

FIRST REGULAR SESSION

SENATE BILL NO. 478

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAMPING.

Read 1st time February 28, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1950S.011

AN ACT

To amend chapter 493, RSMo, by adding thereto nine new sections relating to the electronic publication of official legal material.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 493, RSMo, is amended by adding thereto nine new sections, to be known as sections 493.150, 493.155, 493.160, 493.165, 493.170, 493.175, 493.180, 493.185, and 493.190, to read as follows:

493.150. Sections 493.150 to 493.180 may be cited as the "Uniform Electronic Legal Material Act".

493.155. As used in sections 493.150 to 495.190, the following words and phrases shall mean:

- (1) "Electronic", relating to technology having electrical, digital magnetic, wireless, optical, electromagnetic, or similar capabilities;**
- (2) "Legal material", whether or not in effect:**
 - (a) The Constitution of the State of Missouri;**
 - (b) The revised statutes of Missouri;**
 - (c) The Missouri session laws;**
 - (d) A state agency rule that has or had the effect of law;**
 - (e) The Missouri code of state regulations;**
 - (f) Reported decisions from the Missouri supreme, appellate, and circuit courts; and**
 - (g) State court rules;**
- (3) "Official publisher":**
 - (a) For the Constitution of the State of Missouri, the revisor of statutes;**
 - (b) For the Missouri session laws, the revisor of statutes;**
 - (c) For the revised statutes of Missouri, the revisor of statutes;**

19 (d) For a rule published in the Missouri code of state regulations,
20 the secretary of state;

21 (e) For a rule not published in the Missouri code of state
22 regulations, the state agency adopting the rule;

23 (4) "Publish", to display, present, or release to the public, or
24 cause to be displayed, presented, or released to the public, by the
25 official publisher;

26 (5) "Record", information that is inscribed on a tangible medium
27 or that is stored in an electronic or other medium and is retrievable in
28 perceivable form;

29 (6) "State", a state of the United States, the District of Columbia,
30 Puerto Rico, the United States Virgin Islands, or any territory or
31 insular possession subject to the jurisdiction of the United States.

493.160. Sections 493.150 to 493.190 shall apply to all legal
2 material in an electronic record that is designated as official under
3 section 493.155 and first published electronically on or after August 28,
4 2013.

493.165. 1. If an official publisher publishes legal material only
2 in an electronic record, the publisher shall:

3 (1) Designate the electronic record as official; and

4 (2) Comply with sections 493.170, 493.180, and 493.185.

5 2. An official publisher that publishes legal material in an
6 electronic record and also publishes the material in a record other than
7 electronic record may designate the electronic record as official if the
8 publisher complies with sections 493.170, 493.180, and 493.185.

493.170. An official publisher of legal material in an electronic
2 record that is designated as official under section 493.165 shall
3 authenticate the record. To authenticate an electronic record, the
4 publisher shall provide a method for a user to determine that the
5 record received by the user from the publisher is unaltered from the
6 official record published by the publisher.

493.175. 1. Legal material in an electronic record that is
2 authenticated under section 493.170 is presumed to be an accurate copy
3 of the legal material.

2. If another state has adopted a law substantially similar to
5 sections 493.150 to 493.190, legal material in an electronic record that
6 is designated as official and authenticated by the official publisher in

7 that state is presumed to be an accurate copy of the legal material.

8 **3. A party contesting the authentication of legal material in an**
9 **electronic record authenticated under section 493.170 has the burden**
10 **of proving by a preponderance of the evidence that the record is not**
11 **authentic.**

493.180. 1. An official publisher of legal material in an electronic
2 **record that is or was designated as official under section 493.170 shall**
3 **provide for the preservation and security of the record in an electronic**
4 **form or a form that is not electronic.**

5 **2. If legal material is preserved under section 493.165 in an**
6 **electronic record, the official publisher shall:**

- 7 **(1) Ensure the integrity of the record;**
8 **(2) Provide for backup and disaster recovery of the record; and**
9 **(3) Ensure the continuing usability of the material.**

493.185. An official publisher of legal material in an electronic
2 **record that is required to be preserved under section 493.180 shall**
3 **ensure that the material is reasonably available for use by the public**
4 **on a permanent basis.**

493.190. In implementing sections 493.150 to 493.190, an official
2 **publisher of legal material in an electronic record shall consider:**

- 3 **(1) Standards and practices of other jurisdictions;**
4 **(2) The most recent standards regarding authentication of,**
5 **preservation and security of, and public access to, legal material in an**
6 **electronic record and other electronic records, as promulgated by**
7 **national standard setting bodies;**
8 **(3) The needs of users of legal material in an electronic record;**
9 **(4) The views of governmental officials and entities and other**
10 **interested persons; and**
11 **(5) To the extent practicable methods and technologies for the**
12 **authentication of, preservation and security of, and public access to,**
13 **legal material which are compatible with the methods and technologies**
14 **used by other official publishers in this state and in other states that**
15 **have adopted a law substantially similar to sections 493.150 to 493.190.**

✓