

1 **SENATE FLOOR VERSION**

2 April 22, 2025

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 2258

6 By: Miller of the House

7 and

8 Daniels of the Senate

9 [statutes and reports - Uniform Electronic Legal
10 Material Act - publishers - designation -
11 authentication of legal materials - presumption -
12 burden of proof - requirements for preservation of
13 materials - public access - uniformity - codification
14 - effective date]

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 31.1 of Title 75, unless there
18 is created a duplication in numbering, reads as follows:

19 This act shall be known and may be cited as the "Uniform
20 Electronic Legal Material Act".

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 31.2 of Title 75, unless there
23 is created a duplication in numbering, reads as follows:

24 As used in this act:

1 1. "Electronic" means relating to technology having electrical,
2 digital, magnetic, wireless, optical, electromagnetic, or similar
3 capabilities;

4 2. "Legal material" means, whether or not in effect:

5 a. the Oklahoma Session Laws,

6 b. the Oklahoma Statutes,

7 c. the Oklahoma Administrative Code,

8 d. the Oklahoma Register,

9 e. a state agency rule that has or had the effect of law,

10 or

11 f. the following categories of state administrative
12 agency decisions:

13 (1) precedential decisions of the Oklahoma Tax
14 Commission,

15 (2) precedential decisions of the Oklahoma
16 Corporation Commission,

17 (3) precedential decisions of any other agency,
18 board, commission, department or other entity of
19 state government, **or**

20 **g.** official opinions of the Attorney General;

21 3. "Official publisher" means:

22 a. for the Constitution of the State of Oklahoma, the
23 Oklahoma Secretary of State,
24

- 1 b. for the Oklahoma Session Laws, the Oklahoma Secretary
2 of State,
3 c. for the Oklahoma Administrative Code, the Office of
4 Administrative Rules within the Office of the Oklahoma
5 Secretary of State,
6 d. for the precedential decisions of the Oklahoma Tax
7 Commission, the Oklahoma Tax Commission, and
8 e. for the precedential decisions of the Oklahoma
9 Corporation Commission, the Oklahoma Corporation
10 Commission;

11 4. "Publish" means to display, present, or release to the
12 public, or cause to be displayed, presented, or released to the
13 public, by the official publisher;

14 5. "Record" means information that is inscribed on a tangible
15 medium or that is stored in an electronic or other medium and is
16 retrievable in perceivable form; and

17 6. "State" means a state of the United States, the District of
18 Columbia, Puerto Rico, the United States Virgin Islands, or any
19 territory or insular possession subject to the jurisdiction of the
20 United States.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 31.3 of Title 75, unless there
23 is created a duplication in numbering, reads as follows:
24

1 This act applies to all legal material in an electronic record
2 that is designated as official under Section 4 of this act and first
3 published electronically on or after the effective date of this act.

4 SECTION 4. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 31.4 of Title 75, unless there
6 is created a duplication in numbering, reads as follows:

7 A. If an official publisher publishes legal material only in an
8 electronic record, the publisher shall:

- 9 1. Designate the electronic record as official; and
- 10 2. Comply with Sections 5, 7, and 8 of this act.

11 B. An official publisher that publishes legal material in an
12 electronic record and also publishes the material in a record other
13 than an electronic record may designate the electronic record as
14 official if the publisher complies with Sections 5, 7, and 8 of this
15 act.

16 SECTION 5. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 31.5 of Title 75, unless there
18 is created a duplication in numbering, reads as follows:

19 An official publisher of legal material in an electronic record
20 that is designated as official under Section 4 of this act shall
21 authenticate the record. To authenticate an electronic record, the
22 publisher shall provide a method for a user to determine that the
23 record received by the user from the publisher is unaltered from the
24 official record published by the publisher.

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 31.6 of Title 75, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Legal material in an electronic record that is authenticated
5 under Section 5 of this act is presumed to be an accurate copy of
6 the legal material.

7 B. If another state has adopted a law substantially similar to
8 this act, legal material in an electronic record that is designated
9 as official and authenticated by the official publisher in that
10 state is presumed to be an accurate copy of the legal material.

11 C. A party contesting the authentication of legal material in
12 an electronic record authenticated under Section 5 of this act has
13 the burden of proving by a preponderance of the evidence that the
14 record is not authentic.

15 SECTION 7. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 31.7 of Title 75, unless there
17 is created a duplication in numbering, reads as follows:

18 A. An official publisher of legal material in an electronic
19 record that is or was designated as official under Section 4 of this
20 act shall provide for the preservation and security of the record in
21 an electronic form or a form that is not electronic.

22 B. If legal material is preserved under subsection A of this
23 section in an electronic record, the official publisher shall:

24 1. Ensure the integrity of the record;

2. Provide for backup and disaster recovery of the record; and
3. Ensure the continuing usability of the material.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 31.8 of Title 75, unless there is created a duplication in numbering, reads as follows:

An official publisher of legal material in an electronic record that is required to be preserved under Section 7 of this act shall ensure that the material is reasonably available for use by the public on a permanent basis.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 31.9 of Title 75, unless there is created a duplication in numbering, reads as follows:

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

1 5. To the extent practicable, methods and technologies for the
2 authentication of, preservation and security of, and public access
3 to, legal material which are compatible with the methods and
4 technologies used by other official publishers in this state and in
5 other states that have adopted a law substantially similar to this
6 act.

7 SECTION 10. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 31.10 of Title 75, unless there
9 is created a duplication in numbering, reads as follows:

10 In applying and construing this uniform act, consideration must
11 be given to the need to promote uniformity of the law with respect
12 to its subject matter among states that enact it.

13 SECTION 11. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 31.11 of Title 75, unless there
15 is created a duplication in numbering, reads as follows:

16 This act modifies, limits, and supersedes the Electronic
17 Signatures in Global and National Commerce Act, 15 U.S.C., Section
18 7001 et seq., but does not modify, limit, or supersede Section
19 101(c) of that act, 15 U.S.C., Section 7001(c), or authorize
20 electronic delivery of any of the notices described in Section
21 103(b) of that act, 15 U.S.C., Section 7003(b).

22 SECTION 12. This act shall become effective January 1, 2026.

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
24 April 22, 2025 - DO PASS AS AMENDED