

# The Uniform Electronic Legal Material Act

Prepared By: Michele L. Timmons

For: Iowa Legislative Services Agency

Date: October 31, 2012

# UELMA

- Approved July 12, 2011 by Uniform Law Commission
- Approved February 6, 2012, by American Bar Association
- Establishes an outcomes-based, technology-neutral framework
- To provide online legal material with the same level of trustworthiness traditionally provided by publication in a law book

# What does UELMA require?

- Official electronic legal material must be:
  - *Authenticated* by providing a method to determine that it is unaltered
  - *Preserved* either in print or electronic form, and
  - *Accessible* for use by the public on a permanent basis

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112TH CONGRESS  
1ST SESSION

**H. R. 104**

To ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Mr. BOUSTANY (for himself, Mr. COURTYNEY, Mr. GRIN GRIN of Texas, Mr. SIMPSON, Ms. BORDALLO, Mr. PAUL, Mr. SCALISE, Mr. NADLER, Mrs. McMOHR RODRIGUEZ, Mr. MCCAUL, Mr. OLSON, Ms. RICHARDSON, Mr. ALEXANDER, Mr. LYNCH, Mrs. MILLER of Michigan, Mr. BRADY of Texas, Mr. CUMMINGS, Ms. SUTTON, Mr. CAPUANO, Mrs. CAPPS, Mr. SIKES, Mr. THOMPSON of California, Ms. FUDGE, Mr. BONNER, Mr. CALVEY, Mr. STARK, and Ms. LEE of California) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

**A BILL**

Done

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# Delaware

<http://delcode.delaware.gov/sessionlaws/ga146/chp002.shtml#TopOfPage>

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Delaware Department of Legislative Administration  
Division of Legislative Services

CHAPTER 2  
FORMERLY  
SENATE BILL NO. 8

AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER RELATING TO COUNCIL AND THE MAYOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Section 5 of Article II of the charter of the City of Dover by deleting the sentence:

"If a councilman files and runs for mayor, whether or not they are elected to said office, the term as councilman shall automatically expire on the second Monday of May on the year of the election; and if they have a year remaining on their term, then their office as councilman shall be filled at the same annual election in which they have filed to run for the office of mayor."

Approved February 22, 2011

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# Ohio

<http://www.sconet.state.oh.us/rod/docs/pdf/0/2011/2011-ohio-3044.pdf>

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## The Supreme Court of Ohio

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### CASE ANNOUNCEMENTS

June 23, 2011

[Cite as *06/23/2011 Case Announcements, 2011-Ohio-3044*.]

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### MERIT DECISIONS WITH OPINIONS

2010-1094. *Columbus City Schools Bd. of Edn. v. Testa*, Slip Opinion No. 2011-Ohio-2907.  
Board of Tax Appeals, No. 2009-V-4110. Cause remanded to the Board of Tax Appeals for further proceedings.  
O'Connor, C.J., and Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur.

2010-1570. *State ex rel. Zeigler v. Zumbar*, Slip Opinion No. 2011-Ohio-2939. In Quo Warranto. Writ granted.  
O'Connor, C.J., and Lundberg Stratton, Lanzinger, Cupp, and McGee Brown, JJ., concur.  
Pfeifer and O'Donnell, JJ., dissent.

2010-1693. *Disciplinary Counsel v. Character*, Slip Opinion No. 2011-Ohio-2902.

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# Utah

<http://www.rules.utah.gov/publicat/code.htm>

[http://www.rules.utah.gov/publicat/code\\_rtf/md5.txt](http://www.rules.utah.gov/publicat/code_rtf/md5.txt)

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**
** winMD5Sum (graphical user interface)
** http://www.nullriver.com/index/products/winm
**
** MD5SUMS (no graphical user interface)
** http://www.pc-tools.net/win32/md5sums/
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** File Checksum Integrity Verifier (no graphic
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** // File Checksum Integrity Verifier version 2.0.
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0f4be597c0ff770d34b1fc331043a002 r013-001.rtf
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5a45b4aab8e07b76144b06b916d71eb9 r013-003.rtf
53a834d0d9265353747434c81d846c6c r015-001.rtf
745733371c0d8db02764a02c4cf9b125 r015-002.rtf
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- Title R19. Child Welfare Parental Defense (Office of). ([HTML](#) | [compressed RTF](#))
- Title R21. Debt Collection. ([HTML](#) | [compressed RTF](#))
- Title R23. Facilities Construction and Management. ([HTML](#) | [compressed RTF](#))

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## Minnesota Administrative Rules

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### 7890.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter shall have the meanings given them in this part.

Subp. 1a. **Alkalinizing agents.** "Alkalinizing agents" means substances, including bicarbonate of soda (sodium bicarbonate or baking soda), that are used to increase the plasma or serum pH, bicarbonate level, or TCO<sub>2</sub> level of a horse.

Subp. 2. **Analgesic.** "Analgesic" is a substance used to relieve pain.

Subp. 2a. **Androgenic-anabolic steroids (AAS).** "Androgenic-anabolic steroids (AAS)" means a group of compounds derived from testosterone or prepared synthetically to promote general body growth.

Subp. 3. **Anesthetic.** "Anesthetic" is a substance used to effect a loss of feeling or sensation in any part of the body.

Subp. 3a. **Antibody.** "Antibody" means a protein produced after stimulation by an antigen that acts specifically against that antigen in an immune response.

Subp. 3b. **Bicarbonate loading.** "Bicarbonate loading" means the use of an alkalinizing agent either through a nasogastric tube or by other means that elevates the plasma or serum TCO<sub>2</sub>.

Subp. 3c. **Biological product.** "Biological product" means any virus, therapeutic serum, toxin, antitoxin, or analogous product applicable to the prevention, treatment, or cure of diseases or injuries.

Subp. 4. **Bleeder.** "Bleeder" means, according to its context, either:

A. a horse which during a race or exercise is observed by the commission veterinarian or his or her designee to be shedding blood from one or both nostrils and in which no upper airway injury is noted during an examination by the commission veterinarian immediately following such a race or exercise;

B. a horse which, within 1-1/2 hours of such a race or exercise, is observed by the commission veterinarian, through visual and/or endoscopic examination, to be shedding blood from the lower airway, or

C. a horse which has been shipped into Minnesota and which meets the criteria in part [7890.0140](#), subpart 3.

Subp. 5. **Bleeder list.** "Bleeder list" means a tabulation of all bleeders maintained by the commission veterinarian.

Subp. 5a. **Blood doping.** "Blood doping" means various techniques used to increase the oxygen-carrying capacity of blood.

Subp. 6. **Bute.** "Bute" means phenylbutazone or oxyphenbutazone.

Subp. 7. **Chemist.** "Chemist" means any official racing chemist designated by the commission.

Subp. 7a. **Darbepoietin alfa.** "Darbepoietin alfa" is a synthetic analog of erythropoietin that stimulates the bone marrow to produce red blood cells. Chemically, it is a 165 amino acid protein containing five N-linked oligosaccharide chains.

Subp. 8. **Depressant.** "Depressant" is a substance used to diminish the function of the body, including the cardiovascular system, pulmonary system, urinary system, nervous system, musculoskeletal system, or any other systemic function of the body.

Subp. 9. **Detention barn.** "Detention barn" means a secured structure designated by the commission.

Subp. 10. **DMSO.** "DMSO" means dimethyl sulfoxide.

§ Subp. 10a. **Erythropoietin (EPO).** "Erythropoietin (EPO)" is a glycoprotein that stimulates the production of red blood cells by stem cells in bone marrow. Produced mainly by the kidneys, it is released in response to decreased levels of oxygen in body tissue. Using recombinant DNA technology, EPO has been synthetically produced and chemically it is a 165 amino acid protein containing three N-linked oligosaccharide chains.

Subp. 10b. **Feed contaminant.** Substances in equine feed arising from contamination during cultivation, processing or treatment, storage, or transportation.

Subp. 10c. **Flunixin meglumine.** "Flunixin meglumine" is a nonsteroidal anti-inflammatory drug with the chemical name 3-pyridine-carboxylic acid.

Subp. 10d. **Furosemide.** "Furosemide" means 4-chloro-N-furfuryl-5-sulfamoylanthranic acid.

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7890.0100

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Subp. 5. **Bleeder list.** "Bleeder list" means a tabulation of all bleeders maintained

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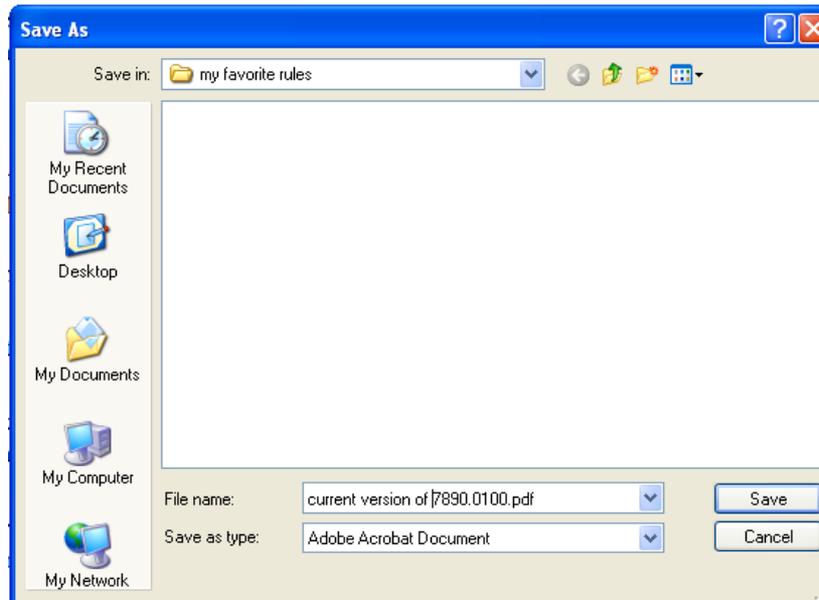
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# Minnesota – Authentication Prototype

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## Minnesota Administrative Rules

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### 7890.0100 Version History

| Date                         | PDF                 | Publish Reason | Note |
|------------------------------|---------------------|----------------|------|
| <a href="#">10/26/2010</a> * | <a href="#">Pdf</a> | Rule Adoption  |      |
| <a href="#">9/15/2010</a>    | <a href="#">Pdf</a> | Rule Adoption  |      |
| <a href="#">2/24/2010</a>    | <a href="#">Pdf</a> | Rule Adoption  |      |
| <a href="#">9/24/2009</a>    | <a href="#">Pdf</a> | Rule Adoption  |      |

\* *Current version*

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Statutes

Laws

**Rules**

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About Minnesota Rules

Agency List

Table of Chapters

Rules Index (topics)

Chapter 7890

Table of Parts

Full Chapter Text

Part 7890.0100

Historical Versions

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# Minnesota – Authentication Prototype

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A red-bordered box at the top of the content area contains the text: "You are currently viewing unreleased material. This page is for demonstration purposes only."

## Minnesota Administrative Rules

PDF Authenticate Print

### 7890.0100 Version History

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| <a href="#">9/24/2009</a>    | E   | Open link in new tab<br>Open link in new window<br>Open link in incognito window |      |
| * Current version            |     |  |      |

A context menu is open over the 9/24/2009 entry, with the "Save link as..." option highlighted by a mouse cursor.

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# Minnesota – Authentication Prototype

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Rules

Keyword Search

Statutes

Laws

Rules

Court Rules

MN Constitution

About Minnesota Rules

Agency List

Table of Chapters

Rules Index (topics)

Chapter 7890

Table of Parts

Full Chapter Text

Part 7890.0100

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7890

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23

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**SHA-2 (256) Hash** e21e67065dfa34ea2b27631c1abb8e83f8f58c7f62d0560f217525e5ef88be55

The current adopted version of this rule can be found here: [Rule Part 7890.0100](#)

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# What is the legal effect of authentication?

- If authenticated, presumed to be an accurate copy of the legal material
- Presumption applies in another state that has adopted UELMA
- Party contesting authentication has burden of proving by a preponderance of the evidence that legal material is not authentic

# What is required if preservation done electronically?

- Ensure integrity of the record,
- Provide for back-up and disaster recovery, and
- Ensure the continuing usability of the material

# Preservation Options For Digital Material

<http://www.mnhs.org/preserve/records/legislativerecords/preservation.htm>

## Digital File Preservation Options

| Issue ↓ Response →       | Simple  | Better  | Best   |
|--------------------------|---|---|--|
| <b>Policy Framework</b>  | <ul style="list-style-type: none"> <li>Identification of legal requirements and industry best practices for records retention, access, and use</li> </ul>   | <ul style="list-style-type: none"> <li>Analysis and prioritization of records based on legal and management requirements and value to the organization and others</li> </ul>  | <ul style="list-style-type: none"> <li>Sustainable collaborations to meet legal requirements and to support expectations of principal constituencies</li> </ul>  |
| <b>Documentation</b>     | <ul style="list-style-type: none"> <li>Approved record retention schedule</li> <li>System documentation retained for life of system</li> </ul>  | <ul style="list-style-type: none"> <li>Record retention schedule</li> <li>System documentation</li> <li>Documentation of record-related policies and procedures</li> </ul>  | <ul style="list-style-type: none"> <li>Record retention schedule</li> <li>System documentation</li> <li>Documentation of record-related policies and procedures</li> <li>Documentation of all preservation-related actions over time</li> </ul>  |
| <b>Storage Media</b>     | <ul style="list-style-type: none"> <li>Any kind</li> </ul>  | <ul style="list-style-type: none"> <li>Nearline removable media (e.g., optical jukebox)</li> <li>Online network server storage</li> </ul>   | <ul style="list-style-type: none"> <li>Network server storage</li> <li>Migration plan for moving files to new storage media over time</li> </ul>   |
| <b>File Format</b>       | <ul style="list-style-type: none"> <li>Any kind</li> </ul>  | <ul style="list-style-type: none"> <li>Non-proprietary</li> <li>Open source</li> </ul>  | <ul style="list-style-type: none"> <li>Non-proprietary</li> <li>Open source</li> <li>Conversion plan for moving files to new formats as necessary</li> </ul>   |
| <b>Metadata</b>          | <ul style="list-style-type: none"> <li>System-generated</li> </ul>  | <ul style="list-style-type: none"> <li>System-generated</li> <li>Discovery/access metadata for indexing</li> <li>Use of appropriate recognized metadata standard</li> </ul>   | <ul style="list-style-type: none"> <li>System-generated</li> <li>Discovery/access metadata for indexing</li> <li>Use of appropriate recognized metadata standard</li> <li>Metadata to facilitate preservation activities over time</li> </ul>  |
| <b>Security</b>          | <ul style="list-style-type: none"> <li>Level commensurate with applicable privacy requirements for content</li> </ul>   | <ul style="list-style-type: none"> <li>Level commensurate with applicable privacy requirements for content</li> </ul>   | <ul style="list-style-type: none"> <li>Appropriate security level for content</li> <li>Audit trail logs</li> <li>Security control of management actions</li> </ul>   |
| <b>Recovery Copies</b>   | <ul style="list-style-type: none"> <li>Periodic backups on removable media stored at location separate from immediate system environment</li> </ul>   | <ul style="list-style-type: none"> <li>Periodic backups on removable media stored off-site</li> </ul>   | <ul style="list-style-type: none"> <li>Periodic backups on removable media stored off-site</li> <li>QA checks for completeness and file integrity</li> <li>Comprehensive disaster recovery plan</li> </ul>   |
| <b>Staff Skills/Time</b> | <ul style="list-style-type: none"> <li>IT staff time to manage system</li> <li>Records staff time to manage retention schedules</li> <li>Records staff time to oversee disposal of records</li> </ul> | <ul style="list-style-type: none"> <li>IT staff time to manage system</li> <li>Records staff time to manage retention schedules</li> <li>Records staff time to oversee disposal of records</li> <li>Records staff time to manage/communicate policies and procedures</li> <li>Staff time for metadata/indexing</li> </ul> | <ul style="list-style-type: none"> <li>IT staff time to manage system</li> <li>Records staff time to manage retention schedules</li> <li>Records staff time to oversee disposal of records</li> <li>Records staff time to manage/communicate policies and procedures</li> <li>Staff time for metadata/indexing</li> <li>Staff time to maintain and implement back-up procedures, migration, conversion, and disaster recovery plans</li> </ul> |

# MDL Preservation Options Matrix

\*\* being reviewed and edited \*\*

<http://goo.gl/2XN1L>

| Abbrev.       | Preservation System Name   |
|---------------|--|
| HT            | HathiTrust<br><a href="http://www.hathitrust.org/about">http://www.hathitrust.org/about</a>  |
| UC3           | University of California Curation Center<br><a href="http://merritt.cdlib.org/">http://merritt.cdlib.org/</a>  |
| MA            | MetaArchive, using a private LOCKSS network<br>(Lots of Copies Keep Stuff Safe)<br><a href="http://www.metaarchive.org">http://www.metaarchive.org</a> |
| OCLC          | Online Computer Library Center<br><a href="http://www.oclc.org/about/default.htm">http://www.oclc.org/about/default.htm</a>                            |
| Chron.        | Chronopolis<br><a href="https://chronopolis.sdsc.edu/about.html">https://chronopolis.sdsc.edu/about.html</a>   |
| D ,<br>DAITSS | Dark Archive in the Sunshine State<br><a href="http://daitss.fcla.edu/wiki/AboutPage">http://daitss.fcla.edu/wiki/AboutPage</a>                        |
| T             | Tessella<br><a href="http://www.digital-preservation.com/">http://www.digital-preservation.com/</a>  |

**MDL Preservation Options Matrix**

Full Matrix | Charts | Subsets | Nice | Important | Vital | Compact | System

| Attribute  | Weigh | Hathi1 | UC3 | MA | OCLC | Chror | DAITS | Tessel |
|--|-------|--------|-----|----|------|-------|-------|--------|
| <b>FITNESS</b>   |       |        |     |    |      |       |       |        |
| Allows MDL to archive native formats.  | 2     | 0      | 5   | 5  | 5    | 5     | 5     | 5      |
| Allows MDL to limit rights to use certain material.                                      | 3     | 3      | 5   | 5  | 5    | 5     | 5     | 5      |
| Reliable bit preservation  | 3     | 5      | 5   | 5  | 5    | 5     | 3     | 5      |
| Allows MDL to archive metadata in native format  | 1     | 0      | 5   | 5  | 5    | 4     | 4     | 4      |
| Reliable metadata preservation   | 2     | 5      | 5   | 5  | 5    | 5     | 3     | 5      |
| Metadata can be associated with object it describes                                      | 2     | 5      | 5   | 2  | 2    | 5     | 5     | 5      |
| Internal monitoring present and accountable  | 3     | 4      | 4   | 2  | 5    | 5     | 5     | 4      |
| Access to code driving the repository  | 1     | 4      | 4   | 5  | 0    | 4     | 5     | 3      |
| Clear documentation  | 2     | 3      | 3   | 4  | 4    | 2     | 2     | 3      |
| Customer service plan  | 2     | 3      | 3   | 4  | 4    | 5     | 4     | 0      |
| Requires local copy of full archive  | 2     | 5      | 5   | 3  | 5    | 5     | 0     | 5      |
| Level of effort in preparation of material or SIPs                                       | 2     | 0      | 5   | 3  | 5    | 3     | 2     | 3      |
| Complexity of recovering from errors in the preparation of material or SIPs              | 2     | 0      | 5   | 4  | 5    | 3     | 2     | 3      |
| Complexity of content retrieval  | 2     | 0      | 5   | 4  | 4    | 4     | 5     | 5      |
| Readiness to accommodate MDL needs   | 2     | 4      | 4   | 5  | 3    | 3     | 2     | 3      |
| Level of MDL staff required to manage process  | 1     | 1      | 4   | 3  | 2    | 3     | 5     | 3      |
| Number of copies maintained in archive   | 3     | 4      | 3   | 5  | 4    | 5     | 0     | 0      |
| Material joining the archive is normalized   |       |        |     |    |      |       |       |        |
| Material in the archive is migrated as formats change                                    |       |        |     |    |      |       |       |        |
| After migration, both old version and new are saved.                                     |       | 3      | 4   |    |      | 0     |       | 4      |
| Records management services available  | 1     | 0      | 0   | 0  |      | 0     | 0     | 1      |
| How long is our contract, how predictable is the cost?                                   | 2     | 5      | 5   | 3  | 0    | 0     | 0     | 0      |
| Batch upload available   | 3     | 4      | 5   | 4  | 3    | 4     | 4     | 5      |
| Batch retrieval available  | 2     | 2      | 3   | 4  | 3    | 3     | 4     | 4      |
| Inventory reports available (things like number of collections, number of objects, etc.) | 1     | 0      | 0   | 3  | 3    | 4     | 4     | 5      |
| <b>ACCESS</b>  |       |        |     |    |      |       |       |        |
| Attribute  | Weigh | Hathi1 | UC3 | MA | OCLC | Chror | DAITS | Tessel |
| Archive serves as alternative access point   | 17    | 27     | 30  | 16 | 26   | 20    | 32    |        |
| Access to masters restricted   | 3     | 4      | 5   | 5  | 2    | 5     | 5     | 5      |
| Access to high resolution derivatives  | 3     | 5      | 5   | 5  | 1    | 5     | 5     | 5      |

# What legal material is covered by the act?

- Mandatory: (whether or not in effect)
  - State Constitution
  - Session Laws
  - State Code or Statutes
  - State Agency rule that has or had effect of law
- Permissive:
  - State agency decisions
  - Reported decisions of specified courts
  - State court rules
  - Any other category of legal material

# Who must implement the requirements of the act?

- For each type of legal material, the state must name a state agency or official as the “official publisher”
- Official publisher for that type of legal material has responsibility to authenticate, preserve, and provide access

# What electronic legal material is official?

- If legal material defined in the act is published ONLY electronically,
  - must be designated official
  - requirements of act to authenticate, preserve, and provide access must be met
- If there is both a print and electronic version,
  - online version may be designated official,
  - but, requirements to authenticate, preserve, and provide access must be met

# When does the act apply?

- Prospectively, to official electronic legal material first published on or after the effective date of the act
- Each state chooses effective date

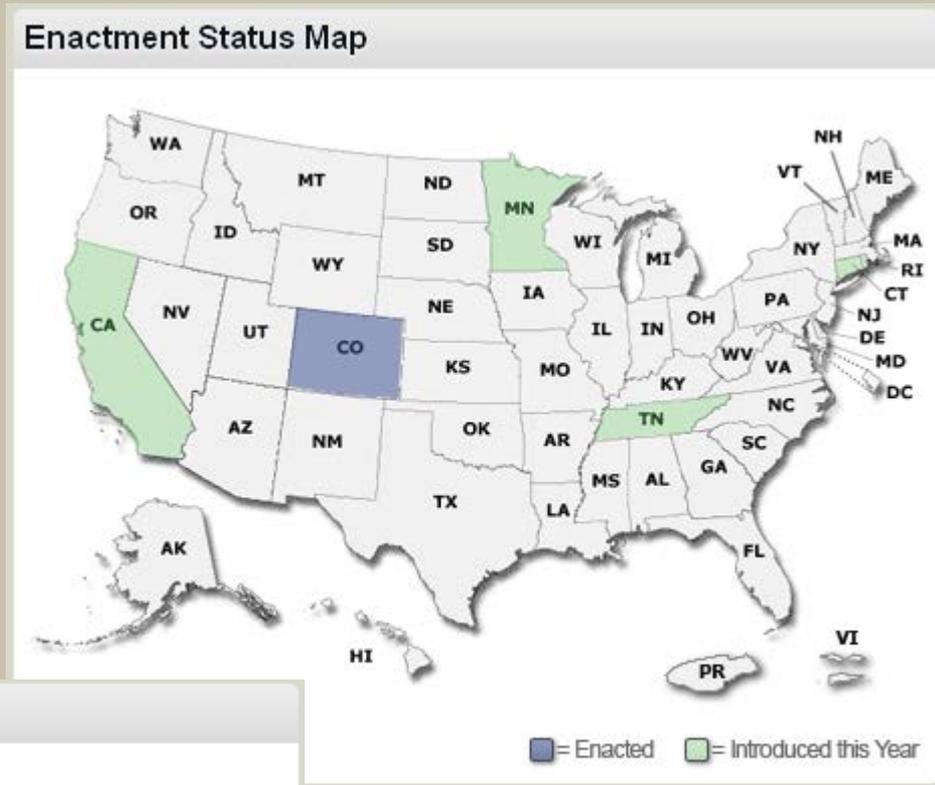
# Are there issues not addressed by UELMA?

- Relationships between official state publisher and a commercial publisher left to contract law
- Copyright laws are unaffected
- Rules of evidence are unaffected

# How will the act provide guidance as technology standards for electronic legal material continue to evolve?

- Official publishers required to consider most recent standards regarding:
  - authentication
  - preservation and security
  - public access
- Also, consider harmony with methods and technologies used by official publishers in this state and other states that have adopted the act
- Outcomes-based requirements allow flexibility to respond to emerging standards

# Enactments!



## Legislative Tracking

### 2012 Introductions & Enactments

| State        | Bill                          | Sponsor        | Status     |
|--------------|-------------------------------|----------------|------------|
| California   | <a href="#">SB 1075</a>       |                | Introduced |
| Colorado     | <a href="#">HB 1209</a>       | Gardner        | Enacted    |
| Connecticut  | <a href="#">SB 418</a>        |                | Introduced |
| Minnesota    | <a href="#">HB 2527</a>       | Mazoral        | Introduced |
| Rhode Island | <a href="#">HB7750/SB2519</a> | Hearn/Bates    | Introduced |
| Tennessee    | <a href="#">SB2894/HB3656</a> | Kelsey/Stewart | Introduced |

# Technology Information

- California White Paper
  - Discusses 5 methods of authentication
  - Outlines pricing options for each method
  - Find at:
    - <http://ccusl.ca.gov/sites/ccusl.ca.gov/files/Authentication%20of%20Prima>  
or
    - <http://www.mnhs.org/preserve/records/legislative/records/authentication.htm>
- Minnesota Administrative Rules – Beta Version
  - Demonstrates staff-developed method for authentication
  - Find at:
    - <https://www.revisor.mn.gov/beta/rules>
- Feedback to:
  - [Michele.Timmons@revisor.mn.gov](mailto:Michele.Timmons@revisor.mn.gov)