TITLE 60
PUBLIC PRINTING AND OFFICIAL NOTICES

CHAPTER 3
UNIFORM ELECTRONIC LEGAL MATERIAL ACT

60-301. SHORT TITLE. This act may be cited as the "Uniform Electronic Legal Material Act."

[60-301, added 2014, ch. 278, sec. 1, p. 702.]

60-302. DEFINITIONS. In this act:

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

(2) "Legal material" means:

(a) The constitution of the state of Idaho;

(b) The general laws of the state of Idaho, also known as the session laws;

(c) The Idaho code;

(d) The Idaho administrative code and the Idaho administrative bulletin;

(e) Reported decisions of the following state courts: the Idaho supreme court and the court of appeals; or

(f) Idaho court rules.

(3) "Official publisher" means:

(a) For the constitution of the state of Idaho, the secretary of state;

(b) For the general laws of the state of Idaho, the secretary of state;

(c) For the Idaho code, the Idaho code commission;

(d) For a rule published in the Idaho administrative code, the administrative rules coordinator;

(e) For a rule published in the Idaho administrative bulletin, the administrative rules coordinator;

(f) For a state court decision included under subsection (2)(e) of this section, the clerk of the supreme court (ex officio reporter);

(g) For Idaho court rules, the Idaho code commission.

(4) "Publish" means to display, present or release to the public, or cause to be displayed, presented, or released to the public, by the official publisher.

(5) "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.

(6) "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.

[60-302, added 2014, ch. 278, sec. 1, p. 702.]

60-303. APPLICABILITY. (1) This act applies to all legal material in an electronic record that is designated as official under section 60-304, Idaho Code, and first published electronically on or after July 1, 2015.

(2) This act applies to the following legal material in an official electronic record that was first published before July 1, 2015:

(a) The Idaho administrative code for the years 2010, 2011, 2012, 2013 and 2014.

(b) The Idaho administrative bulletin for the years 2010, 2011, 2012, 2013 and 2014.

[60-303, added 2014, ch. 278, sec. 1, p. 703.]

60-304. LEGAL MATERIAL IN OFFICIAL ELECTRONIC RECORD. (1) If an official publisher publishes legal material only in an electronic record, the publisher shall:

(a) Designate the electronic record as official; and

(b) Comply with sections 60-305, 60-307 and 60-308, Idaho Code.

(2) An official publisher that publishes legal material in an electronic record and also publishes the material in a record other than an electronic record may designate the electronic record as official if the publisher complies with sections 60-305, 60-307 and 60-308, Idaho Code.

[60-304, added 2014, ch. 278, sec. 1, p. 703.]

60-305. AUTHENTICATION OF OFFICIAL ELECTRONIC RECORD. An official publisher of legal material in an electronic record that is designated as official under section 60-304, Idaho Code, shall authenticate the record. To authenticate an electronic record, the publisher shall provide a method for a user to determine that the record received by the user from the publisher is unaltered from the official record published by the publisher.

[60-305, added 2014, ch. 278, sec. 1, p. 703.]

60-306. EFFECT OF AUTHENTICATION. (1) Legal material in an electronic record that is authenticated under section 60-305, Idaho Code, is presumed to be an accurate copy of the legal material.

(2) If another state has adopted a law substantially similar to this act, 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 60-305, Idaho Code, has the burden of proving by a preponderance of the evidence that the record is not authentic.

[60-306, added 2014, ch. 278, sec. 1, p. 703.]

60-307. PRESERVATION AND SECURITY OF LEGAL MATERIAL IN OFFICIAL ELECTRONIC RECORD. (1) An official publisher of legal material in an electronic record that is or was designated as official under section 60-304, Idaho Code, 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) of this section 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.

[60-307, added 2014, ch. 278, sec. 1, p. 704.]

60-308. PUBLIC ACCESS TO LEGAL MATERIAL IN OFFICIAL ELECTRONIC RECORD. An official publisher of legal material in an electronic record that is required to be preserved under section 60-307, Idaho Code, shall ensure that the material is reasonably available for use by the public on a permanent basis.

[60-308, added 2014, ch. 278, sec. 1, p. 704.]

60-309. STANDARDS. In implementing this act, an official publisher of legal material in an electronic record 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, methods and technologies for the authentication of, preservation and security of, and public access to, legal material that are compatible with the methods and technologies used by other official publishers in this state and in other states that have adopted a law substantially similar to this act.

[60-309, added 2014, ch. 278, sec. 1, p. 704.]

60-310. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform 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.

[60-310, added 2014, ch. 278, sec. 1, p. 704.]

60-311. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This act modifies, limits and 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).

[60-311, added 2014, ch. 278, sec. 1, p. 704.]