DATE: March 5, 2015

BILL: SB 611 (State Government - Maryland Uniform Electronic Legal Materials Act)

COMMITTEE: Health and Government Operations

POSITION: Support SB 611

SUBMITTED BY: Steven P. Anderson
Immediate Past President
American Association of Law Libraries

Chairman Zirkin, Vice Chair Gladden, and members of the committee:

I am Steve Anderson, the Immediate Past President of the American Association of Law Libraries (AALL). On behalf of AALL, I would like to thank you for the opportunity to testify in support of SB 611, the Maryland Uniform Electronic Legal Materials Act (UELMA). AALL strongly urges the Committee to approve SB 611. UELMA will ensure that Maryland’s online legal materials deemed official will be authenticated, preserved and made permanently available to the public, thereby guaranteeing the same level of trustworthiness that print provides today.

AALL is a nonprofit educational organization which represents approximately 5,000 law librarians who serve the information needs of the legal community and the public at academic, firm, state, court and county law libraries. AALL’s mission is to promote and enhance the value of law libraries, to foster law librarianship and to provide leadership and advocacy in the field of legal information and information policy.

UELMA addresses the urgent problem, first identified in AALL’s 2007 State-by-State Report on Authentication of Online Legal Resources, that many state governments are eliminating their print legal resources in favor of online-only, without assuring trustworthiness and reliability. Law libraries pride themselves on their ability to provide accurate and authentic legal information to their customers. Years ago, one could assume that a requested primary legal resource in book format was exactly what it purported to be—the container of the law itself. The digital world, in spite of its ubiquity and accessibility, stands that traditional notion on its head. How do we really know that a posted online text has not been altered? And a hundred years from now, how will we know what the law was in 2015? As we move into the reality of digital publishing, these are the questions that law librarians, the stewards of legal information, must have answered.

Fortunately, UELMA provides an outcomes-based and technology-neutral approach to ensuring that Maryland’s online legal materials are guaranteed the same level of trustworthiness traditionally provided by print publication. This flexibility allows the state to determine which technologies best meet Maryland’s needs and budget. Reports by the California Office of Legislative Counsel and the Minnesota Office of the Revisor of Statutes provide details on technological options, such as digital signatures and hash values, which meet the act’s requirements. UELMA has already been adopted by twelve states, including Pennsylvania and Delaware.

AALL strongly urges you to support SB 611. Thank you very much for your consideration of this important matter. I am happy to answer any questions that the committee might have.
I support SB 611, the Maryland Uniform Electronic Materials Act. I strongly urge the Committee to approve HB611 with a favorable report.

SB611, or UELMA, will ensure that online legal material is guaranteed the same level of trustworthiness traditionally provided by print publications.

As a law librarian, I am concerned with access to both current and historic Maryland legal material. If you were to visit a Maryland law library, you would find the code of Maryland in print. It is easy for me provide access by placing the books on a shelf. It is relatively easy for me to preserve the laws of the past by keeping the older volumes. It is easy for someone using the book to tell that they are looking at the correct text by inspecting the title page and comparing the book to the other books in the set.

I don’t have the ability to take care of an electronic publication in the same way I can a book. UELMA will make sure that should the publisher decide to provide access to an online version only, it will be accessible to the public, provisions will be made on an ongoing basis for the preservation of the material and there will be a way to determine trustworthiness.

It is important that measures are taken for online legal materials to be accessible at the time of publication and in the future. This means ensuring that technology doesn’t make formats obsolete and inaccessible. We only have to look to the 5 ¼ inch floppy disk, the 3 ½ floppy disk, or even CD-ROMs. So many
changes can affect the ability to use technology. I just received a book containing the 1860 laws of Maryland printed in 1860. It still works.

UELMA will make it so this will be true for electronic online materials, too. UELMA provides for a technology-neutral, outcomes-based approach that will ensure that online state legal material deemed official will be preserved and made permanently available to the public in unaltered form. This approach will give Maryland flexibility when determining methods for complying with UELMA now and in the future.

We may not really have a problem with access, preservation and authentication in Maryland now. However, if we wait until we do, it could be too late. Maryland has had some near misses in this area recently. A few years ago it was proposed to publish COMAR online only without provisions for permanent public access and authentication. Luckily the proposal was tabled. It is important to have the requirements for electronic only publication in place so that these issues are addressed correctly from the beginning.

I strongly urge you to support SB611.

Submitted by,

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My name is John Venditta. I am President of the Maryland Library Association and Director of the Eastern Shore Regional Library. I thank you for the opportunity to testify in support of SB 611, the Uniform Electronic Legal Materials Act, or UELMA.

The Maryland Library Association strongly urges the Committee to approve UELMA. It will ensure that Maryland’s online legal materials, that have been deemed official, will be preserved and made permanently available to the public in unaltered form.

Why is this law necessary? UELMA is the people’s insurance that if the official print version of a legal source, like the Maryland Code, is replaced with online-only access, then the online version will be as reliable as any printed material. If a patron asks for information on how to file a lawsuit, defend themselves against foreclosure, or adopt a child, we as librarians will know that the online sources we direct them to use are as trustworthy as the books.

You may think that Maryland does not need UELMA but just a few years ago the Division of State Documents proposed only offering online access to Maryland Register with only a select number of back issues available. If that had happened, once the old back issues were removed from their web site, there would no longer be any official record of proposed and adopted rules. If UELMA was in effect, then the Division of State Documents proposal would have looked very different. All previous issues would be available online and those sources would be guaranteed to be authentic.
The Maryland Library Association urges the Committee to report favorably on this uniform act. Thank you for your consideration. I would be pleased to answer any questions you have.

Submitted by,

John Venditta
President of the Maryland Library Association
My name is Mary Jo Lazun and I am here representing the Law Library Association of Maryland. Our members work in law firms, law schools, and court libraries throughout the state. We are here to urge the adoption of the Uniform Electronic Legal Materials Act (UELMA).

I think we can all agree that access to law—be it codes, regulations, court rules and legal opinions—is required by society. It is why libraries, and law libraries in particular, are key components of our democracy. We provide access to law and access to justice.

We can also agree that there must be a means to know what the official version of the law is. Without clarity of law, our democratic system would quickly unravel.

Finally, we can also agree we that live in a time when we have come to rely on electronic forms of legal information.

How many of you have used the online versions of the Maryland Code or COMAR rather than the books to check on a statute or regulation? How were you sure that that version was accurate? How do you know you looking at the current version of the code? Maybe you needed a previous version; how did you know it was authentic?

This is why UELMA is so important. When legal materials are available online, it is critical that there is a means for everyone—citizens, legislators, attorneys, judges, and law librarians like me—to know that the electronic version is accurate.

That is what UELMA does. If the publisher deems the online version of a legal source to be official, then under UELMA, the government has the duty to
provide for its access, authentication, and preservation. Access means that online material is widely available. Authentication is the assurance that the legal materials are accurate, and preservation is safeguarding the availability of superseded versions.

You may ask why we need this legislation. One very good reason is that many state governments have moved to online publication of legal information, often as a cost-savings measure.\footnote{Alaska, Indiana, Maryland, Michigan, Minnesota, New Mexico, New York, Tennessee, Utah, and Virginia. See American Association of Law Libraries. (2007), State-by-State Report on} Moreover, in some cases, print publications are being eliminated altogether.\footnote{Alaska, Indiana, Maryland, Michigan, Minnesota, New Mexico, New York, Tennessee, Utah, and Virginia. See American Association of Law Libraries. (2007), State-by-State Report on} In most states, online versions have become de facto official versions without provision for authentication or preservation. As we come to rely on web versions of legal materials, it is critical that we can be assured that the online information is authentic and preserved.

This trend has already taken place in Maryland. By statute, the Department of Legislative Services is required to maintain a statutory database comprising the public general laws, and the Division of State Documents is required to provide free online versions of COMAR and the Maryland Register.\footnote{Alaska, Indiana, Maryland, Michigan, Minnesota, New Mexico, New York, Tennessee, Utah, and Virginia. See American Association of Law Libraries. (2007), State-by-State Report on} They are de facto official versions yet, there is no statutory provision requiring the online versions of these sources to be authenticated or preserved.\footnote{Alaska, Indiana, Maryland, Michigan, Minnesota, New Mexico, New York, Tennessee, Utah, and Virginia. See American Association of Law Libraries. (2007), State-by-State Report on}

At the Maryland State Law Library, where I work, you can find books containing the original Maryland Code from 1860 and its successors. These books are used every day. As we move toward online access, I need you to make sure that the laws you pass this year, and in the decades to follow, are as easy to find as those from the previous centuries. UELMA is the people’s insurance policy that the law in the digital age will accessible, authenticated, and preserved.

You now have the opportunity to ensure that your hard work, the laws you pass, the regulations you authorize, and the court decisions you analyze, will always be available regardless of the format. Please return a favorable vote on Senate Bill 611.

Submitted by:

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\footnote{Alaska, Indiana, Maryland, Michigan, Minnesota, New Mexico, New York, Tennessee, Utah, and Virginia. See American Association of Law Libraries. (2007), State-by-State Report on}


3 In Maryland, The Department of Legislative Services is required to “maintain, in the form of a statutory database, a code comprising the public general laws of the State.” Md. Code Ann., State Gov’t § 2-1243(c) and “The Division shall make available to the public, at no cost, direct online searching of: (1) the Code of Maryland Regulations (COMAR); (2) the Maryland Register; and (3) any other material the Division determines to be in the public interest.

4 UEMLA requirements would not apply unless the official publisher wishes. “If an official publisher publishes legal material only in an electronic record, the official publisher must designate the electronic record as official. If an official publisher publishes legal material in an electronic record and in a record other than an electronic record, the publisher may designate the electronic record as official.” Fiscal and Policy Note, House Bill 162, 2015 Session. Emphasis added.