.

punched cards and magnetic tape.⁴ Over the past 50 years the world has exploded into a more technologically advanced society than the one Harty knew. According to a recent study by the Nielson Co., more than 80 percent of Americans now have a computer in their homes, and of those, almost 92 percent have Internet access.⁵ With this explosion of technology comes the unprecedented potential to offer the public free and open access to government and legal material through electronic means.

But state governments provide access to the most basic building blocks of legal information—state laws—in different ways. In 2003, the American Association of Law Libraries published the *State-by-State Report on Permanent Public Access to Electronic Government Information*,⁶ which strived to identify

the steps state governments were taking to provide the public access to government information online, particularly primary legal materials.

Three years later, the association wrote a follow-up to that report—the *State-by-State Report on Authentication of Online Legal Resources*. The purpose of this report moved beyond merely identifying which states provided access—permanent or otherwise—to electronic primary law resources⁷ and sought to determine how trustworthy those electronic legal resources were by both traditional authentication definitions and emerging definitions related to online content.

Both the 2003 and 2006 reports found that while some states provided access to official⁸ resources online, those resources were not trustworthy. “A significant number of the state online legal resources are official but none are authenticated or afford ready authentication by standard methods. State online primary legal resources are therefore not sufficiently trustworthy,” the report said.

Following up on the findings made by American Association of Law Libraries, The Council of State Governments surveyed the legislative websites of the 50 states and interviewed key staff members for clarification in an effort to identify the official status of primary legal material provided online by states as of July 2011. A majority of states do not provide official online resources. Identification of authentication measures was beyond the scope of this survey. Furthermore, this survey focused solely on the official status of state statutes online, rather than all of the states’ primary legal materials.

Key Findings

All states offer access to their statutes online.

- Every state provides some form of public access to its statutes online, either by directly hosting a database of the statutes on the official state website or by providing a link on its website to content provided on a third-party’s site.

A majority of states do not provide free public access to official versions of their state statutes online.

- Seven states—Arkansas, Delaware, Maryland, Mississippi, New Mexico, Utah and Vermont—provide access to official versions of their statutes online.

The manner in which state websites deliver access to their statutes—official or otherwise—varies significantly.

- Some state websites offer sophisticated tools to search their statutes, while other states provide more rudimentary tools.

Many state websites offer a disclaimer regarding their online content.

- Most states provide a general waiver of warranty that limits the liability of the state with respect to the accuracy of its online content. Many state websites provide a disclaimer regarding the official nature of its content, although the clarity of the disclaimers and the manner in which the disclaimers are displayed varies significantly.

Most states maintain a contract with LexisNexis and/or West Publishing.

- Most states publish official or unofficial print versions of their statutes through LexisNexis and/or West, but a user generally must pay for access to those statutes. Seven states—Arkansas, Colorado, Georgia, Maryland, Mississippi, Tennessee and Vermont—contract with LexisNexis to provide free online access to their statutes through programs called LexisNexis Total Solutions or Michie’s Legal Resources. Four of the seven states that provide online access to their official statutes do so through this service.

Moving Forward

The Uniform Electronic Legal Material Act, for which the Uniform Law Commission gave final approval in July 2011, is intended to provide, according to the commission, “a consistent, outcomes-based approach to solving (the problem of non-uniform state electronic legal materials) that can be adopted in every state and territory.”

The act provides a clear way in which states can identify the official publisher of a given government record, including state statutory material. The act also provides comprehensive guidance in establishing the key components of an authenticated and official electronic record system. The content of the model act can be found [here](#).

⁴*State of Georgia v Harrison Co*, 548 F Supp 110, 114 (ND Ga 1982)

⁵William G. Harrington, *A Brief History of Computer-Assisted Legal Research*, 77 LAW LIBR. J. 543, 544 (1985).

⁶An Overview of Home Internet Access in the U.S., The Nielson Company, (December 2008). <http://blog.nielson.com/nielsenwire/wp-content/uploads/2009/03/overview-of-home-internet-access-in-the-us-jan-6.pdf>, accessed July 5, 2011.

⁷Richard J. Matthews, et al., *State-by-State Report on Permanent Public Access to Electronic Government Information*, The American Association of Law Libraries, (2003). <http://www.aallnet.org/Archived/Government-Relations/Issue-Briefs-and-Reports/2003/ppareport.html>

⁸The report targeted six sources of law: state administrative codes and registers, state statutes and session laws, and state high and intermediate appellate court opinions.

⁹The AALL report uses Black’s Law Dictionary to provide a definition of an official legal resource, defining the term as “an official version of regulatory materials, statutes, session laws, or court opinions is one that has been governmentally mandated or approved by statute or rule. It might be produced by the government, but does not have to be.”

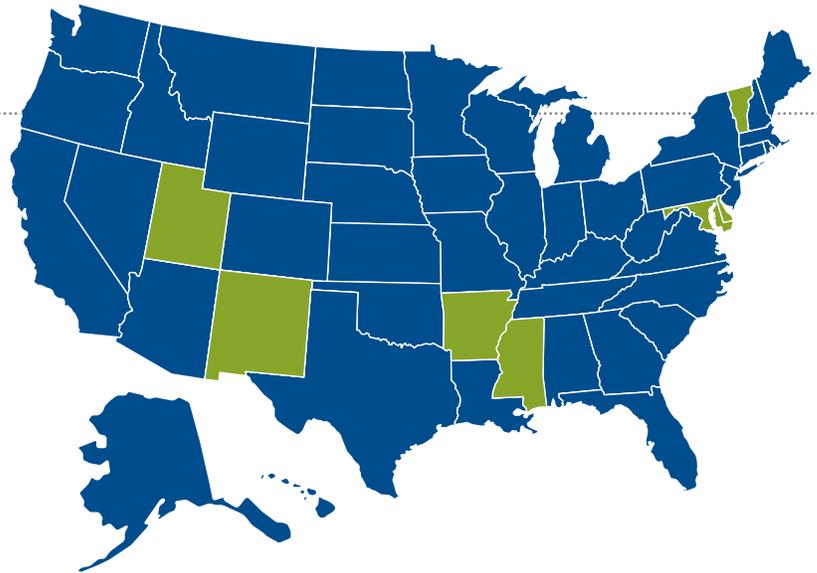
Summary of State Profile Information

State	Online Statutes Official?	State Statute URL
Alabama	No	http://alisondb.legislature.state.al.us/acas/ACASLoginE.asp
Alaska	No	http://www.legis.state.ak.us/basis/folio.asp
Arizona	No	http://www.azleg.gov/ArizonaRevisedStatutes.asp
Arkansas	Yes	http://www.lexisnexis.com/hottopics/arcod/Default.asp
California	No	http://www.leginfo.ca.gov/statute.html
Colorado	No	http://www.michie.com/colorado/
Connecticut	No	http://www.cga.ct.gov/asp/menu/statutes.asp
Delaware	Yes	http://delcode.delaware.gov/
Florida	No	http://www.leg.state.fl.us/Statutes/index.cfm?Mode=View%20Statutes&Submenu=1&Tab=statutes&CFID=209106297&CFTOKEN=36196345
Georgia	No	http://www.lexisnexis.com/hottopics/gacode/Default.asp
Hawaii	No	http://www.capitol.hawaii.gov/site1/hrs/default.asp
Idaho	No	http://legislature.idaho.gov/idstat/TOC/IDStatutesTOC.htm
Illinois	No	http://www.ilga.gov/legislation/ilcs/ilcs.asp
Iowa	No	http://search.legis.state.ia.us/nxt/gateway.dll/ic?f=templates&fn=default.htm
Kansas	No	http://www.kslegislature.org/li/statute/
Kentucky	No	http://www.lrc.ky.gov/krs/titles.htm
Louisiana	No	http://www.legis.state.la.us/
Maine	No	http://www.mainelegislature.org/legis/statutes/
Maryland	Yes	http://mlis.state.md.us/
Massachusetts	No	http://www.malegislature.gov/Laws/GeneralLaws/Search
Michigan	No	http://www.legislature.mi.gov/(S(k0d1cm2rb15qjk55v5gm0m55))/mileg.aspx?page=MCLBasicSearch
Minnesota	No	https://www.revisor.mn.gov/pubs/
Mississippi	Yes	http://www.sos.state.ms.us/ed_pubs/mscode/
Missouri	No	http://www.moga.mo.gov/homestatsearch.asp
Montana	No	http://data.opi.mt.gov/bills/mca_toc/index.htm
Nebraska	No	http://nebraskalegislature.gov/laws/browse-statutes.php
Nevada	No	http://www.leg.state.nv.us/law1.cfm
New Hampshire	No	http://www.gencourt.state.nh.us/rsa/html/indexes/default.html
New Jersey	No	http://lis.njleg.state.nj.us/
New Mexico	Yes	http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0
New York	No	http://public.leginfo.state.ny.us/menuf.cgi
North Carolina	No	http://www.ncga.state.nc.us/gascrpts/statutes/statutes.asp
North Dakota	No	http://www.legis.nd.gov/information/statutes/cent-code.html
Ohio	No	http://codes.ohio.gov/orc
Oklahoma	No	http://www.oklegislature.gov/osstatuetime.html
Oregon	No	http://www.leg.state.or.us/ors/
Pennsylvania	No	http://www.legis.state.pa.us/cfdocs/legis/li/public/cons_index.cfm http://government.westlaw.com/linkedslice/default.asp?SP=pac-1000
Rhode Island	No	http://www.rilin.state.ri.us/Statutes/Statutes.html
South Carolina	No	http://www.scstatehouse.gov/code/statmast.htm
South Dakota	No	http://legis.state.sd.us/statutes/index.aspx
Tennessee	No	http://www.michie.com/tennessee/lpext.dll?f=templates&fn=main-h.htm&cp=tncode
Texas	No	http://www.statutes.legis.state.tx.us/Index.aspx
Utah	Yes	http://le.utah.gov/~code/code.htm
Vermont	Yes	http://www.leg.state.vt.us/statutesmain.cfm
Virginia	No	http://lis.virginia.gov/000/src.htm
Washington	No	http://apps.leg.wa.gov/rcw/
West Virginia	No	http://www.legis.state.wv.us/WVCODE/Code.cfm
Wisconsin	No	http://legis.wisconsin.gov/rsb/stats.html
Wyoming	No	http://legisweb.state.wy.us/titles/statutes.htm

STATE PROFILES

● NOT OFFICIAL

● OFFICIAL



ALABAMA | NOT OFFICIAL

The Legislative Research Office contracts with West Publishing to publish both the official print and unofficial online versions of the Code of Alabama. An official copy of the code also is maintained by the Secretary of State's office.

The Alabama Legislative Information System Online, called ALISON, a modified version of a legislative intranet site built for the legislative members, publishes an unofficial copy of the Alabama Code online. The following disclaimers about the official status of the site's content can be found throughout the site:

- The information provided on ALISON is not the official information provided by the Legislative offices.
- The Code of Alabama is updated on the ALISON site only after any supplements have been published, the Code Commissioner has given their approval and the Legislature has voted to approve the Codification bill.

According to staff at the legislative reference service, the Code of Alabama located on ALISON is generally one year behind on updates.

ALASKA | NOT OFFICIAL

By contract with the Alaska Legislative Council, Lexis is the official publisher for the state of Alaska, as established in Alaska Statutes, AS 01.05.006.

The Alaska Statutes are available online through "Infobases," however, the site clearly states the statutes are not official and one should refer to the official printed version for certainty of content. Furthermore, the state does not guarantee the accuracy of the material.

ARIZONA | NOT OFFICIAL

The Arizona Legislature, through the Legislative Council, provides access to the Arizona Revised Statutes on its website. No disclaimers appear on the site with respect to the official status of that content. While Legislative Council staff confirms the statutes found on the site are not official content, they explain there is a process to ensure the content is consistent with the official version.

ARKANSAS | OFFICIAL

Arkansas contracts with LexisNexis to provide free public access to the official Arkansas Code Annotated, current through 2010 fiscal session and updates. The Arkansas General Assembly website links to the Lexis site. The website includes a notice indicating the official status of the acts, that they are copyrighted by the State of Arkansas and that the website is maintained by LexisNexis, the publisher of the Arkansas Code of 1987.

CALIFORNIA | NOT OFFICIAL

The California State Legislature provides access to the state's statutes—the California Code—through its website; however, this content is not official. According to the legislature's law library staff, no official sources for the state's statutes, print or otherwise, are available. Both West and LexisNexis publish unofficial print versions of the state's statutes. The official or unofficial status of online content is not mentioned on the legislature's site, nor is there any mention of the two unofficial print versions.

All states offer access to their statutes online.

COLORADO | NOT OFFICIAL

Colorado maintains a contract with LexisNexis as the official publisher of its printed statutes. LexisNexis also provides access to those statutes electronically, although, according to staff, the electronic version is unofficial and is for informational use only. A link on the state's Office of Legislative Legal Services website takes users to the Michie's Legal Resources site (LexisNexis) where users can access the Colorado Revised Statutes free of charge. The legal services office site makes an indirect statement as to the official status of the online statutes, saying that "the official set of statutes has been published each year in a softbound edition as well as an official CD-ROM edition."

Once users move to the Michie site, they first see a disclaimer stating that the "Colorado Revised Statutes are made available for public use by the Committee on Legal Services of the Colorado General Assembly through a contractual arrangement with the LexisNexis Group (which prepares and maintains the website)," although it makes no mention of the content's official status.

CONNECTICUT | NOT OFFICIAL

The Connecticut General Assembly's website provides access to the General Statutes of Connecticut, but makes clear through two disclaimers/notes that the statutes are not official. A note to users of the site explains the Legislative Commissioners' Office is responsible for codifying and compiling the statutes for the purposes of a print publication, but is silent on the electronic version of the code.

Another disclaimer more directly addresses the accuracy, timeliness and unofficial status of the content. The disclaimer also states that the only official copy is the print version and directs users to the Legislative Bill Room in the Legislative Office Building to obtain a copy; it even provides a room number.

DELAWARE | OFFICIAL

Delaware is ahead of the curve in officially placing its laws online. According to the state's registrar of regulations, the state's online statutes were made official about six months ago. The state provides access through its website, the content for which is formatted and created in cooperation with LexisNexis. The state maintains a contract with LexisNexis for formatting online content. According to staff, the process by which online content is updated is clear and rapid. Once the governor signs a bill, the state notifies LexisNexis and sends the content within seven days. LexisNexis formats the new material within a few days and sends it to the Legislative Council, which in turn updates the state's online version, usually within four hours of receipt.

A notice on the site explains the currency of the content, that the code is prepared by the Delaware Code Revisors and the editorial staff of LexisNexis, and that it is considered official. It also includes a

A majority of states (43) do not provide free public access to official versions of their state statutes online.

disclaimer regarding legal liability—similar to other state sites—that says the state makes no warranty as to the merchantability or accuracy of the content.

In addition to the HTML version on the website, the code also is available in eBook formats. The publication of the official Delaware Code online is not addressed in the statutes, although the preparation and publication of the code is addressed in Title 1, Chapter 2, § 210.

FLORIDA | NOT OFFICIAL

Florida offers public access to its statutes online, but they are not considered official. According to staff, the printed copy of the Florida Statutes is still the only version recognized as official. The printed copy of the statutes is self-published by the state, while West Publishing and LexisNexis purchase the content from the state for fee-based publication online. The authority for the Office of Legislative Services—and thus the Division of Statutory Revision—to publish or seek to contract for the publication of the statutes can be found in Florida Statutes 11.242.

Although staff indicated the statute website includes a disclaimer that the content is not official, that disclaimer could not be located.

GEORGIA | NOT OFFICIAL

The website of the General Assembly of Georgia provides access to the state's statutes through a link to a LexisNexis hosted site. The LexisNexis site includes a note on free public access to the content. The note provides copyright information regarding the use of the content and says the site is provided by LexisNexis free of charge. Although it does not explicitly state the content is not "official," the note explains the print version of the Official Code of Georgia is the "authoritative" version and, in case of conflict between the electronic and print versions, the print version "shall control."

HAWAII | NOT OFFICIAL

Hawaii provides access to its statutes online, but clearly states on the website through a disclaimer those statutes are not official. The disclaimer also says the information on the site is provided as a public service for informational purposes only, the state denies any legal liability for the content (that it is provided "as is"), and that users of the site should look to the official version Hawaii's laws—the 1993 Replacement volumes of the Hawaii Revised Statutes—for clarity.

The manner in which state websites deliver access to their statutes— official or otherwise— varies significantly.

IDAHO | NOT OFFICIAL

The Idaho Code is available online but is not the official version of the state’s statutes. The official status of the content is addressed twice on the Idaho Legislature’s website. A general disclaimer states the code is made available as a “public service,” which on many state sites, indicates the content is for “research purposes” only and is not official.

In a less obvious location, another site disclaimer denies any liability that might arise out of use of the information on the site. It disclaims the accuracy and timeliness of the information on the site and identifies the official version of the code as being published for the Idaho Code Commission by LEXIS Publishing.

ILLINOIS | NOT OFFICIAL

A state site maintained by the Legislative Reference Bureau provides the Illinois Compiled Statutes. The site has a few disclaimers that address the official status of the statutes, the first of which says updating the database is an ongoing process and may not be complete.

The second disclaimer addresses the issue of official status much more clearly, stating unequivocally that the content is “NOT” in any sense official and the accuracy of the content cannot be assured. The disclaimer also urges users to consult the “official documents,” although fails to mention what those official documents are.

IOWA | NOT OFFICIAL

The Iowa General Assembly provides access to the Code of Iowa. While a disclaimer states the content is highly accurate and timely, it also says it is not official and that the printed publication is the official version. In addition, section 2B.17 of the Code of Iowa specifies the printed official sources are the only authoritative versions of Iowa’s session laws, codified statutes and administrative rules.

KANSAS | NOT OFFICIAL

The Kansas Legislature provides access to the state’s statutes through its website. Although the site containing the statutes includes no disclaimer, the Kansas Officer of the Revisor’s website indirectly mentions that the online version provided by the legislature is not official. Staff confirms the content on the site is not official and the only official version of the state’s statutes is the print edition.

KENTUCKY | NOT OFFICIAL

The Kentucky General Assembly provides access to the Kentucky Revised Statutes on its website, but clearly states at the top of the statute access page that, “This page contains important information about the WWW version of the Kentucky Revised Statutes. First-time users are encouraged to read this text with care.” The information after this note says the content is an “unofficial” posting of the official database maintained by the Kentucky Legislative Research Commission and addresses the currency of the information provided. Another section, “terms and conditions of use,” clearly states the content is not official and is “intended for informational purposes only.” It also provides a link to more information about the “certified versions” of the state’s statutes.

KRS 7.131 requires the Kentucky Legislative Research Commission to maintain the official version of the state’s statutes in an electronic database, but does not address the issue of online statutes being official. However, KRS 7.132 provides that the commission may designate particular versions of the statutes as certified versions under certain conditions. Two printed editions of the Kentucky Revised Statutes are designated as certified versions by the Kentucky Legislative Research Commission. One official version is published by LexisNexis (formerly Michie Law Publishers) and the other by West (formerly Banks-Baldwin Law Publishing Co.).

Under KRS 7.138, only texts from the official version or a certified version of the Kentucky Revised Statutes may be submitted or cited by a party or relied upon by a court or an administrative officer or body in judicial and administrative proceedings.

LOUISIANA | NOT OFFICIAL

The Louisiana statutes are provided through the legislature’s website, but they are not official. According to staff, West was the official publisher of the statutes until 2005. Since 2005, LexisNexis has been the official publisher of the statutes, both annotated and unannotated. The LexisNexis print version has been designated as official by the secretary of state.

The Louisiana legislature’s website does not explicitly state the content provided online is not official, nor does it make reference to the LexisNexis official version. It does provide a general disclaimer, similar to other state disclaimers, with respect to accuracy and legal liability. It states the legislature does not warrant the information for accuracy or completeness.

MAINE | NOT OFFICIAL

The Maine Legislature provides access to the state’s statutes on its website, but these are not official. The site provides a disclaimer, similar to other

state’s disclaimers, that Maine does not warrant the content and disavows liability for its use. It also explicitly says the statutes found on the site have not been officially certified by the secretary of state and users should refer to the Maine Revised Statutes Annotated for “certified” text. West publishes the Maine Revised Statutes Annotated.

The Office of the Revisor of Statutes also addresses the use of online content on its website, with a disclaimer identifying the content as being provided as a “public service” and similarly does not warrant any of the content. It provides an address from which one can obtain a copy of the official statutes.

MARYLAND | OFFICIAL

Maryland’s Department of Legislative Services contracts with the Michie Co. (LexisNexis) to publish the official version of the state’s statutes, the Code of Maryland. The state also contracts with LexisNexis to provide free public access to the statutes from a site maintained by the company. A link to that site can be found on the general assembly’s website.

The Michie Co. (which LexisNexis purchased) has been the official publisher of the Code of Maryland since at least 1957, as evidenced by §10–201 of the code, which provides that the company prepares and publish the Annotated Code of Maryland and that this version is considered evidence of the law in all state courts. Since 2002, West also has published an official version of the state’s statutes, which is similarly addressed in §10–201 of the code.

The Maryland General Assembly provides its own search engine for the code in addition to the LexisNexis site, although the assembly’s search features are decidedly more primitive. The Annotated Code of Maryland is a copyrighted publication of LexisNexis—something the assembly’s site makes clear.

The unannotated content provided in the state’s version is called the “Statutes database,” which the site says “is the actual words of the codified law as enacted by the Maryland General Assembly.” The state version does not include any of Michie’s copyrighted material, such as its index, catch lines, history, titles or annotations, making the site more difficult to navigate and less complete.

MASSACHUSETTS | NOT OFFICIAL

The Massachusetts legislature provides access to the state’s statutes online in a searchable database format; however, the content is not official. This is explicit in a notice on the website, which states, “This is NOT the official version of the General Laws of Massachusetts.” The notice also provides that, while reasonable efforts have been made to ensure the accuracy of the data provided, users should not rely on the information without first checking the Official Edition of the General Laws of Massachusetts, which is the official printed version of the laws.

Most states provide a general waiver of warranty that limits the liability of the state with respect to the accuracy of its online content.

MICHIGAN | NOT OFFICIAL

The Michigan Legislature’s website provides free access to the state’s statutes, but the content is not official. The site has a disclaimer explicitly stating the information is not intended to replace the official version, although it does not say what version is official. The disclaimer also states the legislature does not warrant the information.

According to staff, while the online version is intended to be an aid to the public and does not replace the official version (the print version), measures are taken to ensure the integrity, accuracy and accessibility of the content provided.

MINNESOTA | NOT OFFICIAL

The Office of the Revisor in Minnesota provides access to an unofficial version of the state’s statutes. A disclaimer on the site explicitly states the only official version of the Minnesota Statutes is the printed version published by the Office of the Revisor of Statutes. The disclaimer also says the Revisor does not warrant the material and it is presented as is, but the material is as accurate and timely as possible.

The Revisor’s office is required to publish the laws as soon as possible after the session has adjourned, as evidence by 3C.06 of the Laws of Minnesota. The print version is “prima facie” evidence of the law in all courts and proceedings and must include a “certificate of correctness” issued by the Revisor to be official.

MISSISSIPPI | OFFICIAL

Mississippi’s secretary of state provides a link to the official version of the Unannotated Mississippi Code, which is provided free to the public and is maintained on a separate site by Michie’s Legal Resources (LexisNexis). The site states that LexisNexis is the official publisher of the Mississippi Code. The site also says official print versions of the statutes may be purchased “for the cost of printing” and copies are available to the public at state law libraries.

MISSOURI | NOT OFFICIAL

Missouri provides online access to its statutes, but they are not official. Although the site does not contain any disclaimers, staff at the legislature’s law library confirms the only official version of the Missouri Revised Statutes is the print version. In addition, staff reports the state is moving closer to pro-

ducing the statutes in an electronic version only, having printed only a supplement to the full statutes in 2010. The state has no definite plans to make the electronic version official. The Revisor of Statutes must certify any edition of the statutes and only printed material is referenced in the statutes, as evidenced by section 3.090 of the Missouri Revised Statutes.

MONTANA | NOT OFFICIAL

A link on the Montana Legislature’s website includes a link to an unofficial version of the Montana Code Annotated. The site provides a disclaimer that states the online version is provided as a research tool only, and “in case of inconsistencies resulting from omissions or other errors, the printed version will prevail.” Legislative staff indicated this online version is not official and the only official source is the printed Montana Code Annotated.

NEBRASKA | NOT OFFICIAL

The Nebraska Legislature provides online access to the state’s statutes, but the content is not official. A disclaimer on the site provides evidence that the content is not official and that the material is not warranted by the legislature. Section 49-767 of the Revised Statutes of Nebraska states the official version of the Nebraska statutes “shall be the supplements and reissued volumes as published by the Revisor of Statutes.” Furthermore, Section 84-1228 of the statutes outlines the requirements for electronic records that constitute the permanent record, in which the Revised Statutes are not mentioned (either within the section or in the definitions section) as a publication to which the statute applies.

NEVADA | NOT OFFICIAL

The Nevada Legislature provides online access to the state’s statutes, but these are not official. A disclaimer states the information “is prepared as an informational service only and should not be relied upon as an official

record of action. For official records, please refer to the printed version of the appropriate official publication, which may be obtained from Legislative Publications.” The Official Nevada Revised Statutes are available for purchase from the state website and are printed by the Legislative Counsel.

Section 220.170 of the statutes addresses the official publication and certification of the Nevada Revised Statutes, and states the master copy must be printed, bound and certified by the director of the Statute Revision Commission.

NEW HAMPSHIRE | NOT OFFICIAL

The New Hampshire state government website provides an electronic version of the New Hampshire Revised Statutes, but the site clearly states the content is not official. A bold disclaimer at the top of the page indicates the content, although believed to be accurate, is provided for informational purposes only. The disclaimer also states “neither the Office of Legislative Services nor West Publishing, the official publisher of the state statutes, monitors the content of this site.” Users of the site are encouraged to consult the bound volumes and supplements of the New Hampshire Revised Statutes Annotated, published by West.

NEW JERSEY | NOT OFFICIAL

The New Jersey Legislature provides access to the state’s statutes online, but they are not official. The website is ambiguous as to the official status of its content at best and could be considered contradictory. On the main statute page, a cautionary note states that the database is unannotated—and thus may be unreliable—and users should refer to “applicable statute source law,” but does not explicitly state they are unofficial.

The help section of the site, however, provides a definition of the New Jersey Statutes as “the compilation of law that is the most current official text of the permanent and general statutes of New Jersey available without charge to the public pursuant to P.L. 1995, c. 319 (C. 52:11-78).” The site provides a link in the definition that jumps directly to the legislature’s version. The mention of “official” in this definition appears to indicate the statutes may be official, which is contradictory to both additional information on the site and the belief of interviewed staff.

According to the legislature’s law library staff, the statutes provided on the legislature’s page are not official and the printed text published by West—the New Jersey Statutes Annotated—is the only official version.

NEW MEXICO | OFFICIAL

The New Mexico Legislature provides a link to an official electronic version of the statutes. The electronic version is provided through a service contracted to the company Conway Greene provides the electronic version and although the website includes a disclaimer clearly stating the content is not official,

Many state websites provide a disclaimer regarding the official nature of its content, although the clarity of the disclaimers and the manner in which the disclaimers are displayed varies significantly.



interviewed staff said the New Mexico Compilation Commission considers this information official, pursuant to New Mexico Statutes Section 12-1-7. This statute provides that once certified by the New Mexico Compilation Commission, printed and electronic copies of the statutes are recognized as official. Because the commission certified this version of the statutes, they are therefore official.

NEW YORK | NOT OFFICIAL

The New York State Legislature provides access to its statutes online, but they are not official. New York actually has no official edition of its statutes, which consist of consolidated and unconsolidated laws, both of which are available on the legislature's website. Legislative staff members confirmed unofficial print versions of the statutes are available, including McKinney's Consolidated Laws of New York Annotated, the New York Consolidated Laws Service and Gould's New York Consolidated Laws. The website makes no mention as to whether its content is official or unofficial, nor provides any waiver of liability or warranty.

NORTH CAROLINA | NOT OFFICIAL

The North Carolina General Assembly's website provides public access to the state's statutes, but the version is not official. The site provides very clear and prominently placed disclaimers as to the unofficial status of the statutes. A sidebar containing the heading "Not Official," states that, "while every effort was made to ensure the accuracy and completeness of the statutes available on the North Carolina General Assembly's web site, the North Carolina General Assembly will not be responsible for any errors or omissions."

An additional section of the site states its purpose as a "starting point" for research and the information provided is not intended to replace any official source. It also states the information is presented "as is" and does not warrant the material.

The official version of the North Carolina General Statutes is available in print only and is published by Lexis Law Publishing. An unofficial version of the statutes is also published by West Publishing.

NORTH DAKOTA | NOT OFFICIAL

The North Dakota Legislative Assembly provides online access to its statutes on its website, but this content is not official. The site includes numerous and obvious warnings about its contents, including a disclaimer that begins with "WARNING!!!" The disclaimers mention the North Dakota Century Code on the website may or may not contain currently applicable law. It further states the North Dakota Century Code on the site comes from a bill-drafting database used by the Legislative Council and it may vary from the official version, which is published by LexisNexis.

Another disclaimer says, "although (the site tries) to keep information on the Legislative Branch

Nearly all states maintain a publishing contract with LexisNexis and/or West Publishing.

website up to date and accurate, (it does) not warrant the accuracy, reliability or timeliness of any information available from this site, nor endorse any content, viewpoint, product or service linked from this site. Any person that relies on any information obtained from this site does so at that person's own risk." The North Dakota Century Code print version is the only official version of the state's statutes.

OHIO | NOT OFFICIAL

According to general assembly staff, the state of Ohio entered into a contract with Lawriter (Case-maker) in 2007 to be the exclusive web publisher of the Ohio Revised Code. Although the state entered into an exclusive contract with Lawriter, the material published is not considered official. The general assembly's website provides a link to the Lawriter site, where the public can access the statutes free of charge. It includes no mention of the unofficial status of the statutes on Lawriter, but a disclaimer on the general assembly's site makes clear that the only official publication is the Laws of Ohio.

The Laws of Ohio are a publication of the secretary of state's office and are the only recognized version of the enactments of the general assembly. The state, therefore, has no official version of the Ohio Revised Code, either in print or electronic form, and the code is "only a reference and not the official record."

OKLAHOMA | NOT OFFICIAL

The Oklahoma Legislature provides access to the state's statutes on its website, but it is not an unofficial version. The website features a disclaimer stating the resources are not intended to replace any official source and are presented "as is" without warranties regarding the content. The website encourages users to refer to the printed version of the Oklahoma Statutes, which is the only official version. The official publisher of the Oklahoma Statutes is Thompson West. West is explicitly granted rights to publication in the statutes themselves, Chapter 75 section 171.

OREGON | NOT OFFICIAL

The Oregon Legislative Assembly provides access to the Oregon Revised Statutes online through its website, but they are not official. A disclaimer states the information was produced from material provided by the Legislative Counsel Committee of the Oregon Legislative Assembly and that the official record copy is the

Seven states contract with LexisNexis to provide free online access to their statutes through programs called LexisNexis Total Solutions or Michie’s Legal Resources, four of which are official versions.

printed published copy of the Oregon Revised Statutes. The disclaimer explicitly states, “the text in the database is not the official text of Oregon law.”

In addition to this disclaimer, the site says the material is provided without warranty and places the duty for verifying the content on the user. The only official and court-admissible version of the Oregon’s statutes is the print version.

PENNSYLVANIA | NOT OFFICIAL

Users can access Pennsylvania’s statutes online in two ways, both of which are linked from the general assembly’s website and neither of which are official. The first option is a searchable database located directly on the legislature’s site that comes with a clear disclaimer the content “is not intended to replace official versions.” The disclaimer also says information is provided as “an information service only” and “although every reasonable effort is made to assure accuracy, information available on this site is presented AS IS without warranty, either expressed or implied, as to its accuracy, timeliness or completeness.” The site does not direct users to the official version of the statutes.

A second option to access the state’s statutes is a portal to a site maintained by West Publishing. The West site states that it “provides free access to both the consolidated and unconsolidated Purdon’s Pennsylvania Statutes and Constitution, as compiled and maintained by the editorial staff of Thomson/West, and made available here in an unannotated version under agreement with the Pennsylvania Legislative Reference Bureau.” A legal notice on the West site clearly states its content (named Purdon’s Pennsylvania Statutes) is not official and the only official publication is the Pennsylvania Consolidated Statutes.

RHODE ISLAND | NOT OFFICIAL

The Rhode Island General Assembly provides access to the state’s statutes, but the content is not official. The site provides several disclaimers, the first of which clearly states the content is not official and refers users to the print version. A second disclaimer is similar, but also states the general assembly does not warrant the information. According to legislative staff, Rhode Island law proscribes a certification procedure for its statutes and thus far, that certification process has only been applied to print materials.

SOUTH CAROLINA | NOT OFFICIAL

The South Carolina Legislative Council offers online access to the unannotated South Carolina Code of Laws, but the content is not official. A disclaimer explicitly states the content provided is unofficial and only the current published volumes of the South Carolina Code of Laws Annotated are the official version. West publishes this official annotated version.

SOUTH DAKOTA | NOT OFFICIAL

The South Dakota Legislature provides access to statutes online through its website, but that content is not official. No disclaimers on the state’s website mention the official or unofficial nature of its contents, but South Dakota Codified Laws section 2-26-17 states the print version of the code is the only official version, which is published by West pursuant to section 2-16-7.1. The South Dakota Code is copyrighted.

TENNESSEE | NOT OFFICIAL

The General Assembly provides a link to an online version of Tennessee statutes, which is hosted by Michie’s Legal Resources (LexisNexis). No disclaimers indicate whether the content provided by Michie’s is official. State statutes indicate some conflict over which version of the statutes can be considered official. Section 1-1-111(b) of the Tennessee Code indicates the only official version of the code is the print version. However, section 1-1-105 also discusses the official publication of the code, including an electronic version.

Staff members did not provide an opinion regarding a resolution of this conflict, but said most consider the more specific rule (1-1-111) addresses the official status of the code, therefore indicating the print version is the only official version. Furthermore, when 1-1-105 was written, legislators were not contemplating online access to the statutes when using the term “electronic,” but rather were addressing the electronic archiving of those statutes.

TEXAS | NOT OFFICIAL

The Texas Legislature provides public access to its statutes through its website, but it is not the official version. A disclaimer on the site only addresses the site publisher’s warranty of the content—not its official or unofficial status—stating “the Texas Legislative Council offers the Texas Statutes to the public ‘as is.’” It makes no warranty as to the accuracy of the data, and users rely on the data entirely at their own risk. Although the disclaimers on the site do not address the official status of its contents, legislative staff confirmed the content is not official. West publishes an unofficial version of the state’s statutes under the title Vernon’s Texas Civil Statutes.

UTAH | OFFICIAL

The Utah State Legislature’s website provides public access to the state’s statutes and the content is considered official, staff members said. The website provides a lengthy and thorough general disclaimer as to warranty and liability, but does not directly address the issue of official status. In addition, the site does not mention the official print version of the state’s statutes. Both West and LexisNexis publish unofficial, annotated versions of the statutes.

VERMONT | OFFICIAL

The Vermont General Assembly provides free access to both an official and unofficial version of the Vermont statutes through its website. The site provides access to the state’s statute database, with a disclaimer that states, “The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated, provided as a convenience. It has NOT been edited for publication and is not in any way official or authoritative.” The state, however, has contracted with Michie’s Legal Resources (part of LexisNexis) in a similar manner to other states, to provide free access to the official version of the Vermont Statutes Annotated. The official status of the LexisNexis version is clearly stated on the legislature’s website, with a link to that version.

VIRGINIA | NOT OFFICIAL

The Virginia General Assembly offers online access to the Code of Virginia on its website, but it is not an official version. The site does not provide an explicit disclaimer as to the unofficial status of its content, although it does state the version of the state’s administrative code available on its site is official. General assembly staff confirmed the code provided online is not official and the only official code recognized by the state’s courts is the print version published by LexisNexis, Michie’s Code of Virginia.

WASHINGTON | NOT OFFICIAL

The Code Reviser’s Office provides public access to the Revised Code of Washington through the Washington State Legislature website, but this content is not official. According to Code Reviser Office staff, the only official source for the state’s statutes is the print version, which is published by the Statute Law Committee and the Code Reviser. The legislature’s website does not address the official status of its contents directly, but provides a disclaimer as to the accuracy of the material.

WEST VIRGINIA | NOT OFFICIAL

The West Virginia Legislature provides access to state statutes, but the content is not official. The

website provides a disclaimer under “website terms of use,” stating that the State of West Virginia or the legislature does not warrant the material provided and all of the content provided on the site are not the official versions. Users of the site are encouraged to verify online content with the official printed versions of the statutes.

WISCONSIN | NOT OFFICIAL

The Wisconsin Legislative Reference Bureau provides online access to the state’s statutes through its website, but its contents are not official. Although the website’s header states that the Legislative Reference Bureau is the “official publisher of the Wisconsin Statutes,” disclaimers on the site indicate the statutes published there are not official.

In a section titled “about this Infobase,” the site explains the Wisconsin Statutes and Annotations reproduced on the website are “derived from the computer files used by the Legislative Reference Bureau to produce the official Wisconsin Statutes and Annotations and are updated approximately every three months to reflect the changes made by legislation enacted during the legislative session and to editorial notes and annotations.” While this statement would seem to imply the online version of the statutes is official, the disclaimer goes on to say that electronic versions of the statutes cannot be certified and are not official. Only print versions of the statutes can be certified and thus made official, pursuant to section 35.18 of the Wisconsin Statutes.

The Wisconsin Statutes and Annotations may be purchased from the Wisconsin Department of Administration. WisLaw, an electronic version of the Statutes and Annotations and other Wisconsin law on CD-ROM, may be licensed from the same department.

WYOMING | NOT OFFICIAL

Wyoming’s state statutes are available electronically through the legislature’s website, but this content is not official. Although no disclaimer directly addresses the issue, staff at the Legislative Service Office confirm the online material is not official. The staff member interviewed explained the online version of the statutes is created from the same material used to create the official version—printed by LexisNexis—and is likely identical. The Legislative Service Office also is responsible for supplying statute text to LexisNexis for publication as the official print version of the Wyoming Statutes Annotated.

According to a notice on the site, Matthew Bender and Co. —part of LexisNexis—has exclusive rights to publish and distribute the Wyoming Statutes Annotated. In addition, the site states that “The On-Line version of the Wyoming Statutes Annotated is provided for non-commercial use pursuant to a contractual arrangement with LexisNexis.”



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