

**Brief Report from NCCUSL Annual Meeting:
Consideration of Draft Uniform
Authentication and Preservation of State Electronic Legal Materials Act**

July 15, 2010

The first reading of the draft uniform Authentication and Preservation of State Electronic Legal Materials Act (APSELM) was presented to the Committee of the Whole of the NCCUSL on Thursday, July 15, 2010. Numerous comments and questions were received from Commissioners, with the main points raised described below. After this first reading and debate, the report of the drafting committee, including the draft act, was accepted by the Conference and the Drafting Committee was requested to meet again and consider the comments and questions. The reception of the draft act by the Conference was considered quite positive by experienced Commissioners.

The main outcomes of the Commissioners' debates included: a request for clarification of the relationship between the state's official publishers and commercial publishers; a desire by Commissioners to include "free access" to preserved, historical materials as an option; and a need to explain better the Drafting Committee's intentions regarding the effective date of the act. One commissioner was concerned that the draft act was completely technology-neutral and that, without articulating more standards, the states would have widely varying technologies and outcomes. Significant discussion followed this comment, with members of the Drafting Committee responding that technology-neutral was a goal and that it was not appropriate for NCCUSL to specify a technology. Section 8 of the draft act was pointed out, with some discussion of whether the efforts of various organizations attempting to draft standards were far enough along to be useful to the Drafting Committee. The Drafting Committee agreed to explore and explain specific technologies more thoroughly, perhaps in a Committee "white paper."

The NCCUSL meetings seem to feature a fluid agenda. The draft APSELM was scheduled for readings on Thursday afternoon and Friday, but Conference leadership decided to end the entire meeting on Thursday so the remaining schedule was completely rearranged Thursday morning. The APSELM reading was concluded before 1 p.m. on Thursday. The next meeting of the APSELM Drafting Committee will be November 19-21, 2010, in Washington, D.C., where the comments from the Committee of the Whole will be considered and the draft and its comments will be revised in anticipation of the second reading (and, hopefully, passage by the Conference) next summer.

Barbara A. Bintliff, Reporter