

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-2450
LAA.Legal@akleg.gov
120 4th Street, Room 3

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

December 11, 2019

SUBJECT: 2020 Lexis Nexis publishing contract update

TO: Jessica Geary
Executive Director
Alaska State Legislative Affairs Agency

FROM: Jean M. Mischel
Revisor of Statutes



The Legislative Council and the Mathew Bender & Company (Lexis Nexis) entered into a contract in 2012 for the purpose of publishing the official Alaska Statutes in book and CD form and to provide related editorial and data processing services. The contract was extended in December 2018 to December 31, 2020, or completion of work associated with the Second Regular Session of the 31st Legislature, whichever is later. The contract is subject to two additional two-year extensions and to appropriation. Price adjustments of not more than five percent may be made by Lexis Nexis if the Council exercises its renewal option in 2020.

No price adjustment was made with the first renewal in 2018, in part as a result of a demand by this office that costs be held steady and that the costs of the 2018 supplement be waived after problems associated with a transition to new software were experienced. The contract requires a minimum purchase by the state, several hundred complementary copies of the Alaska Statutes, and payment to the state of an annual royalty of \$35,000 for online subscriptions and other access fees. The material published under the contract is copyrighted in the name of the Legislative Affairs Agency.¹ These terms resulted in a net gain to the agency in 2018 and 2019. The contract may be terminated on six months' written notice.

At this point, I strongly recommend that we pursue extension of the 2012 contract in 2020 for reasons of cost and the other favorable terms to the state of the contract as well as the established rapport and predictability with Lexis Nexis. Once the terms of extension are negotiated, I intend to present the contract amendment at a summer meeting

¹ The state joined as amicus in *State of Georgia, et. al, v. Public Resource. Org, Inc.*, (USSCT case number 18-1150), a case pending before the United States Supreme Court challenging the authority of states to copyright statutory annotations published by third parties such as Lexis Nexis. The outcome of this case will likely affect the pricing and availability of official statutes.

Jessica Geary
Executive Director
Alaska State Legislative Affairs Agency
December 11, 2019
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of the Council. If, however, the Council does not intend to extend the contract in 2020, the agency should open a request for proposals as soon as possible.

JMM:kwg
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CC: Megan Wallace