

**Introduced by Committee on Rules (Senators Steinberg (Chair),
Alquist, De León, Dutton, and Fuller)**

February 14, 2012

An act to add Article 3 (commencing with Section 10260) to Chapter 1 of Part 2 of Division 2 of Title 2 of the Government Code, relating to the Uniform Electronic Legal Material Act.

LEGISLATIVE COUNSEL'S DIGEST

SB 1075, as introduced, Committee on Rules. Uniform Electronic Legal Material Act.

Existing law establishes the Legislative Counsel Bureau and provides that the chief of the bureau is the Legislative Counsel. Existing law requires the Legislative Counsel, with the advice of the Assembly Committee on Rules and the Senate Committee on Rules, to make specified legislative materials, bills, codes, and statutes available to the public in electronic form.

This bill would enact the Uniform Electronic Legal Material Act, which would provide for the official designation, authentication, and preservation of certain legal material in electronic records by an official publisher. The bill would designate the Legislative Counsel Bureau as the official publisher for purposes of the act and would make the act operative on July 1, 2015.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3 (commencing with Section 10260) is
2 added to Chapter 1 of Part 2 of Division 2 of Title 2 of the
3 Government Code, to read:

4
5 Article 3. Uniform Electronic Legal Material Act
6

7 10260. This article may be cited as the Uniform Electronic
8 Legal Material Act.

9 10261. As used in this article:

10 (a) "Electronic" means relating to technology having electrical,
11 digital, magnetic, wireless, optical, electromagnetic, or similar
12 capabilities.

13 (b) "Legal material" means all of the following, whether or not
14 in effect:

15 (1) The California Constitution.

16 (2) The statutes of this state.

17 (3) The California Codes.

18 (c) "Official publisher" for electronic legal material means the
19 Legislative Counsel Bureau.

20 (d) "Publish" means to display, present, or release to the public,
21 or cause to be displayed, presented, or released to the public, by
22 the official publisher.

23 (e) "Record" means information that is inscribed on a tangible
24 medium or that is stored in an electronic or other medium and is
25 retrievable in perceivable form.

26 (f) "State" means a state of the United States, the District of
27 Columbia, Puerto Rico, the United States Virgin Islands, or any
28 territory or insular possession subject to the jurisdiction of the
29 United States.

30 10262. This article applies to all legal material in an electronic
31 record that is designated as official under Section 10263 and first
32 published electronically on or after July 1, 2015.

33 10263. (a) If an official publisher publishes legal material only
34 in an electronic record, the publisher shall do all of the following:

35 (1) Designate the electronic record as official.

36 (2) Comply with Sections 10264, 10266, and 10267.

37 (b) An official publisher that publishes legal material in an
38 electronic record and also publishes the material in a record other

1 than an electronic record may designate the electronic record as
2 official if the publisher complies with Sections 10264, 10266, and
3 10267.

4 10264. An official publisher of legal material in an electronic
5 record that is designated as official under Section 10263 shall
6 authenticate the record. To authenticate an electronic record, the
7 publisher shall provide a method for a user to determine that the
8 record received by the user from the publisher is unaltered from
9 the official record published by the publisher.

10 10265. (a) Legal material in an electronic record that is
11 authenticated under Section 10264 is presumed to be an accurate
12 copy of the legal material.

13 (b) If another state has adopted a law substantially similar to
14 this article, legal material in an electronic record that is designated
15 as official and authenticated by the official publisher in that state
16 is presumed to be an accurate copy of the legal material.

17 (c) A party contesting the authentication of legal material in an
18 electronic record authenticated under Section 10264 has the burden
19 of proving by a preponderance of the evidence that the record is
20 not authentic.

21 10266. (a) An official publisher of legal material in an
22 electronic record that is or was designated as official under Section
23 10263 shall provide for the preservation and security of the record
24 in an electronic form or a form that is not electronic.

25 (b) If legal material is preserved under subdivision (a) in an
26 electronic record, the official publisher shall do all of the following:

- 27 (1) Ensure the integrity of the record.
- 28 (2) Provide for backup and disaster recovery of the record.
- 29 (3) Ensure the continuing usability of the material.

30 10267. An official publisher of legal material in an electronic
31 record that must be preserved under Section 10266 shall ensure
32 that the material is reasonably available for use by the public on
33 a permanent basis.

34 10268. In implementing this article, an official publisher of
35 legal material in an electronic record shall consider all of the
36 following:

- 37 (a) Standards and practices of other jurisdictions.
- 38 (b) The most recent standards regarding authentication of,
39 preservation and security of, and public access to, legal material

1 in an electronic record and other electronic records, as promulgated
2 by national standard-setting bodies.

3 (c) The needs of users of legal material in an electronic record.

4 (d) The views of governmental officials and entities and other
5 interested persons.

6 (e) To the extent practicable, the use of methods and
7 technologies for the authentication of, preservation and security
8 of, and public access to, legal material which are compatible with
9 the methods and technologies used by other official publishers in
10 this state and in other states that have adopted the Uniform
11 Electronic Legal Material Act.

12 10269. In applying and construing this article, consideration
13 must be given to the need to promote uniformity of the law with
14 respect to its subject matter among states that enact it.

15 10270. This article modifies, limits, or supersedes the
16 Electronic Signatures in Global and National Commerce Act, 15
17 U.S.C. Section 7001 et seq., but does not modify, limit, or
18 supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c),
19 or authorize electronic delivery of any of the notices described in
20 Section 103(b) of that act, 15 U.S.C. Section 7003(b).

21 SEC. 2. This act shall become operative on July 1, 2015.