

HOUSE RESEARCH

Bill Summary

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Overview

The Uniform Electronic Material Act creates a process for authentication of official electronic legal materials published by the Office of the Revisor of Statutes; including: the state constitution, state session laws, codified laws, and agency regulations which have the effect of law. The electronic material that has been authenticated is then presumed to be an accurate copy of that legal material. Similar acts have been enacted in Colorado and California.

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- 1 Title.** Provides the short title for this chapter, “Uniform Electronic Legal Material Act.”
- 2 Definitions.** Provides the definitions used in this chapter, including “legal materials” which is defined as the Minnesota Constitution, Minnesota session laws, Minnesota Statutes, and Minnesota Rules. Provides a definition for the “official publisher” which is the Revisor of Statutes.
- 3 Applicability.** Applies this chapter to all legal material that is to be an official electronic record after January 1, 2005.
- 4 Legal material in electronic record.**

Subd.1. Electronic publication only; requirements. Requires publishers of official electronic materials to authenticate the record, designate it as official, preserve and secure the record, and ensure its use for the public pursuant to other sections of this chapter.

Subd. 2. Electronic and nonelectronic publication. Allows an official publisher

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to also publish materials in a nonelectronic format and the publisher may still designate the electronic record as official if the publisher complies with the other provisions of this chapter.

5 Authentication of official electronic record. Provides that the publisher must authenticate the record that is being published and is unaltered from the original record.

6 Effect of the authentication.

Subd. 1. Presumption of accuracy. Provides that the record is presumed to be an accurate copy of the legal material.

Subd. 2. Presumption in another state. Provides that if another state has a substantially similar law to the Uniform Electronic Material Act, that those records are considered to be an accurate copy of that legal material.

Subd. 3. Burden of proof. The party contesting the authentication has the burden of proof to show that the record is not authentic by a preponderance of the evidence.

7 Preservation and security.

Subd. 1. Preservation and security required. Requires the publisher to preserve and secure the record either in an electronic or alternative format.

Subd. 2. Requirements if preservation in electronic form. If it is preserved in an electronic format then the publisher must ensure the integrity of the record, provide for backup and disaster recovery of the record, and ensure that the material can be used.

8 Public access to official electronic legal records. Requires the publisher to have official electronic records under this chapter reasonably available for use by the public on a permanent basis.

9 Standards. Provides standards the publisher shall consider.

10 Electronic signatures. Modifies and supersedes certain specific provisions of the Electronic Signature in Global and National Commerce Act.

11 Effective Date. This act would become effective on January 1, 2015.