

PLEASE NOTE: In most BUT NOT ALL instances, the page and line numbering of bills on this web site correspond to the page and line numbering of the official printed version of the bills.

House Engrossed

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

HOUSE BILL 2187

AN ACT

AMENDING SECTIONS 35-103, 41-1335, 41-1338 AND 41-1345, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 35-103, Arizona Revised Statutes, is amended to
3 read:

4 35-103. Annual financial reports; notification; payments

5 A. All state or county officers, boards, commissions or agencies that
6 are required by law to prepare, make or publish annual reports of financial
7 condition or operations, except the industrial commission, shall,
8 notwithstanding any law to the contrary, prepare, make or publish those
9 reports within ninety days after the close of each fiscal year. The reports
10 shall disclose with respect to the fiscal year, rather than the calendar
11 year, all matters and things required by law.

12 B. State officers, boards, commissions or agencies shall deliver
13 copies of their annual reports as follows:

14 1. One copy to the secretary of state.

15 2. Sufficient copies to the Arizona state library, archives and public
16 records or its agent.

17 C. The administrative head of a state board, commission or agency who
18 fails to comply with this section shall have all compensation the
19 administrative head receives from public monies withheld until such time as
20 the administrative head complies with this section.

21 D. THE GOVERNMENTAL UNITS DESCRIBED IN SUBSECTION A OF THIS SECTION
22 SHALL:

23 1. NOTIFY THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS IF
24 THE REPORTS SUBJECT TO THIS SECTION ARE POSTED ON AN INTERNET WEB SITE.

25 2. PAY THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS THE FEE
26 CHARGED PURSUANT TO SECTION 41-1345 IF THE STATE LIBRARY INCURS ANY EXPENSES
27 IN OBTAINING THE COPIES THAT ARE REQUIRED TO BE DELIVERED PURSUANT TO THIS
28 SECTION.

29 Sec. 2. Section 41-1335, Arizona Revised Statutes, is amended to read:

30 41-1335. Powers and duties of director

31 A. The director shall:

32 1. Adopt rules for the use of books or other materials in the custody
33 of the state library and for the removal of books from the library, including
34 assessment of reasonable penalties for failure to return books or other
35 materials when due. The proceeds from the assessment of reasonable penalties
36 shall be deposited, pursuant to sections 35-146 and 35-147, in the state
37 library fund established by section 41-1336. The monies shall be used only
38 for the purchase of other books or materials.

39 2. Sell or exchange undesired duplicate copies of books or other
40 materials, or books or other materials not of value for the purposes of the
41 library, or photographic reproductions of state library holdings, and
42 deposit, pursuant to sections 35-146 and 35-147, the proceeds in the state
43 library fund established by section 41-1336. The monies shall be used for
44 the purchase of other books or materials.

45 3. Bring actions for the recovery of books, or for three times the
46 value of the books, against any person who has them in the person's

1 possession or who is responsible for the books, and who has failed or refused
2 to return them on demand. If a book is one of a set the value of the book
3 may be deemed the value of the entire set. Monies recovered pursuant to this
4 paragraph shall be transmitted to the state treasurer for credit to the state
5 library fund established by section 41-1336.

6 4. Certify copies from books, documents or other archival or public
7 records which have been deposited in the custody of the state library. The fee
8 for certification shall be the same as prescribed for the certification of
9 records by the secretary of state. These fees shall be transmitted to the
10 state treasurer for credit to the state library fund established by section
11 41-1336. These certificates have the same force and effect as if made by the
12 officer originally in charge of the record.

13 5. As the director deems necessary:

14 (a) Arrange with the federal government, other states and foreign
15 countries for a system of exchange of official state reports and
16 publications, session laws, statutes, legislative journals and supreme court
17 reports.

18 (b) Enter into agreements to establish a depository system and an
19 exchange program with any municipal, county or regional public library, state
20 college or state university library and out-of-state research libraries.

21 (c) Enter into agreements with libraries in this state for the state
22 documents program described in section 41-1338, paragraph 2. Any library
23 that enters into an agreement pursuant to this subdivision shall continue to
24 contribute at least the same level of support to the state documents program
25 and shall not use any monies received pursuant to the agreement to supplant
26 other monies available to the library.

27 6. Adopt rules for the acquisition, maintenance, access and
28 preservation of state publications.

29 7. After consultation with other appropriate agencies, adopt rules for
30 the description of state publications in all formats.

31 8. Provide access to an official compilation or revision of the laws
32 of this state to each public or court library in this state that applies for
33 access. The director may provide the access electronically. On request, the
34 director may provide a certified copy of a law pursuant to paragraph 4 of
35 this subsection.

36 9. Annually submit a report to the legislature on the condition of the
37 state library, its activities and the disposition of monies spent for its
38 maintenance and transmit a copy of the report to the governor.

39 10. Appoint personnel, including security personnel, necessary to
40 perform the duties of the state library and assign their duties.

41 11. Cooperate with the legislative council in carrying out section
42 41-1304, subsection B.

43 B. The governor, the secretary of state, the president of the senate,
44 the speaker of the house of representatives, the heads of departments and all
45 officers and agents of this state shall supply at no cost the number of
46 copies of official reports, public documents and publications required for

1 the state library or its agents to satisfy the requirements of the state
2 documents program or arrangements or agreements entered into pursuant to
3 subsection A, paragraph 5 of this section.

4 C. THE GOVERNMENTAL UNITS DESCRIBED IN SUBSECTION B OF THIS SECTION
5 SHALL:

6 1. NOTIFY THE STATE LIBRARY IF THE REPORTS, DOCUMENTS AND PUBLICATIONS
7 SUBJECT TO THIS SECTION ARE POSTED ON AN INTERNET WEB SITE.

8 2. PAY THE STATE LIBRARY THE FEE CHARGED PURSUANT TO SECTION 41-1345
9 IF THE STATE LIBRARY INCURS ANY EXPENSES IN OBTAINING THE COPIES THAT ARE
10 REQUIRED TO BE SUPPLIED PURSUANT TO THIS SECTION.

11 Sec. 3. Section 41-1338, Arizona Revised Statutes, is amended to read:
12 41-1338. Archives and history services; recovery of costs

13 A. The state library shall contain:

14 1. All available works, books, newspaper files, pamphlets, papers,
15 manuscripts, documents, magazines and newspaper articles, maps, pictures,
16 items and materials pertaining to or bearing on the history of Arizona.

17 2. Copies of current official reports, public documents and
18 publications of state, county and municipal officers, departments, boards,
19 commissions, agencies and institutions, and public archives. To permit
20 compliance with this paragraph it is the duty of all public officers required
21 by law to make written reports to the governor, or to the governing officer
22 or body of a county, city or town, to provide those reports, documents and
23 publications to the state library for filing in the state library archives
24 except those reports, documents and publications that are confidential.

25 B. THE GOVERNMENTAL UNITS DESCRIBED IN SUBSECTION A OF THIS SECTION
26 SHALL:

27 1. NOTIFY THE STATE LIBRARY IF THE REPORTS, DOCUMENTS AND PUBLICATIONS
28 SUBJECT TO THIS SECTION ARE POSTED ON AN INTERNET WEB SITE.

29 2. PAY THE STATE LIBRARY THE FEE CHARGED PURSUANT TO SECTION 41-1345
30 IF THE STATE LIBRARY INCURS ANY EXPENSES IN OBTAINING THE COPIES THAT ARE
31 REQUIRED TO BE PROVIDED PURSUANT TO THIS SECTION.

32 Sec. 4. Section 41-1345, Arizona Revised Statutes, is amended to read:
33 41-1345. Records; records management; powers and duties of

34 director; fees; records services fund

35 A. The director is responsible for the preservation and management of
36 records. In addition to other powers and duties, the director shall:

37 1. Establish standards, procedures and techniques for effective
38 management of records.

39 2. Make continuing surveys of record keeping operations and recommend
40 improvements in current record management practices including the use of
41 space, equipment and supplies employed in creating, maintaining, storing and
42 servicing records.

43 3. Establish standards and procedures for the preparation of schedules
44 providing for the retention of records of continuing value and for the prompt
45 and orderly disposal of records no longer possessing sufficient
46 administrative, legal or fiscal value to warrant their further keeping.

- 1 4. Establish criteria for designation of essential records within the
2 following general categories:
- 3 (a) Records containing information necessary to the operations of
4 government in the emergency created by a disaster.
- 5 (b) Records containing information necessary to protect the rights and
6 interests of persons or to establish and affirm the powers and duties of
7 governments in the resumption of operations after a disaster.
- 8 5. Reproduce or cause to be reproduced essential records and prescribe
9 the place and manner of their safekeeping.
- 10 6. Obtain such reports and documentation from agencies as are required
11 for the administration of this program.
- 12 7. Request transmittal of the originals of records produced or
13 reproduced by agencies of the state or its political subdivisions pursuant to
14 section 41-1348 or certified negatives, films or electronic media of such
15 originals, or both, if in the director's judgment such records may be of
16 historical or other value.
- 17 8. On request, assist and advise in the establishment of records
18 management programs in the legislative and judicial branches of the state and
19 provide program services similar to those available to the executive branch
20 of state government pursuant to this article.
- 21 9. Establish a fee schedule to systematically charge state agencies,
22 political subdivisions of this state and other governmental units **OF THIS**
23 **STATE** for services described in this section and section 41-1345.01 and
24 deposit monies received from fees in the records services fund established by
25 subsection B of this section.
- 26 **10. ESTABLISH A FEE SCHEDULE TO CHARGE STATE AGENCIES, POLITICAL**
27 **SUBDIVISIONS OF THIS STATE AND OTHER GOVERNMENTAL UNITS OF THIS STATE FOR**
28 **SERVICES AND EXPENSES INCURRED BY THE STATE LIBRARY IN OBTAINING COPIES OF**
29 **THOSE REPORTS, DOCUMENTS AND PUBLICATIONS THAT ARE REQUIRED TO BE DELIVERED,**
30 **SUPPLIED OR PROVIDED PURSUANT TO SECTIONS 35-103, 41-1335 AND 41-1338 AND**
31 **DEPOSIT THESE MONIES IN THE RECORDS SERVICES FUND ESTABLISHED BY SUBSECTION B**
32 **OF THIS SECTION.**
- 33 B. A records services fund is established consisting of monies
34 deposited pursuant to subsection A, ~~paragraph~~ **PARAGRAPHS 9 AND 10** of this
35 section. The director shall administer the fund for the purposes provided in
36 subsection A of this section. Monies in the fund are subject to legislative
37 appropriation and are exempt from the provisions of section 35-190 relating
38 to lapsing of appropriations.