

House File 743 - Enrolled

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AN ACT

REQUIRING THAT THE GENERAL ASSEMBLY PROVIDE FOR THE PUBLICATION OF CERTAIN MATERIAL AND ASSOCIATED ELECTRONIC RECORDS PERTAINING TO OFFICIAL LEGAL PUBLICATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

PRINCIPAL PROVISIONS

Section 1. NEW SECTION. 2B.31 Short title.

This subchapter may be cited as the "*Uniform Electronic Legal Material Act*".

Sec. 2. NEW SECTION. 2B.32 Definitions.

As used in this subchapter, unless the context otherwise requires:

1. "*Electronic*" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
2. "*Legal material*" means an edition, including any part of that edition of the following legal publications as cited in section 2B.17, whether or not in effect:
  - a. The Constitution of the State of Iowa.
  - b. The Iowa Acts.
  - c. The Iowa Code.
  - d. The Iowa Administrative Bulletin.
  - e. The Iowa Administrative Code.
3. "*Publish*" means to display, present, or release to the public, or cause to be displayed, presented, or released to the

public by the legislative services agency.

4. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, including printed and electronic versions of legal publications.

5. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

**Sec. 3. NEW SECTION. 2B.33 Applicability.**

1. This subchapter applies to all legal material in an electronic record that is designated as official under the applicable provisions of section 2.42, chapter 2A, and this chapter and which is first published electronically on or after the implementation date of this Act.

2. This subchapter applies to electronic records that are publicly available by accessing the general assembly's internet site.

**Sec. 4. NEW SECTION. 2B.34 Legal material in official electronic record.**

1. If the legislative services agency publishes legal material only in an electronic record, the legislative services agency shall do all of the following:

- a. Designate the electronic record as official.
- b. Comply with the applicable provisions of section 2.42, chapter 2A, and this chapter.

2. If the legislative services agency publishes legal material in an electronic record and also publishes the legal material in a record other than an electronic record, the legislative services agency may designate the electronic record as official if the electronic record complies with the applicable provisions of section 2.42, chapter 2A, and this chapter.

3. Except as provided in subsection 1, the legislative services agency may designate an electronic record as unofficial.

**Sec. 5. NEW SECTION. 2B.35 Authentication of official electronic record.**

1. The legislative services agency in publishing legal

material in an electronic record that is designated as official under the applicable provisions of section 2.42, chapter 2A, and this chapter shall authenticate the electronic record. To authenticate an electronic record, the legislative services agency shall provide a method for a user to determine that the record received by the user from the legislative services agency is unaltered from the official record published by the legislative services agency.

2. Subsection 1 does not affect any other process to authenticate legal material under section 2B.18 or any other authentication process adopted by the legislative council or the legislative services agency.

**Sec. 6. NEW SECTION. 2B.36 Effect of authentication.**

1. Legal material in an electronic record that is authenticated under section 2B.35 is presumed to be an accurate copy of the legal material.

2. If another state has adopted a law substantially similar to this subchapter, legal material in an electronic record that is designated as official and authenticated by the official publisher in that state is presumed to be an accurate copy of the legal material.

3. A party contesting the authentication of legal material in an electronic record authenticated under section 2B.35 has the burden of proving by a preponderance of the evidence that the electronic record is not authentic.

**Sec. 7. NEW SECTION. 2B.37 Preservation and security of legal material in official electronic record.**

1. The legislative services agency in maintaining custodial information as provided in subchapter I and that is or was designated as official under the applicable provisions of section 2.42, chapter 2A, and this chapter 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 under subsection 1 in an electronic record, the legislative services agency shall do all of the following:

- a. Ensure the integrity of the record.
- b. Provide for backup and disaster recovery of the record.
- c. Ensure the continuing usability of the legal material.

**Sec. 8. NEW SECTION. 2B.38 Public access to legal material in official electronic record.**

The legislative services agency, in preserving legal material in an electronic record as required under section 2B.37, shall ensure that the legal material is reasonably available for use by the public on a permanent basis.

**Sec. 9. NEW SECTION. 2B.39 Standards.**

1. In implementing this subchapter, the legislative services agency may consider any of the following:

*a.* 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.

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

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

*d.* To the extent practicable, methods and technologies for the authentication of, preservation and security of, and public access to, legal material which are compatible with the methods and technologies used by other official publishers in other states that have adopted a law substantially similar to this Act.

2. The provisions of this subchapter shall be implemented when the legislative council approves a plan presented by the legislative services agency. The plan shall provide for the implementation of this subchapter in a manner that best benefits users of the general assembly's internet site on a reliable, long-term, and cost-effective basis, and which may include a budget estimate necessary to complete implementation. The legislative services agency may request the legislative council to approve a policy for the use of an account in which receipts from the revenue from distributions of publications credited to the account may be expended by the legislative services agency on a multiyear revolving basis, so long as such revenue is used exclusively to pay for costs associated with implementing the provisions of this subchapter as well as ordinary expenditures associated with producing and distributing printed and electronic versions

of publications including as provided in section 2.43, chapter 2A, and this chapter. However, if the legislative services agency determines that it may fully implement this subchapter without preparing a detailed plan for approval by the legislative council, it shall prepare and submit a report to the legislative council describing the implementation.

3. This section shall be implemented on the effective date of this Act.

Sec. 10. NEW SECTION. **2B.40 Relation to electronic signatures in global and national commerce Act.**

This subchapter modifies, limits, or supersedes the federal 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).

DIVISION II

CORRESPONDING AND MISCELLANEOUS AMENDMENTS

Sec. 11. Section 2B.5, Code 2019, is amended to read as follows:

**2B.5 Duties of administrative code editor.**

The administrative code editor shall do all of the following:

1. ~~Publish~~ Supervise the publication of the Iowa administrative bulletin and the Iowa administrative code as provided in section 2B.5A.

2. ~~Publish the Iowa court rules as provided in section 2B.5B.~~

3. 2. Notify the administrative rules coordinator if a rule is not in proper style or form.

4. 3. Perform other duties as directed by the director of the legislative services agency, the legislative council, or the administrative rules review committee and as provided by law.

Sec. 12. Section 2B.5B, subsection 2, Code 2019, is amended to read as follows:

2. The ~~administrative code editor~~ legislative services agency, upon direction by the Iowa supreme court and in accordance with the policies of the legislative council

pursuant to section 2.42 and ~~the legislative services agency pursuant to section 2A.1~~, shall prescribe a uniform style and form required for filing a document for publication in the Iowa court rules. The document shall correlate each rule to the uniform numbering system. The ~~administrative code editor~~ legislative services agency shall provide for the publication of an electronic version of the Iowa court rules. The ~~administrative code editor~~ legislative services agency shall review all submitted documents for style and form and notify the Iowa supreme court if a rulemaking document is not in proper style or form, and may return or revise a document which is not in proper style and form.

Sec. 13. Section 2B.5B, subsection 3, paragraph a, Code 2019, is amended to read as follows:

a. The ~~administrative code editor~~ legislative services agency shall publish the Iowa court rules in accordance with section 2.42. However, the legislative services agency may publish supplements in lieu of the Iowa court rules. The ~~administrative code editor~~ legislative services agency shall provide for arrangement of the Iowa court rules in consultation with the Iowa supreme court.

Sec. 14. Section 2B.13, subsection 7, Code 2019, is amended by striking the subsection.

Sec. 15. Section 2B.17, subsection 1, Code 2019, is amended to read as follows:

1. ~~An official~~ A legal publication designated as such official by the legislative services agency as provided in sections 2.42 and 2A.1, is the authoritative and official and authoritative electronic or print version of the statutes, administrative rules, or court rules of the state of Iowa.

Sec. 16. Section 2B.17, subsection 2, paragraphs a and d, Code 2019, are amended to read as follows:

a. The codified ~~version of the state's~~ state constitution shall be known as the Constitution of the State of Iowa.

d. For court rules, the official ~~version of the~~ legal publication shall be known as the Iowa Court Rules.

Sec. 17. NEW SECTION. **2B.17A Official legal publications — publication dates.**

1. An edition of an official legal publication becomes

effective on its publication date. A publication date is the date that an edition of a legal publication is conclusively presumed to be complete, incorporating all revisions or editorial changes. Nothing in this section affects an effective date of a codified or uncodified provision of law, including but not limited to as provided in Article III, section 26, of the Constitution of the State of Iowa, or section 3.7.

2. If not otherwise established by statute or a policy of the legislative council pursuant to section 2.42, the legislative services agency shall establish a publication date for each edition of a print or electronic version of an official legal publication as cited in section 2B.17. The publication date may be based on the date that the edition of an official legal publication is first made available to the public accessing the general assembly's internet site. The publication date may also be the first date that an edition of a print version of an official legal publication is first made available for public distribution. If the legislative services agency does not provide a publication date for the Iowa Code, the publication date shall be the first day of the next regular session of the general assembly convened pursuant to Article III, section 2, of the Constitution of the State of Iowa. Otherwise, the legislative services agency shall provide public notice of a publication date for each edition of an official legal publication on the general assembly's internet site.

3. A legal publication designated by the legislative services agency as unofficial shall not be used to establish a publication date for an official legal publication.

Sec. 18. Section 2B.18, subsection 2, Code 2019, is amended to read as follows:

2. The administrative code editor is the custodian of the official legal publications known as the Iowa administrative bulletin, and the Iowa administrative code, ~~and the Iowa court rules~~. The administrative code editor may attest to and authenticate any portion of such official legal publication for purposes of admitting a portion of the official legal publication in any court or office of any state, territory, or possession of the United States or in a foreign jurisdiction.

Sec. 19. Section 2B.18, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The legislative services agency, upon direction by the Iowa supreme court and in accordance with the policies of the legislative council pursuant to section 2.42 and the legislative services agency pursuant to section 2A.1, shall provide a process to attest to and authenticate any portion of Iowa court rules.

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LINDA UPMEYER  
Speaker of the House

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CHARLES SCHNEIDER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 743, Eighty-eighth General Assembly.

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CARMINE BOAL  
Chief Clerk of the House

Approved \_\_\_\_\_, 2019

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KIM REYNOLDS  
Governor