

Agenda for Maryland Library Day
February 18, 2015

- 8:00 AM Continental breakfast (compliments of the law Library Association of Maryland), briefing packets and candy giveaway will be available for pickup in the Anne Arundel County Circuit Court Library (enter from Church Circle). The legislative panel will brief us on general talking points to keep in mind as visits are planned. The law library will be available to us all day if anyone would like a place to sit down and take a break.
- 9:15 AM Proceed to State House for Senate presentation followed by House presentation. We will split up with a group going to House Balcony and a group going to Senate Balcony

Present on House floor:

John Venditta, MLA President
Irene Padilla, State Librarian

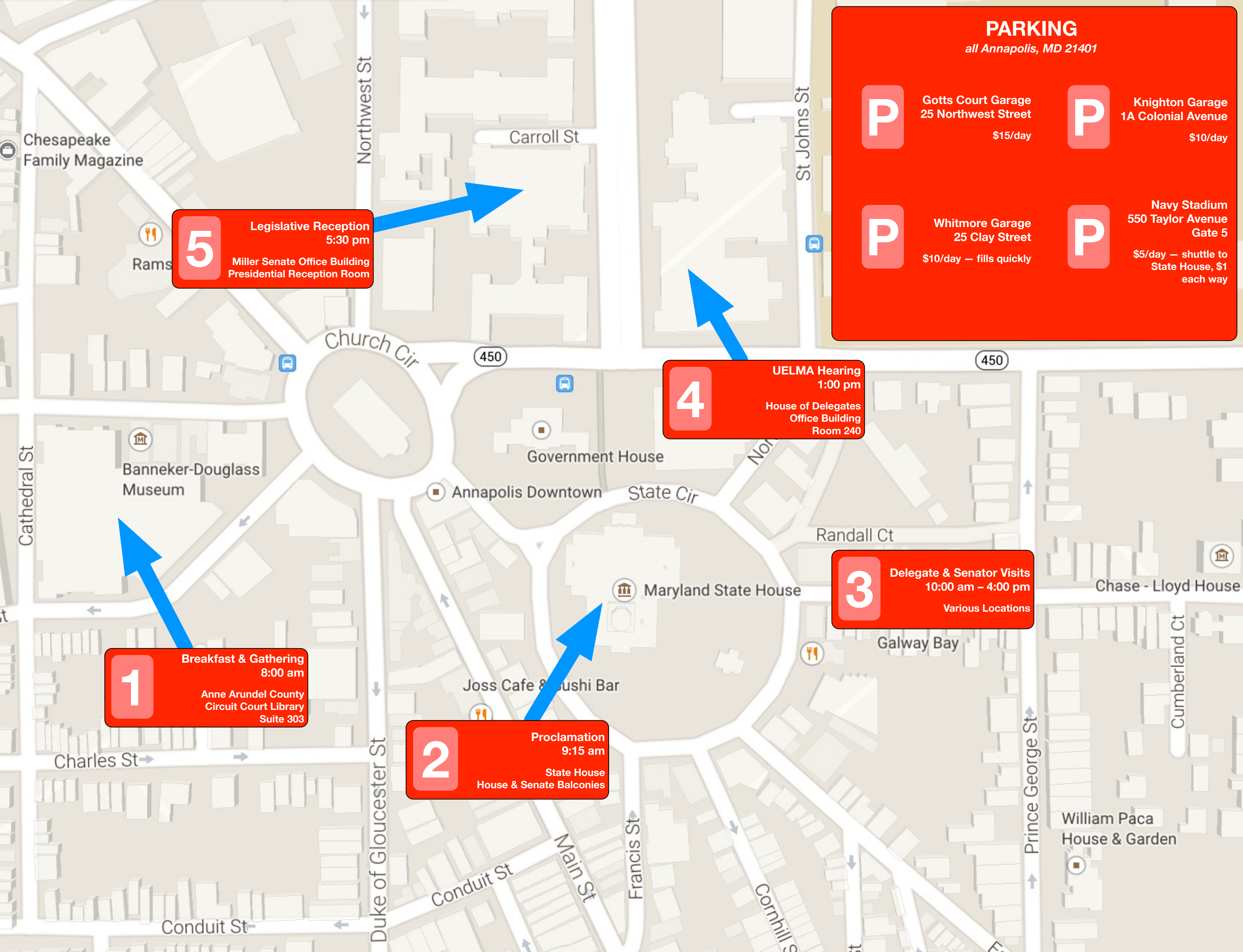
Present on Senate floor:

John Venditta, MLA President
Irene Padilla, State Librarian
Jay Bansbach, MSDE School Libraries/MASL
Jim Rettig, CALD

At conclusion, participants are free to go to lunch and make delegation visits. (There are a number of restaurants on Main Street, Maryland Avenue, West Street and Reynolds Tavern on Church Circle.)

- 5:30 PM Legislative Reception in the President's Reception room in the Senate office Building.

This is an opportunity to mix and mingle with legislators and other officials. Be on the lookout for elected officials from your district and extend greetings to them. When you make your visits to their offices, make a point of inviting them to stop by the reception. (All legislators were mailed invitations)



PARKING

all Annapolis, MD 21401



Gotts Court Garage
25 Northwest Street
\$15/day



Knighton Garage
1A Colonial Avenue
\$10/day



Whitmore Garage
25 Clay Street
\$10/day — fills quickly



Navy Stadium
550 Taylor Avenue
Gate 5
\$5/day — shuttle to
State House, \$1
each way

5

Legislative Reception
5:30 pm
Miller Senate Office Building
Presidential Reception Room

4

UELMA Hearing
1:00 pm
House of Delegates
Office Building
Room 240

3

Delegate & Senator Visits
10:00 am – 4:00 pm
Various Locations

1

Breakfast & Gathering
8:00 am
Anne Arundel County
Circuit Court Library
Suite 303

2

Proclamation
9:15 am
State House
House & Senate Balconies

Maryland Uniform Electronic Legal Materials Act

The **Maryland Uniform Electronic Legal Materials Act (UELMA)** provides online legal material with the same level of trustworthiness traditionally provided by publication in a law book. It is the People's insurance policy that official electronic legal materials be:

1. **authenticated**, by providing a method to determine that it is unaltered;
2. **preserved**, either in electronic or print form; and
3. **accessible**, for use by the public on a permanent basis.

Uniform Law Commission

UELMA is a product of The Uniform Law Commission (ULC, also known as the National Conference of Commissioners on Uniform State Laws) that was established in 1892 and provides states with non-partisan, well-conceived and well-drafted legislation that brings clarity and stability to critical areas of state statutory law.

**MORE ON UELMA at the
Uniform Law Commission**
<http://tinyurl.com/p2pdr35>

Who Supports UELMA?

The Council of State Governments approved *UELMA* as "Suggested State Legislation."

- Maryland Library Association
- Law Library Association of Maryland
- American Bar Association
- American Association of Law Librarians
- U.S. Government Printing Office
- National Archives and Records Administration
- Society of American Archivists
- National Center for State Courts
- Association of Reporters of Judicial Decisions
- ABA Standing Committee on the Law Library of Congress

For more information:

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Why States Should Adopt UELMA

Uniform Electronic Legal Material Act (UELMA)

Why States Should Adopt the Act

- The availability of government information online facilitates transparency and accountability, provides widespread access to essential information, and encourages citizen participation. The Uniform Electronic Legal Material Act (UELMA) addresses the critical need to effectively provide and manage electronic government information in a manner that guarantees trustworthiness and continued access.
- The UELMA provides for authentication, preservation, and accessibility of official electronic state legal material. The act sets forth provisions that can be efficiently followed and that will achieve the stated purposes of the act. Adoption of the UELMA will assist state governments in guaranteeing the free flow of trustworthy legal information.
- States are given discretion in deciding which categories of "legal material" will be covered by the act. Flexible language and alternative provisions allow each state to tailor the act to best meet its needs.
- The UELMA requires official publishers to consider the most recent standards for the preservation, authentication, and access to electronic legal material. The UELMA recognizes that technology will continue to change and improve, and supports collaboration among jurisdictions in choosing and implementing new technologies.
- The UELMA does not affect any relationships between an official state publisher and a commercial publisher, leaving those relationships to contract law. Copyright laws are unaffected by the act. The act does not affect the rules of evidence; judges will continue to be able to make decisions about the admissibility of electronic evidence in their courtrooms.
- The UELMA does not require specific technologies, leaving the choice of technology for authentication and preservation up to the states. Giving states the flexibility to choose any technology that meets the required outcomes allows each state to choose the best and most cost-effective method for that state.
- Adoption of the UELMA will harmonize standards for acceptance of electronic legal material across jurisdictional boundaries. If your state enacts the UELMA, the presumption that your authenticated electronic legal material is accurate applies in every other state that has enacted the UELMA. If another state enacts the UELMA, and authenticates its electronic legal material, that state's authenticated legal material is presumed to be an accurate copy for use in your state.
- Under the UELMA, each state or territory has the flexibility to choose an effective date for implementation that works best for its jurisdiction.
- The UELMA is intended to be complementary to the Uniform Commercial Code (UCC, which covers sales and many commercial transactions), the Uniform Real Property Electronic Recording Act (URPERA, which provides for electronic recording of real property instruments), and the Uniform Electronic Transactions Act (UETA, which deals with electronic commerce).

Uniform Electronic Legal Material Act
Summary and Frequently Asked Questions
(October 2014)

The *Uniform Electronic Legal Material Act* (UELMA) is a uniform law that addresses many of the concerns posed by the publication of state primary legal material online. UELMA provides a technology-neutral, outcomes-based approach to ensuring that online state legal material deemed official will be preserved and will be permanently available to the public in unaltered form. It furthers state policies of accountability and transparency in providing legal information to the public. As of October 2014, UELMA has become law in twelve states: California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Minnesota, Nevada, North Dakota, Oregon, and Pennsylvania.

Why is UELMA necessary?

Increasingly, state governments are publishing primary legal material such as state statutes, regulations, and court opinions online. Online publication is often accompanied by the decision to stop providing print copies of the legal material. Although online publication has facilitated public access, it has also raised a number of concerns about ensuring that the electronic material will be preserved in unaltered form and will be available permanently. UELMA offers a framework for providing the official legal material online with the same level of trustworthiness traditionally given by print publication.

What legal material is covered by the act?

The act applies to electronic legal material that has been designated official. Four categories of basic state legal material are specifically named in the act, including the state constitution, state session laws, codified laws, and agency regulations which have the effect of law. The state has discretion to include any other publications it desires.

What does UELMA require?

The act requires that if legal material is published only in electronic form, it must be designated official. Electronic legal material that has been designated official must be:

- *Capable of being authenticated* (the state must provide the user with a method to determine that the legal material is unaltered);
- *Preserved* (the state may choose to preserve either in electronic or print form); and
- *Permanently accessible* to the public.

If a state preserves legal material electronically, it must provide for back-up and recovery and it must ensure the integrity and continued usability of the material.

Who must implement the requirements of the act?

For each type of official legal material, the state must name the government agency or government official responsible for publishing the material as the “official publisher,” a designation that may vary from state to state and from agency to agency. The designated official publisher has the responsibility to authenticate, preserve, and provide permanent public access to the legal material.

What is meant by the term “authentication”?

Authentication is a process that gives the user of legal material an assurance of trustworthiness for that legal material. According to a study by the American Association of Law Libraries (AALL), “An

authentic text is one whose content has been verified by a government entity to be complete and unaltered when compared to the previous version approved or published by the content originator.” American Association of Law Libraries, **STATE-BY-STATE REPORT ON AUTHENTICATION OF ONLINE LEGAL RESOURCES (2007)**, http://www.aallnet.org/Documents/Government-Relations/authen_rprt/authenfinalreport.pdf

UELMA mandates that the official publisher of electronic legal information give the user of the information a way in which to authenticate the information; that is, to ensure that the information is unaltered.

What is the effect of authentication?

If electronic legal material is authenticated, it is presumed to be an accurate copy of the legal material. UELMA gives authenticated electronic legal material a presumption of accuracy similar to the presumption of accuracy given to print legal material. If your state enacts UELMA, the presumption that your authenticated electronic legal material is accurate applies in every other state that has enacted UELMA. If another state enacts UELMA, and authenticates its electronic legal material, it is presumed to be an accurate copy for use in your state. Adoption of UELMA will harmonize standards for acceptance of electronic legal material across jurisdictional boundaries.

When does the act apply?

The act applies prospectively, to official electronic legal material that is first published on or after the effective date of the act. Each state or territory has the flexibility to choose an effective date that works best for that jurisdiction. After the effective date, if an enacting state publishes official legal material online that was not previously published in electronic form, UELMA requirements apply to the newly-published official electronic material.

Are there issues not addressed by UELMA?

Yes. For instance, the act has no effect upon relationships between an official state publisher and a commercial vendor who produces the legal material, leaving such relationships to contract law. The claim of copyright in state publications is a local matter unaffected by the act. The act has no effect upon the rules of evidence; judges decide whether electronic legal material is admissible in their courtrooms.

What does the act require regarding technology standards for electronic legal material?

Rather than mandating a specific standard, the act requires that the state consider the most recent methods and best practices for preservation, authentication, and access to electronic material. By using an outcomes-based, technology-neutral approach, UELMA recognizes that technology will evolve, and the act encourages collaboration and cooperation among states in developing standards and compatible systems. For more information, see the California Office of Legislative Counsel’s white paper, “Authentication of Primary Legal Materials and Pricing Options,” http://www.mnhs.org/preserve/records/legislative/records/docs_pdfs/CA_Authentication_WhitePaper_Dec2011.pdf. For a recent paper about the Minnesota model, see “Prototype for Authentication of Official Electronic Record and Pricing” <http://www.aallnet.org/Documents/Government-Relations/UELMA/MNAuthPrototype082012.pdf>

Talking Points for Maryland Library Day 2015

1. Maryland citizens of all ages and incomes depend on their public libraries. Over 3 million Marylanders are card carrying library users (58% of our total population.)

2. Maryland's Public Libraries provide Educational Opportunity for citizens of every age.

- Children - Birth to 5 with pre-school reading preparedness classes
- Children K-12 - Maryland's Leader in Summer Learning for our Children and the research is clear: summer learning is pivotal to high school graduation. *"A high school drop-out earns an average of \$7500 less than a high school graduate-amounting to hundreds of thousands of dollars lost over a lifetime"*
- Providing STEM and Coding classes for children from pre-school to young adult
- Sustaining our workforce and communities where everyone learns throughout their careers and their lives. Providing classes and one on one assistance in job searching and resume writing

3. Maryland's Public Libraries are a force for Economic Opportunity for Maryland Small Business, Entrepreneurs, and Job Seekers

- Broadband for all with free high speed WIFI available at Maryland's Libraries aiding job searchers and consumers
- Small business resources including business plans and support from skilled business research librarians
- Workforce development and career services with free educational job searching resources and tech savvy librarians who coach and train job seekers.

4. School Libraries Transform Learning

- Schools with a strong school library program and a certified school librarian give their students the best chance to succeed.
- Certified school librarians make the whole school more effective. They teach students how to learn, and they help teachers drive student success.
- Students and teachers love, value, and use school libraries every day
- Our children's education and readiness for the workforce is in peril as school library budgets and school librarians are cut.
- Ensure excellence for every student by demanding a school library with a certified school librarian in every school.
- School librarians support the implementation of the Maryland College and Career Ready Standards by providing teachers and students much needed expertise in the acquisition and use of primary source materials and digital resources.