

By: Thompson of Harris

H.B. No. 1799

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of the Uniform Electronic Legal Material Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2051, Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. UNIFORM ELECTRONIC LEGAL MATERIAL ACT

Sec. 2051.151. SHORT TITLE. This subchapter may be cited as the Uniform Electronic Legal Material Act.

Sec. 2051.152. DEFINITIONS. In this subchapter:

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

(2) "Legal material" means, whether or not in effect:

(A) the constitution and statutes of this state;

(B) the general or special laws passed in a regular or special session of the Texas Legislature; and

(C) a state agency rule adopted in accordance with Chapter 2001.

(3) "Official publisher" means the Texas Legislative Council.

(4) "Publish" means displaying, presenting, or releasing to the public, or causing to be displayed, presented, or released to the public, legal material by the official publisher.

1           (5) "Record" means information that is inscribed on a  
2 tangible medium or that is stored in an electronic or other medium  
3 and is retrievable in perceivable form.

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

8           Sec. 2051.153. APPLICABILITY. This subchapter applies to  
9 all legal material in an electronic record that is:

10           (1) designated as official by the official publisher  
11 under Section 2051.154; and

12           (2) first published electronically by the official  
13 publisher on or after January 1, 2017.

14           Sec. 2051.154. LEGAL MATERIAL IN OFFICIAL ELECTRONIC  
15 RECORD. (a) If the official publisher publishes legal material  
16 only in an electronic record, the official publisher shall:

17           (1) designate the electronic record as official; and

18           (2) comply with Sections 2051.155, 2051.157, and  
19 2051.158.

20           (b) If the official publisher publishes legal material in an  
21 electronic record and also publishes the material in a record other  
22 than an electronic record, the official publisher may designate the  
23 electronic record as official if the official publisher complies  
24 with Sections 2051.155, 2051.157, and 2051.158.

25           Sec. 2051.155. AUTHENTICATION OF OFFICIAL ELECTRONIC  
26 RECORD. (a) If the official publisher designates an electronic  
27 record as official in accordance with Section 2051.154, the

1 official publisher shall authenticate the record.

2 (b) The official publisher authenticates an electronic  
3 record by providing a method with which a person viewing the  
4 electronic record is able to determine that the electronic record  
5 is unaltered from the official record published by the official  
6 publisher.

7 Sec. 2051.156. EFFECT OF AUTHENTICATION. (a) Legal  
8 material in an electronic record that is authenticated as provided  
9 by Section 2051.155 is presumed to be an accurate copy of the legal  
10 material.

11 (b) If another state has adopted a law that is substantially  
12 similar to this subchapter, legal material in an electronic record  
13 that is authenticated in that state is presumed to be an accurate  
14 copy of the legal material.

15 (c) A party contesting the authenticity of legal material in  
16 an electronic record authenticated as provided by Section 2051.155  
17 has the burden of proving by a preponderance of the evidence that  
18 the record is not authentic.

19 Sec. 2051.157. PRESERVATION AND SECURITY OF LEGAL MATERIAL  
20 IN OFFICIAL ELECTRONIC RECORD. (a) The official publisher of legal  
21 material in an electronic record designated as official in  
22 accordance with Section 2051.154 shall provide for the preservation  
23 and security of the record in an electronic form or in a form that is  
24 not electronic.

25 (b) If legal material is preserved under Subsection (a) in  
26 an electronic record, the official publisher shall:

27 (1) ensure the integrity of the record;

1           (2) provide for backup and disaster recovery of the  
2 record; and

3           (3) ensure the continuing usability of the legal  
4 material in the record.

5           Sec. 2051.158. PUBLIC ACCESS. The official publisher of  
6 legal material in an electronic record that is required to be  
7 preserved under Section 2051.157 shall ensure that the material is  
8 reasonably available for use by the public on a permanent basis.

9           Sec. 2051.159. STANDARDS. In implementing this subchapter,  
10 the official publisher of legal material in an electronic record  
11 shall consider:

12           (1) the standards and practices of other  
13 jurisdictions;

14           (2) the most recent standards regarding  
15 authentication, preservation, and security of and public access to  
16 legal material in an electronic record and other electronic  
17 records, as adopted by national standard-setting bodies;

18           (3) the needs of users of legal material in electronic  
19 records;

20           (4) the views of governmental officials and entities  
21 and other interested persons; and

22           (5) to the extent practicable, the methods and  
23 technologies for the authentication, preservation, and security of  
24 and public access to legal material that are compatible with the  
25 methods and technologies used by official publishers in other  
26 states that have adopted a law that is substantially similar to this  
27 subchapter.

1       Sec. 2051.160. UNIFORMITY OF APPLICATION AND CONSTRUCTION.

2   In applying and construing this subchapter, consideration must be  
3   given to the need to promote uniformity of the law with respect to  
4   the subject matter of this subchapter among the states that enact a  
5   law similar to this subchapter.

6       Sec. 2051.161. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL  
7   AND NATIONAL COMMERCE ACT. This subchapter modifies, limits, and  
8   supersedes the federal Electronic Signatures in Global and National  
9   Commerce Act (15 U.S.C. Section 7001 et seq.) but does not modify,  
10   limit, or supersede Section 101(c) of that Act (15 U.S.C. Section  
11   7001(c)) or authorize electronic delivery of any of the notices  
12   described in Section 103(b) of that Act (15 U.S.C. Section  
13   7003(b)).

14       SECTION 2. This Act takes effect September 1, 2015.