

SENATE BILL NO. 105—COMMITTEE ON JUDICIARY

FEBRUARY 11, 2013

Referred to Committee on Judiciary

SUMMARY—Enacts the Uniform Electronic Legal Material Act.
(BDR 59-168)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to governmental publications; enacting the
Uniform Electronic Legal Material Act; and providing
other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the publication of the Nevada Constitution, the
Statutes of Nevada, the Nevada Revised Statutes and the Nevada Administrative
Code by the Legislative Counsel Bureau. (NRS 218D.955-218D.965, 220.110,
220.130-220.167, 233B.065) This bill enacts the Uniform Electronic Legal Material
Act to provide for the authentication, preservation and security of an electronic
record of those legal materials which is designated as official and which is first
published electronically on or after January 1, 2014.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 59 of NRS is hereby amended by adding
thereto a new chapter to consist of the provisions set forth as
sections 2 to 18, inclusive, of this act.

Sec. 2. *This chapter may be cited as the Uniform Electronic
Legal Material Act.*

Sec. 3. *As used in this chapter, unless the context otherwise
requires, the words and terms defined in sections 4 to 9, inclusive,
of this act have the meanings ascribed to them in those sections.*

Sec. 4. *“Electronic” means relating to technology having
electrical, digital, magnetic, wireless, optical, electromagnetic or
similar capabilities.*



* S B 1 0 5 *

1 **Sec. 5. “Legal material” means, whether or not in effect:**

2 **1. The Nevada Constitution;**

3 **2. The Statutes of Nevada;**

4 **3. The Nevada Revised Statutes; and**

5 **4. The Nevada Administrative Code.**

6 **Sec. 6. “Official publisher” means the Legislative Counsel**
7 **Bureau.**

8 **Sec. 7. “Publish” means to be displayed, presented or**
9 **released to the public, or cause to be displayed, presented or**
10 **released to the public, by the official publisher.**

11 **Sec. 8. “Record” means information which is inscribed on a**
12 **tangible medium or which is stored in an electronic or other**
13 **medium and is retrievable in perceivable form.**

14 **Sec. 9. “State” means a state of the United States, the**
15 **District of Columbia, Puerto Rico, the United States Virgin**
16 **Islands, or any territory or insular possession subject to the**
17 **jurisdiction of the United States.**

18 **Sec. 10. The provisions of this chapter apply to all legal**
19 **material in an electronic record which is designated as official**
20 **under section 11 of this act and which is first published**
21 **electronically on or after January 1, 2014.**

22 **Sec. 11. 1. If the official publisher publishes legal material**
23 **only in an electronic record, the official publisher shall:**

24 **(a) Designate the electronic record as official; and**

25 **(b) Meet the requirements of sections 12, 14 and 15 of this act.**

26 **2. The official publisher that publishes legal material in a**
27 **record other than an electronic record may designate an electronic**
28 **record as official if the requirements of sections 12, 14 and 15 of**
29 **this act are met.**

30 **Sec. 12. The official publisher of legal material in an**
31 **electronic record that is designated as official under section 11 of**
32 **this act shall authenticate the record. To authenticate an**
33 **electronic record, the official publisher shall provide a method for**
34 **a user to determine that the record received by the user from the**
35 **official publisher is unaltered from the official record published**
36 **by the official publisher.**

37 **Sec. 13. 1. Legal material in an electronic record that is**
38 **authenticated under section 12 of this act is presumed to be an**
39 **accurate copy of the legal material.**

40 **2. If another state has adopted an act substantially similar to**
41 **this chapter, legal material in an electronic record designated as**
42 **official and authenticated by that state is presumed to be an**
43 **accurate copy of that legal material.**



3. *A party contesting the authentication of legal material has the burden of proving by a preponderance of the evidence that the legal material is not authentic.*

Sec. 14. 1. *The official publisher of legal material in an electronic record that is or was designated as official under section 11 of this act shall provide for the preservation and security of the record in an electronic form or a form that is not electronic.*

2. *If legal material is preserved in an electronic record, the official publisher shall:*

(a) *Ensure the integrity of the record;*

(b) *Provide for backup and disaster recovery of the record; and*

(c) *Ensure the continuing usability of the material.*

Sec. 15. *The official publisher of legal material in an electronic record that must be preserved under section 14 of this act shall ensure that the material is reasonably available for use by the public on a permanent basis.*

Sec. 16. *In implementing this chapter, the official publisher of legal material shall consider:*

1. *Standards and practices of other jurisdictions;*

2. *The most recent standards regarding authentication of, preservation and security of, and public access to, legal material in an electronic record and other electronic records, as promulgated by national standard-setting bodies;*

3. *The needs of users of legal material in an electronic record;*

4. *The views of governmental officials and entities and other interested persons; and*

5. *To the extent practicable, the use of methods and technologies for the authentication of, preservation and security of, and public access to, legal material that are in harmony and compatible with the methods and technologies used in other states that have adopted the Uniform Electronic Legal Material Act.*

Sec. 17. *In applying and construing the Uniform Electronic Legal Material Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.*

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

Sec. 19. This act becomes effective on January 1, 2014.

