REFERENCE TITLE: state library and archives amendments

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SB 1123

Introduced by
Senator McComish

AN ACT

AMENDING SECTIONS 3-161, 3-3303, 5-507, 5-601, 8-358, 8-514.03, 8-817, 11-251.03, 11-479, 11-910, 12-299.03, 12-885, 13-2314.01, 13-2314.03, 15-153, 16-162, 16-171, 20-153, 23-986, 28-440, 28-443, 32-702, 32-3058, 35-103, 36-351, 38-233, 39-103, 39-121.01 AND 41-121.02, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING TITLE 41, CHAPTER 8, ARTICLE 3, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 41, CHAPTER 1, ARIZONA REVISED STATUTES, AS ARTICLE 2.1; TRANSFERRING AND RENUMBERING SECTIONS 41-1330, 41-1331, 41-1332, 41-1333, 41-1334, 41-1335, 41-1336, 41-1337, 41-1338, 41-1339, 41-1340, 41-1343, 41-1345, 41-1345.01, 41-1346, 41-1347, 41-1348, 41-1349, 41-1350, 41-1351, 41-1352, 41-1353, 41-1354 AND 41-1355, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 41, CHAPTER 1, ARTICLE 2.1, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT, AS SECTIONS 41-151, 41-151.01, 41-151.02, 41-151.03, 41-151.04, 41-151.05, 41-151.06, 41-151.07, 41-151.08, 41-151.09, 41-151.10, 41-151.11, 41-151.12, 41-151.13, 41-151.14, 41-151.15, 41-151.16, 41-151.17, 41-151.18, 41-151.19, 41-151.20, 41-151.21, 41-151.22 AND 41-151.23, RESPECTIVELY; CHANGING THE DESIGNATION OF TITLE 41, CHAPTER 1, ARTICLE 2.1, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT, TO "ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS ESTABLISHED IN THE OFFICE OF THE SECRETARY OF STATE"; AMENDING SECTIONS 41-151.02, 41-151.05, 41-151.06, 41-151.07, 41-151.08, 41-151.09, 41-151.12, 41-151.13, 41-151.14, 41-151.15, 41-151.16, 41-151.18 AND 41-151.20, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; AMENDING SECTIONS 41-734, 41-862, 41-881, 41-1177.03, 41-1304.05, 41-1361, 41-2956, 41-3020.04, 41-3508, 42-1105 AND 44-7041, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 3-161, Arizona Revised Statutes, is amended to read:

3-161. Definitions

In this article, unless the context otherwise requires:

1. "Commission" means the historical advisory commission established by section ~~41-1352~~ 41-151.20.

2. "Register" means the Arizona register of heritage agriculture.

Sec. 2. Section 3-3303, Arizona Revised Statutes, is amended to read:

3-3303. Arizona agricultural protection commission; report

A. The Arizona agricultural protection commission is established within, and as an advisory body to, the department consisting of:

1. The following members appointed by the governor:

(a) Two members who operate family farms or ranches in this state and who are active in regional or local agricultural organizations.

(b) One member WHO IS from a university under the jurisdiction of the Arizona board of regents and who has experience in range ecology.

(c) Two members who represent regional or statewide conservation organizations in this state that have been in operation for at least ten years.

2. The following members appointed by the president of the senate:

(a) Two members who operate family farms or ranches in this state.

(b) One member who represents a regional or statewide land trust that has been in operation for at least five years.

(c) One member who is a member of a county board of supervisors.

(d) One member who is a member of a natural resource conservation district board of directors.

3. The following members appointed by the speaker of the house of representatives:

(a) Two members who are licensed real estate professionals and WHO are active in marketing agricultural properties.

(b) One member who is active in and represents a statewide agricultural organization in this state that has been in existence for at least ten years.

(c) One member who is active in managing water resources.

(d) One member who is a member of the state bar of Arizona and who is experienced in the practice of private real estate law.

4. The director of the department as an ex officio member.

B. To serve on the commission, a person must be a resident of this state and have demonstrated an interest in the conservation of natural or agricultural resources. The initial members shall assign themselves by lot to terms of one, two and three years in office. Thereafter, all subsequent members serve three year terms of office, except that a member may continue to serve until a successor is appointed and assumes office. On request, appointive members are eligible to receive compensation pursuant to section

38-611 and are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2. Compensation and reimbursement costs are payable from the Arizona agricultural protection fund.

C. The commission shall:

1. Recommend to the director ~~for~~ the adoption of rules necessary to perform its duties.

2. Advise the department with respect to grants awarded and contracts entered into pursuant to this chapter.

3. Solicit and accept donations to the Arizona agricultural protection fund, including donations for the sole purpose of administering the Arizona agricultural protection program under this article.

4. Elect a chairperson and vice-chairperson from its members each year.

5. Prepare an annual report of its activities and submit a copy of the report to the director, THE SECRETARY OF STATE and any member of the public who requests a copy.

6. Advise the director and submit recommendations relating to the monitoring of agricultural easements established pursuant to this chapter.

D. The commission may:

1. Accept, use and dispose of appropriations, gifts and grants of monies, other property and services from any source for the purposes authorized by this chapter.

2. Perform any other acts consistent with and necessary to carry out the purposes of this chapter.

Sec. 3. Section 5-507, Arizona Revised Statutes, is amended to read:

5-507. Monthly reports; annual reports

A. The director shall make a monthly report to the commission, the governor, the speaker of the house of representatives and the president of the senate. The monthly report shall include the total lottery revenue, prize disbursements and other expenses for the preceding month.

B. The director shall make a report on or before August 15 of each year to the director of the joint legislative budget committee and the director of the governor's office of strategic planning and budgeting containing:

1. A summary of the criteria used to evaluate employee performance and distribution of any appropriation for the preceding fiscal year as performance pay.

2. An accounting of total distributions of that appropriation.

3. The percentages of that distribution that were based on individual employee performance and on lottery sales goals.

C. The commission shall make an annual report to the governor, the speaker of the house of representatives and the president of the senate AND SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE. The annual report shall include a full and complete statement of lottery revenues, prize disbursements and other expenses for the preceding years, and recommendations

for amendments to this chapter as the commission deems necessary or desirable.

Sec. 4. Section 5-601, Arizona Revised Statutes, is amended to read:

5-601. Gambling on Indian reservations; tribal-state compacts; tribal-state compact fund

A. Notwithstanding any other law, this state, through the governor, may enter into negotiations and execute tribal-state compacts with Indian tribes in this state pursuant to the Indian gaming regulatory act of 1988 (P.L. 100-497; 102 Stat. 2467; 25 United States Code sections 2701 through 2721 and 18 United States Code sections 1166 through 1168). Notwithstanding the authority granted to the governor by this subsection, this state specifically reserves all of its rights, as attributes of its inherent sovereignty, recognized by the tenth and eleventh amendments to the United States Constitution. The governor shall not execute a tribal-state compact which waives, abrogates or diminishes these rights.

B. Tribal-state gaming compacts shall prohibit persons under twenty-one years of age from wagering on gaming activities conducted pursuant to the compact as follows:

1. Beginning on June 1, 2003, any tribal-state gaming compact that is executed, modified, extended or renewed pursuant to this section shall include a provision that prohibits persons who are under twenty-one years of age from wagering on gaming activities.

2. Any tribal-state gaming compact that is executed, modified, extended or renewed pursuant to this section from and after ~~the effective date of this amendment to this section~~ JULY 18, 2000 but before June 1, 2003 shall include a provision that prohibits persons who are under twenty-one years of age from wagering on gaming activities, except that the provision shall not take effect until June 1, 2003.

C. The governor shall not concur in any determination by the United States secretary of the interior that would permit gaming on lands acquired after October 17, 1988 pursuant to 25 United States Code section 2719.

D. The department of gaming is authorized to carry out the duties and responsibilities of the state gaming agency in compacts executed by the state and Indian tribes of this state pursuant to the Indian gaming regulatory act.

E. In carrying out its duties under tribal-state gaming compacts, the department of gaming is exempt from the rule making requirements of title 41, chapter 6.

F. Indian tribes of this state that have executed compacts with the state shall pay to the department of gaming their share of the regulatory costs necessary to carry out the duties required by any executed tribal-state compact authorized by the Indian gaming regulatory act. The department of gaming shall collect from each of the tribes that have executed a compact with the state their share of the costs incurred by the department pursuant to this chapter. The dates and methods of payment shall be as specified in the tribal-state compacts.

G. A permanent tribal-state compact fund is established consisting of monies received pursuant to subsection F of this section and other monies received pursuant to this chapter. The department of gaming shall administer the fund. The director of the department of gaming shall make an annual report to the governor, the president of the senate, the speaker of the house of representatives and each tribe which has executed a compact with the state disclosing in detail the activities of the department of gaming pursuant to this chapter, including a full and complete statement of revenues deposited in and expenditures from the permanent tribal-state compact fund. THE DIRECTOR SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE. Monies paid by the tribes shall only be used for reimbursement of administrative and regulatory expenses incurred by the department pursuant to this chapter.

H. Monies deposited in the permanent tribal-state compact fund are subject to legislative appropriation. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

I. Any tribal-state gaming compact that is executed, modified, extended or renewed pursuant to this section shall include provisions that do all of the following:

1. Establish guidelines on automated teller machine use and on the use of credit cards or other forms of credit in gaming facilities.

2. Require the Indian tribe to post at all public entrances and exits to the gaming facilities signs that state that help is available if a person has a problem with gambling and the statewide toll-free crisis hotline telephone number, established by the Arizona state lottery commission.

3. Prohibit gaming facility advertising and marketing that specifically appeal to minors. The provisions shall include guidelines for determining acceptable advertising and marketing.

4. Establish guidelines for the effective treatment and prevention of problem and pathological gambling.

5. Establish guidelines for voluntary ban procedures from all gaming facilities in the state, including but not limited to prohibiting the use of check cashing services, automatic teller machines, credit cards or other forms of credit offered at a gaming facility. A third person may not request a ban on behalf of another person.

Sec. 5. Section 8-358, Arizona Revised Statutes, is amended to read:

8-358. Juvenile intensive probation guidelines; report

A. The supreme court shall establish juvenile intensive probation guidelines. In establishing these guidelines, the supreme court shall ensure that both:

1. Juveniles who are granted intensive probation meet the requirements of section 8-352.

2. Based on the nature of the offense and the delinquent history of the juvenile, there are reasonable grounds to believe that the juvenile is able to remain at liberty without posing a substantial risk to the community.

B. The supreme court shall annually submit a report stating the number of juveniles supervised on intensive probation during the prior year, the nature of the offense and the delinquent history of each of these juveniles to the governor, the speaker of the house of representatives and the president of the senate at the time of its annual budget request AND SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE. Beginning July 1, 2011, the report shall be submitted electronically.

C. The supreme court shall contract for an evaluation to determine if the provisions of this article reduce the number of serious repetitive offenses committed by juveniles on intensive probation supervision, ~~and~~ shall submit the results of the study to the governor, the speaker of the house of representatives and the president of the senate AND SHALL PROVIDE A COPY OF THIS STUDY TO THE SECRETARY OF STATE.

Sec. 6. Section 8-514.03, Arizona Revised Statutes, is amended to read:

8-514.03. Kinship foster care; requirements; investigation; report

A. The department shall establish kinship foster care services for a child who has been removed from the child's home and is in the custody of the department. The program shall promote the placement of the child with the child's relative for kinship foster care.

B. A kinship foster care parent applicant who is not a licensed foster care parent shall be at least eighteen years of age. The applicant and each member of the applicant's household who is at least eighteen years of age shall submit a full set of fingerprints to the department for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation. The department shall determine if the applicant is able to meet the child's health and safety needs by conducting one or more home visits and interviewing the applicant. The department of economic security may interview other household members, review the applicant's personal and professional references and conduct child protective services central registry checks.

C. If the department determines that a kinship foster care placement is not in the best interest of the child, the department shall provide written notification to the applicant within fifteen business days. The notice shall include the specific reason for denial, the applicant's right to appeal and the process for reviewing the decision.

D. A kinship foster care parent may be eligible to receive the following financial services for the child:

1. Full foster care benefits, including payment if the kinship foster care parent becomes a licensed foster care home.

2. Temporary assistance for needy families cash assistance payments for a child only case and supplemental financial support.

E. The department shall establish procedures for child welfare workers to inform kinship foster care families about available financial and nonfinancial services and eligibility requirements and shall assist the families in completing the necessary application.

F. If a family declines to apply for financial services, the family shall sign a statement indicating that the family declined services. The statement does not prevent the family from making application in the future. The worker shall provide a copy of the statement to the family.

G. The department shall provide nonfinancial services for a kinship foster care parent through existing means or referral. Nonfinancial services may include:

1. Family assessment.
2. Case management.
3. Child day care.
4. Housing search and relocation.
5. Parenting skills training.
6. Supportive intervention and guidance counseling.
7. Transportation.
8. Emergency services.
9. Parent aid services.
10. Respite services.
11. Additional services that the department determines are necessary to meet the needs of the child and family.

H. The department of economic security shall evaluate biannually the performance of the kinship foster care program. On or before November 1, the department shall SUBMIT A report to the speaker of the house of representatives, the president of the senate~~,~~ and the governor AND SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE. The report shall contain the following information:

1. The demographics and number of children placed with relative caregivers.
2. The demographics of kinship foster caregivers.
3. The number of relative children per kinship foster care family.
4. The department's success at maintaining kinship foster care placements.
5. The type of services provided to kinship foster care families.
6. The cost of services provided to kinship foster care families compared to the cost of out-of-home placements.
7. Recommendations regarding program improvement.

Sec. 7. Section 8-817, Arizona Revised Statutes, is amended to read:

8-817. Initial screening and safety assessment and investigation protocols

A. The department shall develop, establish and implement initial screening and safety assessment protocols in consultation with the attorney general and statewide with county attorneys, chiefs of police, sheriffs,

medical experts, victims' rights advocates, domestic violence victim advocates and mandatory reporters. Any initial screening and safety assessment tools shall be based on sound methodology and shall ensure valid and reliable responses. The department shall establish written policies and procedures to implement the use of the initial screening and safety assessment protocols.

B. To ensure thorough investigations of those accused of crimes against children, in each county, the county attorney, in cooperation with the sheriff, the chief law enforcement officer for each municipality in the county and the department shall develop, adopt and implement protocols to guide the conduct of investigations of allegations involving criminal conduct. The protocols shall include:

1. The process for notification of receipt of criminal conduct allegations.

2. The standards for interdisciplinary investigations of specific types of abuse and neglect, including timely forensic medical evaluations.

3. The standards for interdisciplinary investigations involving native American children in compliance with the Indian child welfare act.

4. Procedures for sharing information and standards for the timely disclosure of information.

5. Procedures for coordination of screening, response and investigation with other involved professional disciplines and notification of case status and standards for the timely disclosure of related information.

6. The training required for the involved child protective services workers, law enforcement officers and prosecutors to execute the investigation protocols, including forensic interviewing skills.

7. The process to ensure review of and compliance with the investigation protocols and the reporting of activity under the protocols.

8. Procedures for an annual report to be transmitted within forty-five days after the end of each fiscal year independently from child protective services and each county attorney to the governor, the speaker of the house of representatives and the president of the senate AND A COPY OF THIS REPORT TO BE PROVIDED TO THE SECRETARY OF STATE. This report shall be a public document and shall include:

(a) The number of criminal conduct allegations investigated and how many of these investigations were conducted jointly pursuant to the investigation protocols established in this subsection.

(b) Information from each county attorney regarding the number of cases presented for review, the number of persons charged in those cases, the reasons why charges were not pursued and the disposition of these cases.

(c) The reasons why a joint investigation did not take place.

9. Procedures for dispute resolution.

C. The department shall cooperate with the county attorney and the appropriate law enforcement agency pursuant to the investigation protocols

adopted in this section. In instances of criminal conduct against a child, the department shall protect the victim's rights of the children in its custody against harassment, intimidation and abuse, as applicable, pursuant to article II, section 2.1, Constitution of Arizona.

D. The county attorney and the law enforcement agency shall cooperate with the department pursuant to the investigation protocols adopted in this section.

Sec. 8. Section 11-251.03, Arizona Revised Statutes, is amended to read:

11-251.03. Records center; contents; open to inspection

A. The board of supervisors may establish a central records center for the preservation, storage and handling of all records required by law to be kept by county officers and justices of the peace.

B. In any county having a central records center, all county officers and justices of the peace shall deliver to the board of supervisors public records in their custody that are:

1. Required by law to be kept.

2. Of legal, administrative, historical or other value as determined pursuant to section ~~41-1351~~ 41-151.19.

3. Required to be delivered by the rules adopted by the director of the Arizona state library, archives and public records.

C. County officers and justices of the peace may make and retain copies of records necessary for those officers to perform the duties of their office.

D. Public records in a central records center shall be open to public inspection and be preserved in the manner prescribed by law.

Sec. 9. Section 11-479, Arizona Revised Statutes, is amended to read:

11-479. Destruction of records; requirements; exception

A. The county recorder may destroy, under ~~the provisions of~~ sections ~~41-1339, 41-1343, 41-1345, 41-1345.01 and 41-1346 through 41-1351, any or~~ 41-151.09, 41-151.11, 41-151.12, 41-151.13, 41-151.14, 41-151.15, 41-151.16, 41-151.17, 41-151.18 AND 41-151.19, all of the filed papers or record books created by handwriting, by typing on printed forms, by typewriting ~~or~~ by photostatic or photographic methods OR BY ANY ELECTRONIC MEANS in the recorder's official custody, except federal tax lien notices, if all of the following conditions exist:

1. The record, paper or document is photographed or reproduced by any other method under the direction and control of the county recorder on electronic media or film of a type approved for permanent record by the Arizona state library, archives and public records.

2. The device used to reproduce the record, paper or document on film or electronic media is one which accurately and legibly reproduces the original in all details.

3. The photographs or other reproductions on film or electronic media are made as accessible for public reference as the book records were.

4. A true copy of archival quality of such film or electronic media reproduction is kept in a safe and separate place for security purposes.

B. No page of any record, paper or document shall be destroyed if any such page cannot be reproduced on film or electronic media with full legibility. Every such unreproducible page shall be permanently preserved in a manner that will afford easy reference.

Sec. 10. Section 11-910, Arizona Revised Statutes, is amended to read:

11-910. Supervision by director of the Arizona state library, archives and public records; semiannual convention of county librarians

A. All county free libraries established under this article shall be under the general supervision of the director of the Arizona state library, archives and public records. The director~~, either personally or by one of the director's assistants,~~ OR AN ASSISTANT TO THE DIRECTOR shall periodically visit the libraries and inquire into their condition. ~~The actual and necessary expenses of the visits shall be paid from the state library fund.~~

B. The director shall ~~annually~~ TWICE A YEAR call a convention of county librarians to convene at such time and place as the director deems most convenient for the discussion of questions pertaining to supervision and administration of the county free libraries, the laws relating to county free libraries and such other subjects affecting the welfare and interest of the libraries as are proper.

C. ~~It is the duty of~~ All county librarians ~~to~~ SHALL attend and take part in the proceedings of the convention.

Sec. 11. Section 12-299.03, Arizona Revised Statutes, is amended to read:

12-299.03. Duties of the supreme court; evaluation

A. The supreme court shall:

1. Implement and administer the community punishment program.

2. Adopt necessary guidelines, rules, standards and policies to implement this article.

3. Facilitate the development of local plans.

4. Develop and implement an application process and procedures.

5. Review and approve plans and budgets.

6. Allocate funding.

7. Provide statewide training and technical assistance to the superior court, adult probation departments and advisory committees regarding community punishment.

8. Conduct an evaluation of all programs on a periodic basis to ensure program accountability. The evaluation report shall include information for the superior court in each participating county on the number of offenders serving suspended sentences on probation and intensive probation, the average cost per offender, the amount of restitution, fines and fees paid, the number of community restitution hours contributed by offenders and the number of offenders who have successfully completed terms of probation. THE SUPREME

COURT SHALL SUBMIT the report ~~shall be submitted~~ to the governor, the speaker of the house of representatives and the president of the senate AND SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE. The supreme court may contract with a private consultant to prepare this evaluation report. Beginning July 1, 2011, the report shall be submitted electronically.

B. The supreme court may contract directly with private human service agencies to develop, implement and operate community punishment programs.

Sec. 12. Section 12-885, Arizona Revised Statutes, is amended to read:

12-885. Seizure and sale of escheated property; disposal of proceeds; exception

A. A writ shall be issued to the sheriff or a constable of the county where the property is situated, commanding the sheriff or constable to seize the property vested in the state.

B. Except for personal property transferred to the Arizona state library, archives and public records under section ~~41-1353~~ 41-151.21, the officer shall dispose of the property at public auction in the manner provided by law for sale of property under execution. The proceeds of the sale shall be paid to the department of revenue and deposited, pursuant to sections 35-146 and 35-147, into a clearing account from which payment of claims for the proceeds may be made. The proceeds shall remain in the clearing account for twelve months and then shall be credited to the permanent state school fund.

C. The director of the department of revenue shall keep accounts and records of all such proceeds paid into the clearing account and of all such lands vested in the state.

Sec. 13. Section 13-2314.01, Arizona Revised Statutes, is amended to read:

13-2314.01. Anti-racketeering revolving fund; use of fund; reports

A. The anti-racketeering revolving fund is established. The attorney general shall administer the fund under the conditions and for the purposes provided by this section. Monies in the fund are exempt from the lapsing provisions of section 35-190.

B. Any prosecution and investigation costs, including attorney fees, recovered for the state by the attorney general as a result of enforcement of civil and criminal statutes pertaining to any offense included in the definition of racketeering in section 13-2301, subsection D, paragraph 4 or section 13-2312, whether by final judgment, settlement or otherwise, shall be deposited in the fund established by this section.

C. Any monies received by any department or agency of this state or any political subdivision of this state from any department or agency of the United States or another state as a result of participation in any investigation or prosecution, whether by final judgment, settlement or otherwise, shall be deposited in the fund established by this section or, if

the recipient is a political subdivision of this state, may be deposited in the fund established by section 13-2314.03.

D. Any monies obtained as a result of a forfeiture by any department or agency of this state under this title or under federal law shall be deposited in the fund established by this section. Any monies or other property obtained as a result of a forfeiture by any political subdivision of this state or the federal government may be deposited in the fund established by this section. Monies deposited in the fund pursuant to this section or section 13-4315 shall accrue interest and shall be held for the benefit of the agency or agencies responsible for the seizure or forfeiture to the extent of their contribution. Except as provided in subsections F and G of this section, the monies and interest shall be distributed within thirty days of application to the agency or agencies responsible for the seizure or forfeiture. Monies in the fund used by the attorney general for capital projects in excess of one million dollars are subject to review by the joint committee on capital review.

E. Monies in the fund may be used for the following:

1. The funding of gang prevention programs, substance abuse prevention programs, substance abuse education programs and witness protection pursuant to section 41-196 or for any purpose permitted by federal law relating to the disposition of any property that is transferred to a law enforcement agency.

2. The investigation and prosecution of any offense included in the definition of racketeering in section 13-2301, subsection D, paragraph 4 or section 13-2312, including civil enforcement.

3. The payment of the relocation expenses of any law enforcement officer and the officer's immediate family if the law enforcement officer is the victim of a bona fide threat that occurred because of the law enforcement officer's duties.

F. On or before January 15, April 15, July 15 and October 15 of each year, each department or agency of this state receiving monies pursuant to this section or section 13-2314.03 or 13-4315 or from any department or agency of the United States or another state as a result of participation in any investigation or prosecution shall file with the attorney general a report for the previous calendar quarter. The report shall be in a form that is prescribed by the Arizona criminal justice commission and approved by the director of the joint legislative budget committee. The report shall set forth the sources of all monies and all expenditures. The report shall not include any identifying information about specific investigations. If a department or agency of this state fails to file a report within forty-five days after the report is due and there is no good cause as determined by the Arizona criminal justice commission, the attorney general shall make no expenditures from the fund for the benefit of the department or agency until the report is filed. The attorney general is responsible for collecting all reports from departments and agencies of this state and transmitting the

reports to the Arizona criminal justice commission at the time that the report required pursuant to subsection G of this section is submitted.

G. On or before January 25, April 25, July 25 and October 25 of each year, the attorney general shall file with the Arizona criminal justice commission a report for the previous calendar quarter. The report shall be in a form that is prescribed by the Arizona criminal justice commission and approved by the director of the joint legislative budget committee. The report shall set forth the sources of all monies and all expenditures. The report shall not include any identifying information about specific investigations. If the attorney general fails to file a report within sixty days after the report is due and there is no good cause as determined by the Arizona criminal justice commission, the attorney general shall make no expenditures from the fund for the benefit of the attorney general until the report is filed. If a political subdivision of this state fails to file a report with the county attorney pursuant to section 13-2314.03 within forty-five days after the report is due and there is no good cause as determined by the Arizona criminal justice commission, the attorney general shall make no expenditures from the fund for the benefit of the political subdivision until the report is filed.

H. On or before January 30, April 30, July 30 and October 30 of each year, the Arizona criminal justice commission shall compile the attorney general report and the reports of all departments and agencies of this state into a single comprehensive report and shall submit a copy of the report to the governor, ~~with copies to~~ the director of the department of administration, the president of the senate, the speaker of the house of representatives, ~~and~~ the director of the joint legislative budget committee AND THE SECRETARY OF STATE.

Sec. 14. Section 13-2314.03, Arizona Revised Statutes, is amended to read:

13-2314.03. County anti-racketeering revolving fund; use of fund; reports

A. The board of supervisors of a county shall establish a county anti-racketeering revolving fund administered by the county attorney under the conditions and for the purposes provided by this section.

B. Any prosecution and investigation costs, including attorney fees, recovered for the county as a result of enforcement of civil and criminal statutes pertaining to any offense included in the definition of racketeering in section 13-2301, subsection D, paragraph 4 or section 13-2312, whether by final judgment, settlement or otherwise, shall be deposited in the fund established by the board of supervisors.

C. Any monies received by any department or agency of this state or any political subdivision of this state from any department or agency of the United States or another state as a result of participation in any investigation or prosecution, whether by final judgment, settlement or

otherwise, shall be deposited in the fund established by this section or in the fund established by section 13-2314.01.

D. Any monies obtained as a result of a forfeiture by the county attorney under this title or under federal law shall be deposited in the fund established by this section. Any monies or other property obtained as a result of a forfeiture by any political subdivision of this state or the federal government may be deposited in the fund established by this section or in the fund established by section 13-2314.01. Monies deposited in the fund pursuant to this section or section 13-4315 shall accrue interest and shall be held for the benefit of the agency or agencies responsible for the seizure or forfeiture to the extent of their contribution. Except as provided in subsections F and G of this section, the monies and interest shall be distributed to the agency or agencies responsible for the seizure or forfeiture within thirty days of application.

E. Monies in the fund may be used for the funding of gang prevention programs, substance abuse prevention programs, substance abuse education programs, and witness protection pursuant to section 11-536 or for any purpose permitted by federal law relating to the disposition of any property that is transferred to a law enforcement agency. ~~Monies in the fund may be transmitted by the county attorney on behalf of any political subdivision of this state to the Arizona drug and gang policy council for the funding of gang prevention programs, substance abuse prevention programs and substance abuse education programs.~~ Monies in the fund may be used for the investigation and prosecution of any offense included in the definition of racketeering in section 13-2301, subsection D, paragraph 4 or section 13-2312, including civil enforcement.

F. On or before January 25, April 25, July 25 and October 25 of each year, the county attorney shall cause to be filed with the Arizona criminal justice commission a report for the previous calendar quarter. The report shall be in a form that is prescribed by the Arizona criminal justice commission and approved by the director of the joint legislative budget committee. The report shall set forth the sources of all monies and all expenditures. The report shall not include any identifying information about specific investigations. If the county attorney fails to file a report within sixty days after it is due and there is no good cause as determined by the Arizona criminal justice commission, the county attorney shall make no expenditures from the fund for the benefit of the county attorney until the report is filed.

G. On or before January 15, April 15, July 15 and October 15 of each year, each political subdivision of this state receiving monies pursuant to this section or section 13-2314.01 or 13-4315 or from any department or agency of the United States or another state as a result of participating in any investigation or prosecution shall cause to be filed with the county attorney of the county in which the political subdivision is located a report for the previous calendar quarter. The report shall be in a form that is

prescribed by the Arizona criminal justice commission and approved by the director of the joint legislative budget committee. The report shall set forth the sources of all monies and all expenditures. The report shall not include any identifying information about specific investigations. If a political subdivision of this state fails to file a report within forty-five days after the report is due and there is no good cause as determined by the Arizona criminal justice commission, the county attorney shall make no expenditures from the fund for the benefit of the political subdivision until the report is filed. The county attorney shall be responsible for collecting all reports from political subdivisions within that county and transmitting the reports to the Arizona criminal justice commission at the time that the county report required pursuant to subsection F of this section is submitted.

H. On or before January 30, April 30, July 30 and October 30 of each year, the Arizona criminal justice commission shall compile all county attorney reports into a single comprehensive report and all political subdivision reports into a single comprehensive report and submit a copy of each comprehensive report to the governor, the president of the senate, the speaker of the house of representatives, ~~and~~ the director of the joint legislative budget committee AND THE SECRETARY OF STATE.

Sec. 15. Section 15-153, Arizona Revised Statutes, is amended to read:

15-153. School safety program oversight committee; membership; duties; staff; compensation; definition

A. The school safety program oversight committee is established consisting of the following members:

1. Two members of the senate who are from different political parties and who are appointed by the president of the senate. These members serve as advisory members. The president of the senate shall select one member to cochair the committee.

2. Two members of the house of representatives who are from different political parties and who are appointed by the speaker of the house of representatives. These members serve as advisory members. The speaker of the house of representatives shall select one member to cochair the committee.

3. The governor, or the governor's designee.

4. The superintendent of public instruction, or the superintendent's designee.

5. A law enforcement officer who is appointed by the speaker of the house of representatives.

6. A juvenile probation officer who is appointed by the chief justice of the supreme court.

7. A public school principal who is appointed by the superintendent of public instruction.

8. A representative from the field of law related education who is appointed by the governor.

B. Members serve at the pleasure of the appointing entity.

C. The committee shall review plans submitted by the applicants for participation in the school safety program and shall select sites that are eligible to receive funding based on school safety needs. The committee shall also review renewal applications from participating sites.

D. The committee shall evaluate the program and report annually to the president of the senate, the speaker of the house of representatives, the governor and the joint legislative audit committee by November 1 AND SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE.

E. For purposes of this section, "advisory member" means a member who advises the committee but who is not eligible to vote and is not a member for the purposes of determining a quorum.

Sec. 16. Section 16-162, Arizona Revised Statutes, is amended to read:

16-162. Retention of registration forms and record of cancellation

The county recorder shall provide a means of retaining registration forms and records of cancellation of registration. The records shall be retained as prescribed by sections ~~41-1347 and 41-1351~~ 41-151.15 AND 41-151.19.

Sec. 17. Section 16-171, Arizona Revised Statutes, is amended to read:

16-171. Preservation of signature rosters as permanent records

The signature roster of a precinct register shall be retained permanently, and transfer shall be pursuant to sections ~~41-1347 and 41-1351~~ 41-151.15 AND 41-151.19. Signature rosters may be retained pursuant to this section in an electronic format.

Sec. 18. Section 20-153, Arizona Revised Statutes, is amended to read:

20-153. Records

A. Records of all official transactions, examinations, investigations and proceedings of the department shall be open to public inspection pursuant to section 39-121, except as otherwise provided in this title.

B. The director may destroy records pursuant to sections ~~41-1347 and 41-1351~~ 41-151.15 AND 41-151.19.

Sec. 19. Section 23-986, Arizona Revised Statutes, is amended to read:

23-986. Applicability of title 20 to fund; exemption of other statutory provisions; insufficient assets; insurance director duties

A. Unless otherwise provided by law, ~~the provisions of~~ title 20 and the rules adopted by the director of insurance relating to the transaction of insurance apply to the state compensation fund to the same extent as any mutual casualty insurer authorized to write workers' compensation insurance in this state.

B. The marketing representatives of the state compensation fund shall obtain a license from the director of insurance. The marketing representatives of the state compensation fund may not be licensed to sell any other type of insurance other than workers' compensation insurance.

C. If upon examination pursuant to section 20-156, or at any other time, it is the opinion of the director of insurance that the state compensation fund is not possessed of assets at least equal to all liabilities and required reserves together with the minimum required basic surplus and free surplus required of a mutual casualty insurer by title 20, or that its condition is such as to render the continuance of its business hazardous to the public or to the holders of its policies or certificates of insurance, the director of insurance shall do both of the following:

1. Notify the manager and chairman of the board of directors of ~~his~~ THE DIRECTOR'S determination.

2. Furnish the state compensation fund with a written list of the director's recommendations to abate ~~his~~ THE DIRECTOR'S determination.

D. The state compensation fund has sixty days from the date of notice within which to comply with the recommendations of the director of insurance. If the state compensation fund fails to comply within such time, the director of insurance shall notify the governor, the president of the senate and the speaker of the house of representatives of the recommendations of the director of insurance which were not complied with by the state compensation fund.

E. The operations, transactions and affairs of the state compensation fund are exempt from the following provisions:

1. Title 35.

~~6.~~ 2. Title 38, chapter 4.

~~2.~~ 3. Title 39, chapter 1, article 1.

4. Title 41, chapter ~~8~~ 1, article ~~3~~ 2.1.

5. Title 41, chapter 3.1.

~~3.~~ 6. Title 41, chapter 4.

7. Title 41, chapter 39.

Sec. 20. Section 28-440, Arizona Revised Statutes, is amended to read:

28-440. Definitions

In this article, unless the context otherwise requires:

1. "Bulk records" means multiple records that are retrieved collectively from the department's database as a result of a single request. Bulk records does not include retrieving one record at a time from a single request.

2. "Duplicate" means a counterpart produced by any of the following:

(a) The same impression or from the same matrix as the original.

(b) Means of photography, including enlargements and miniatures.

(c) Mechanical or electronic rerecording.

(d) Chemical reproduction.

(e) Any other equivalent technique that accurately reproduces the original.

3. "Electronic signature" means an electronic sound, symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

4. "Express consent" means consent in writing, including consent that is conveyed electronically and that bears an electronic signature.

5. "Highly restricted personal information" means an individual's photograph or image, social security number and medical or disability information.

6. "Insurance support organization" has the same meaning prescribed in section 20-2102.

7. "Medical or disability information" means a restriction or medical code placed on a person's motor vehicle record pursuant to section 28-3159, subsection A, paragraph 1 or section 28-3167.

8. "Motor vehicle record" means any record that pertains to a driver license or permit, vehicle registration, vehicle title or identification document issued by the department or its duly authorized third parties, agents or contractors that are authorized to issue any of those documents.

9. "Opt in" means a customer of the department has provided express consent to the department to allow the release of the customer's personal information, including highly restricted personal information, in a form prescribed by the director.

10. "Original":

(a) Of a record means the record itself or any counterpart intended to have the same effect by the person executing or issuing it.

(b) Of a photograph means the negative or a print from the negative.

(c) Of data stored in a computer or similar device means a printout or other output that is readable by sight and that is shown to reflect the data accurately.

11. "Personal information" means information that identifies an individual~~,~~ AND that includes an individual's photograph, social security number, driver identification number, name, address, telephone number and medical or disability information. Personal information does not include an individual's five digit zip code and information about vehicular accidents, driving violations and driver status.

12. "Photographs" includes still photographs, x-ray films, videotapes, motion pictures and digitized electronic images.

13. "Records" has the same meaning prescribed in section ~~41-1350~~ 41-151.18.

14. "Vehicle history report" means a report that is developed to track the registration and total loss history of a particular vehicle and includes odometer readings and brand codes, title brand codes and any related vehicle data. Vehicle history report does not include names and addresses.

Sec. 21. Section 28-443, Arizona Revised Statutes, is amended to read:

28-443. Records; management; destruction

A. The director shall establish and maintain an active, continuing program for the economical and efficient management of the department's records pursuant to section ~~41-1346~~ 41-151.14.

B. The director shall authorize the destruction of records pursuant to sections ~~41-1347 and 41-1351~~ 41-151.15 AND 41-151.19.

Sec. 22. Section 32-702, Arizona Revised Statutes, is amended to read:

32-702. Arizona state board of accountancy; membership; administrative duties; compensation

A. The Arizona state board of accountancy is established to administer and enforce this chapter.

B. The board consists of seven members who are residents of this state and who are appointed by the governor as follows:

1. Five members who currently hold valid certificates issued pursuant to this chapter. At least three of these members must be in active public practice as certified public accountants. No more than one of these members may be from the same firm. If a member's certificate is on probation, revoked or suspended, the member's appointment automatically terminates and the position becomes vacant.

2. Two public members who do not hold a certificate issued pursuant to this chapter but who have professional or practical experience in using accounting services and financial statements and who are qualified to make judgments about the qualifications and conduct of persons and firms subject to this chapter.

C. The term of office of members of the board is five years, beginning and ending on July 3, except that the governor may remove any member for neglect of duty or other just cause. The governor shall fill vacancies by appointment for the unexpired term. A person who has served a complete term is not eligible for reappointment for a period of one year.

D. The board shall annually elect a president, secretary and treasurer from among its members. The president, secretary or treasurer may sign and approve claims filed against the board of accountancy fund to pay expenses incurred under this chapter.

E. The board shall have a seal that shall be judicially noticed.

F. The board shall retain or provide for retention of the following according to its retention schedule pursuant to section ~~41-1351~~ 41-151.19:

1. All documents under oath that are filed with the board.

2. Records of its proceedings.

G. Each member of the board or member of an accounting and auditing, tax, peer review, law, certification or continuing professional education committee appointed by the board pursuant to section 32-703, subsection B, paragraph 10 is eligible for compensation of one hundred dollars for each day or part of a day spent, plus reimbursement for the member's actual and necessary expenses incurred, in discharging the member's official duties.

Sec. 23. Section 32-3058, Arizona Revised Statutes, is amended to read:

32-3058. Preservation of records

A. If a person who holds a private vocational program license or license to grant degrees discontinues operation, the chief administrative

officer of the educational institution shall file with the board the original or legible true copies of all educational records of the institution as specified by the board.

B. Educational records include at least all educational information required by colleges or vocational institutions in considering students for transfer or advanced study, educational records of each student and former student and financial aid records of each student and former student.

C. If it appears to the board that any educational records of an educational institution are in danger of being destroyed, secreted, mislaid or otherwise made unavailable to the board, the board may seize and take possession of the educational records on its own motion and without the order of any court.

D. The board shall retain the educational records it receives pursuant to sections ~~41-1347 and 41-1351~~ 41-151.15 AND 41-151.19. These records are confidential and are not subject to review by the general public. The board shall establish procedures for access to and release of such records to students and their authorized representatives.

Sec. 24. Section 35-103, Arizona Revised Statutes, is amended to read:

35-103. Annual financial reports; notification; payments

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

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

~~1. One copy to the secretary of state.~~

~~2. Sufficient copies~~ to the Arizona state library, archives and public records or its agent to satisfy the requirements of the state documents program or arrangements or agreements entered into pursuant to section ~~41-1335~~ 41-151.05, subsection A, paragraph 5.

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

D. The governmental units described in subsection A of this section shall:

1. Notify the Arizona state library, archives and public records if the reports subject to this section are posted on an internet ~~web site~~ WEBSITE.

2. Pay the Arizona state library, archives and public records the fee charged pursuant to section ~~41-1345~~ 41-151.12 if the governmental unit refuses the state library's request to deliver, and the state library incurs

any expenses in obtaining, the copies that are required to be delivered pursuant to this section.

Sec. 25. Section 36-351, Arizona Revised Statutes, is amended to read:

36-351. Duties of the director; Arizona state library, archives and public records; civil penalty

A. The director shall provide safe, secure and permanent preservation of vital records. The director shall comply with preservation requirements established by the Arizona state library, archives and public records pursuant to section 39-101.

B. The director shall submit to the Arizona state library, archives and public records for permanent preservation, a copy of a person's:

1. Registered birth certificate seventy-five years after the person's birth.

2. Registered death certificate fifty years after the person's death.

C. Pursuant to section ~~41-1339~~ 41-151.09, subsection D, the Arizona state library, archives and public records shall provide access to registered birth certificates and registered death certificates submitted pursuant to subsection B of this section.

D. Each calendar year, the director shall reproduce on permanent media established by the Arizona state library, archives and public records pursuant to section 39-101, vital records registered for the calendar year including an index. The director shall submit the vital records and index to the Arizona state library, archives and public records, which shall provide for the confidential safekeeping of the vital records and index.

E. THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS MAY ASSESS AND COLLECT A CIVIL PENALTY FOR NONCOMPLIANCE WITH THIS SECTION.

Sec. 26. Section 38-233, Arizona Revised Statutes, is amended to read:

38-233. Filing oaths of record

A. The official oaths of state elective officers shall be filed of record in the office of the secretary of state. The official oaths of all other state officers and employees shall be filed of record in the office of the employing state board, commission or agency.

B. The official oaths of elective county and elective precinct officers shall be filed of record in the office of the county recorder, except the oath of the recorder, which shall be filed with the clerk of the board of supervisors. The official oaths of notaries public shall be endorsed upon their bond and filed with the secretary of state. The official oaths of all other county and precinct officers and employees shall be filed of record in the office of the employing county or precinct board, commission or agency.

C. The official oaths of all city, town or municipal corporation officers or employees shall be filed of record in the respective office of the employing board, commission or agency of the cities, towns and municipal corporations.

D. The official oaths of all officers and employees of all school districts shall be filed of record in the school district office.

E. The official oaths of all officers and employees of each public educational institution except school districts shall be filed of record in the respective offices of the public educational institutions.

F. The official oath or affirmation required to be filed of record shall be maintained as an official record throughout the person's term, appointment or employment plus a period of time to be determined pursuant to sections ~~41-1347 and 41-1351~~ 41-151.15 AND 41-151.19.

Sec. 27. Section 39-103, Arizona Revised Statutes, is amended to read:

39-103. Size of public records; exemptions

A. All public records of this state or a political subdivision of this state created on paper, regardless of weight or composition, shall conform to standard letter size of eight and one-half inches by eleven inches, within standard paper manufacturing tolerances.

B. This section does not apply to public records smaller than eight and one-half inches by eleven inches, public records otherwise required by law to be of a different size, engineering drawings, architectural drawings, maps, computer generated printout, output from test measurement and diagnostic equipment, machine generated paper tapes and public records otherwise exempt by law. Additionally, records kept exclusively on photography, film, microfiche, digital imaging or other type of reproduction or electronic media as provided in section ~~41-1348~~ 41-151.16, subsection A are exempt from the size restrictions of this section. On written application the director of the Arizona state library, archives and public records may approve additional exemptions from this section if based on such application the director finds that the cost of producing a particular type of public record in accordance with subsection A of this section is so great as to not be in the best interests of this state.

Sec. 28. Section 39-121.01, Arizona Revised Statutes, is amended to read:

39-121.01. Definitions; maintenance of records; copies, printouts or photographs of public records; examination by mail; index

A. In this article, unless the context otherwise requires:

1. "Officer" means any person elected or appointed to hold any elective or appointive office of any public body and any chief administrative officer, head, director, superintendent or chairman of any public body.

2. "Public body" means ~~the~~ THIS state, any county, city, town, school district, political subdivision or tax-supported district in ~~the~~ THIS state, any branch, department, board, bureau, commission, council or committee of the foregoing, and any public organization or agency, supported in whole or in part by monies from ~~the~~ THIS state or any political subdivision of ~~the~~ THIS state, or expending monies provided by ~~the~~ THIS state or any political subdivision of ~~the~~ THIS state.

B. All officers and public bodies shall maintain all records, including records as defined in section ~~41-1350~~ 41-151.18, reasonably necessary or appropriate to maintain an accurate knowledge of their official activities and of any of their activities which are supported by monies from ~~the~~ THIS state or any political subdivision of ~~the~~ THIS state.

C. Each public body shall be responsible for the preservation, maintenance and care of that body's public records, and each officer shall be responsible for the preservation, maintenance and care of that officer's public records. It shall be the duty of each such body to carefully secure, protect and preserve public records from deterioration, mutilation, loss or destruction, unless disposed of pursuant to sections ~~41-1347 and 41-1351~~ 41-151.15 AND 41-151.19.

D. Subject to section 39-121.03:

1. Any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours or may request that the custodian mail a copy of any public record not otherwise available on the public body's ~~web site~~ WEBSITE to the requesting person. The custodian may require any person requesting that the custodian mail a copy of any public record to pay in advance for any copying and postage charges. The custodian of such records shall promptly furnish such copies, printouts or photographs and may charge a fee if the facilities are available, except that public records for purposes listed in section 39-122 or 39-127 shall be furnished without charge.

2. If requested, the custodian of the records of an agency shall also furnish an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld from the requesting person. The custodian shall not include in the index information that is expressly made privileged or confidential in statute or a court order. This paragraph shall not be construed by an administrative tribunal or a court of competent jurisdiction to prevent or require an order compelling a public body other than an agency to furnish an index. For the purposes of this paragraph, "agency" has the same meaning prescribed in section 41-1001, but does not include the department of public safety, the department of transportation motor vehicle division, the department of juvenile corrections and the state department of corrections.

3. If the custodian of a public record does not have facilities for making copies, printouts or photographs of a public record which a person has a right to inspect, such person shall be granted access to the public record for the purpose of making copies, printouts or photographs. The copies, printouts or photographs shall be made while the public record is in the possession, custody and control of the custodian of the public record and shall be subject to the supervision of such custodian.

E. Access to a public record is deemed denied if a custodian fails to promptly respond to a request for production of a public record or fails to provide to the requesting person an index of any record or categories of

records that are withheld from production pursuant to subsection D, paragraph 2 of this section.

Sec. 29. Section 41-121.02, Arizona Revised Statutes, is amended to read:

41-121.02. Department of state

A. There is established the department of state, which shall be composed of the office of the secretary of state.

B. The secretary of state shall have charge of and direct the department of state.

C. Except as otherwise provided by law, employees of the department are exempt from chapter 4, articles 5 and 6 of this title.

D. Purchases and contracts for goods and services entered into by the Arizona state library, archives and public records are exempt from chapter 23 of this title.

E. THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS IS EXEMPT FROM CHAPTER 6 OF THIS TITLE.

Sec. 30. Transfer and renumber

Title 41, chapter 8, article 3, Arizona Revised Statutes, is transferred and renumbered for placement in title 41, chapter 1, Arizona Revised Statutes, as article 2.1. Sections 41-1330, 41-1331, 41-1332, 41-1333, 41-1334, 41-1335, 41-1336, 41-1337, 41-1338, 41-1339, 41-1340, 41-1343, 41-1345, 41-1345.01, 41-1346, 41-1347, 41-1348, 41-1349, 41-1350, 41-1351, 41-1352, 41-1353, 41-1354 and 41-1355, Arizona Revised Statutes, are transferred and renumbered for placement in title 41, chapter 1, article 2.1, Arizona Revised Statutes, as transferred and renumbered by this act, as sections 41-151, 41-151.01, 41-151.02, 41-151.03, 41-151.04, 41-151.05, 41-151.06, 41-151.07, 41-151.08, 41-151.09, 41-151.10, 41-151.11, 41-151.12, 41-151.13, 41-151.14, 41-151.15, 41-151.16, 41-151.17, 41-151.18, 41-151.19, 41-151.20, 41-151.21, 41-151.22 and 41-151.23, respectively.

Sec. 31. Heading change

The article heading of title 41, chapter 1, article 2.1, Arizona Revised Statutes, as transferred and renumbered by this act, is changed from "ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS" to "ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS ESTABLISHED IN THE OFFICE OF THE SECRETARY OF STATE".

Sec. 32. Section 41-151.02, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

41-151.02. Advisory board of the Arizona state library, archives and public records

A. An advisory board of the Arizona state library, archives and public records is established consisting of the president of the senate or the president's designee, the speaker of the house of representatives or the speaker's designee, one member of the senate who is appointed by the president of the senate and who is a member of a different political party than the president, one member of the house of representatives who is

appointed by the speaker of the house of representatives and who is a member of a different political party than the speaker and ~~five~~ SEVEN members who are appointed by the secretary of state.

B. The advisory board shall annually elect a chairperson and vice-chairperson from among its members at the first meeting of the fiscal year. Meetings of the advisory board shall be held at the call of the chairperson or a majority of the members of the advisory board.

C. Members who are appointed by the secretary of state shall serve three year staggered terms beginning on July 1. If there is a vacancy, the secretary of state shall appoint another person to serve the remainder of the term. The secretary of state may appoint members to succeeding terms. The secretary of state may remove a member for good and sufficient cause. Members of the advisory board who are appointed by the secretary of state are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

D. The advisory board shall advise the secretary of state in the supervision of the state library.

Sec. 33. Section 41-151.05, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

41-151.05. Powers and duties of director

A. The director shall:

1. Adopt rules for the use of books or other materials in the custody of the state library and for the removal of books from the library, including assessment of reasonable penalties for failure to return books or other materials when due. The proceeds from the assessment of reasonable penalties shall be deposited, pursuant to sections 35-146 and 35-147, in the state library fund established by section ~~41-1336~~ 41-151.06. The monies shall be used only for the purchase of other books or materials.

2. Sell or exchange undesired duplicate copies of books or other materials, or books or other materials not of value for the purposes of the library, or photographic reproductions of state library holdings, and deposit, pursuant to sections 35-146 and 35-147, the proceeds in the state library fund established by section ~~41-1336~~ 41-151.06. The monies shall be used for the purchase of other books or materials.

3. Bring actions for the recovery of books OR OTHER MATERIALS, or for three times the value of the books OR OTHER MATERIALS, against any person who has them in the person's possession or who is responsible for the books OR OTHER MATERIALS, and who has failed or refused to return them on demand. If a book OR OTHER MATERIAL is one of a set the value of the book OR OTHER MATERIAL may be deemed the value of the entire set. Monies recovered pursuant to this paragraph shall be transmitted to the state treasurer for credit to the state library fund established by section ~~41-1336~~ 41-151.06.

4. Certify copies from books, documents or other archival or public records which have been deposited in the custody of the state library. The fee for certification shall be the same as prescribed for the certification

of records by the secretary of state. These fees shall be transmitted to the state treasurer for credit to the state library fund established by section ~~41-1336~~ 41-151.06. These certificates have the same force and effect as if made by the officer originally in charge of the record.

5. As the director deems necessary:

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

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

(c) Enter into agreements with libraries in this state for the state documents program described in section ~~41-1338~~ 41-151.08, subsection A, paragraph 2. Any library that enters into an agreement pursuant to this subdivision shall continue to contribute at least the same level of support to the state documents program and shall not use any monies received pursuant to the agreement to supplant other monies available to the library.

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

7. After consultation with other ~~appropriate~~ agencies, adopt rules AS PROVIDED BY STATUTE, INCLUDING RULES for the:

(a) Description of state publications in all formats.

(b) SUPERVISION OF COUNTY FREE LIBRARIES PURSUANT TO SECTION 11-910.

(c) CERTIFICATION OF SIGNS, PLAQUES AND MARKINGS PURSUANT TO SECTIONS 28-7051 AND 41-151.10.

(d) ENFORCEMENT OF SECTION 34-502.

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

9. ~~Annually submit a report to the legislature~~ AS PART OF THE SECRETARY OF STATE'S ANNUAL REPORT TO THE GOVERNOR, REPORT on the condition of the state library, its activities and the disposition of monies spent for its maintenance ~~and transmit a copy of the report to the governor~~.

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

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

B. The governor, the secretary of state, the president of the senate, the speaker of the house of representatives, the heads of departments and all officers and agents of this state shall supply at no cost the number of copies of official reports, public documents and publications required for the state library or its agents to satisfy the requirements of the state

documents program or arrangements or agreements entered into pursuant to subsection A, paragraph 5 of this section.

C. The governmental units described in subsection B of this section shall:

1. Notify the state library if the reports, documents and publications subject to this section are posted on an internet ~~web site~~ WEBSITE.

2. Pay the state library the fee charged pursuant to section ~~41-1345~~ 41-151.12 if the governmental unit refuses the state library's request to supply, and the state library incurs any expenses in obtaining, the copies that are required to be supplied pursuant to this section.

Sec. 34. Section 41-151.06, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

41-151.06. State library administrative agency; state library fund

A. The state library is the state library administrative agency, and the director may accept, on behalf of the state, any allocation of money or materials made by the federal government for state library purposes, any appropriations of state monies for the purposes of this article or any bequests, grants or gifts to the state library, and administer all of them under rules adopted by the director, unless otherwise provided by law. The administration shall not be inconsistent with the conditions of the allocation, appropriation, bequest, grant or gift.

B. A state library fund is established. All monies received pursuant to this section and section ~~41-1335~~ 41-151.05, except for federal monies, shall be deposited, pursuant to sections 35-146 and 35-147, in the fund and accounted for separately. Monies in the accounts are continuously appropriated to the state library for the purposes provided for in the fund sources, and monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations. On notice from the director, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

C. All federal monies received as provided by this section shall be deposited, pursuant to sections 35-146 and 35-147, in a separate account of the fund and disbursed in the manner prescribed for the disbursement of state funds, but shall not be subject to section 35-190 relating to lapsing appropriations.

Sec. 35. Section 41-151.07, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

41-151.07. Library development services

The state library shall:

1. ~~Prepare a plan for~~ DIRECT AND COORDINATE statewide public library ~~service~~ SERVICES. ~~The plan shall be put into effect to the extent made practicable by available facilities.~~

2. Encourage and assist the development of library services in state AND LOCAL institutions AND GOVERNMENTAL UNITS.

3. Compile and disseminate statistics and other data relating to libraries and library services.

4. Give professional advice and assistance in the establishment and operation of county free libraries, municipal OR OTHER libraries, or any combinations of county free and municipal OR OTHER libraries, and to joint ventures of public and private or nonprofit libraries in this state that make library information available to the public and that request such professional advice and assistance.

5. Develop library ~~service~~ SERVICES for the blind and physically disabled~~, including talking book machine services, through state and regional centers~~ REGARDLESS OF THE TYPE OF TECHNOLOGY USED.

6. Perform all other duties necessary or appropriate to the development of statewide library ~~service~~ SERVICES.

Sec. 36. Section 41-151.08, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

41-151.08. Archives and history services; recovery of costs

A. The state library shall contain:

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

2. Copies of current official reports, public documents and publications of state, county and municipal officers, departments, boards, commissions, agencies and institutions, and public archives. To permit compliance with this paragraph it is the duty of all public officers required by law to make written reports to the governor, or to the governing officer or body of a county, city or town, to provide those reports, documents and publications to the state library for filing in the state library archives in the number that will satisfy the requirements of the state documents program or arrangements or agreements entered into pursuant to section ~~41-1335~~ 41-151.05, subsection A, paragraph 5 except those reports, documents and publications that are confidential.

B. The governmental units described in subsection A of this section shall:

1. Notify the state library if the reports, documents and publications subject to this section are posted on an internet ~~web site~~ WEBSITE.

2. Pay the state library the fee charged pursuant to section ~~41-1345~~ 41-151.12 if the governmental unit refuses the state library's request to provide, and the state library incurs any expenses in obtaining, the copies that are required to be provided pursuant to this section.

Sec. 37. Section 41-151.09, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

41-151.09. Depository of official archives

A. The state library is the central depository of all official books, records and documents not in current use of the various state officers and departments of ~~the~~ THIS state, the counties and incorporated cities and towns. These materials constitute the state archives. The state archives shall be carefully kept and preserved, classified, catalogued and made available for inspection under rules the director adopts.

B. State officers in possession of official state or territorial archives shall deposit those archives with the state library.

C. Any county, municipal or other public official ~~may~~ SHALL either retain or deposit with the state library for permanent preservation official books, records, documents and original papers not in current use. The clerk of the superior court shall deposit and the state ~~archives~~ LIBRARY shall preserve all permanent superior court case files pursuant to court rules.

D. The state library shall make birth and death records held in the state library archives available for inspection as follows:

1. Birth records if seventy-five years have passed after the date of birth as recorded on the birth certificate.

2. Death records if fifty years have passed after the date of death.

Sec. 38. Section 41-151.12, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

41-151.12. Records; records management; powers and duties of director; fees; records services fund

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

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

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

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

4. Establish criteria for designation of essential records within the following general categories:

(a) Records containing information necessary to the operations of government in the emergency created by a disaster.

(b) Records containing information necessary to protect the rights and interests of persons or to establish and affirm the powers and duties of governments in the resumption of operations after a disaster.

5. Reproduce or cause to be reproduced essential records and prescribe the place and manner of their safekeeping.

6. Obtain such reports and documentation from agencies as are required for the administration of this program.

7. Request transmittal of the originals of records produced or reproduced by agencies of the state or its political subdivisions pursuant to section ~~41-1348~~ 41-151.16 or certified negatives, films or electronic media of such originals, or both, if in the director's judgment such records may be of historical or other value.

8. On request, assist and advise in the establishment of records management programs in the legislative and judicial branches of ~~the~~ THIS state and provide program services similar to those available to the executive branch of state government pursuant to this article.

9. Establish a fee schedule to systematically charge state agencies, political subdivisions of this state and other governmental units of this state for services described in this section and section ~~41-1345.01~~ 41-151.13 and deposit monies received from fees in the records services fund established by subsection B of this section.

10. Subject to approval of the secretary of state, establish a fee schedule to charge state agencies, political subdivisions of this state and other governmental units of this state for services and expenses incurred by the state library in obtaining copies of those reports, documents and publications that are required to be delivered, supplied or provided pursuant to sections 35-103, ~~41-1335~~ 41-151.05 and ~~41-1338~~ 41-151.08 and deposit these monies in the records services fund established by subsection B of this section.

B. A records services fund is established consisting of monies deposited pursuant to subsection A, paragraphs 9 and 10 of this section. The director shall administer the fund for the purposes provided in subsection A of this section. Monies in the fund are subject to legislative appropriation and are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

Sec. 39. Section 41-151.13, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

41-151.13. Records management officer; duties

A. The state library shall employ a records management officer who is responsible for the direction and control of the records management program. The records management officer shall at the direction of the director administer the provisions of section ~~41-1345~~ 41-151.12.

B. The state library shall:

1. Through consultation and education, provide for an efficient and contemporary records management program using modern techniques to facilitate the efficient and economic creation, maintenance, control, retention and disposition of records as defined in section ~~41-1350~~ 41-151.18.

2. Operate a records management center for the maintenance and housing of inactive non-archival records. The records management center shall be the only inactive records center operated by a state agency. State agencies may use other facilities for inactive records storage with prior approval of the director.

3. Establish standards and procedures for records accepted for storage.

4. Operate a secure vault as part of the records management center for the housing and maintenance of micrographic, machine read and selected essential records.

5. Operate a preservation imaging function that is responsible for:

(a) The efficient and coordinated use of micrographics and digital imaging equipment, techniques and personnel to achieve optimum quality, effectiveness and economy in the production of source document micrographics and digital imaging.

(b) The processing and duplication of microfilm produced by the preservation imaging operation and film produced by other agencies of this state.

Sec. 40. Section 41-151.14, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

41-151.14. State and local public records management; violation; classification; definition

A. The head of each state AGENCY and ~~local~~ THE HEAD OF EACH agency OF A POLITICAL SUBDIVISION OF THIS STATE shall:

1. Establish and maintain an active, continuing program for the economical and efficient management of the public records of the agency.

2. Make and maintain records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency designed to furnish information to protect the rights of the state and of persons directly affected by the agency's activities.

3. Submit to the director, in accordance with established standards, schedules proposing the length of time each record series warrants retention for administrative, legal or fiscal purposes after it has been received by the agency.

4. Submit a list of public records in the agency's custody that are not needed in the transaction of current business and that are not considered to have sufficient administrative, legal or fiscal value to warrant their inclusion in established disposal schedules.

5. ONCE EVERY FIVE YEARS submit to the director lists of all essential public records in the custody of the agency.

6. Cooperate with the director in the conduct of surveys.

7. Designate an individual within the agency to manage the records management program of the agency. THE AGENCY SHALL RECONFIRM THE IDENTITY OF THIS INDIVIDUAL TO THE STATE LIBRARY EVERY OTHER YEAR. The designated individual:

(a) Must be at a level of management sufficient to direct the records management program in an efficient and effective manner.

(b) Shall act as coordinator and liaison for the agency with the state library.

8. Comply with rules, standards and procedures adopted by the director.

B. The governing body of each county, city, town or other political subdivision shall promote the principles of efficient record management for local public records. Such governing body ~~shall~~, as far as practicable, SHALL follow the program established for the management of state records. The director ~~shall~~, ~~upon~~ ON request of the governing body, SHALL provide advice and assistance in the establishment of a local public records management program.

C. A head of a state AGENCY or ~~local~~ THE HEAD OF AN agency OF A POLITICAL SUBDIVISION OF THIS STATE who violates this section is guilty of a class 2 misdemeanor.

D. For the purposes of this section, "records management" means the creation and implementation of systematic controls for records and information activities from the point where they are created or received through final disposition or archival retention, including distribution, use, storage, retrieval, protection and preservation.

Sec. 41. Section 41-151.15, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

41-151.15. Preservation of public records

A. All records made or received by public officials or employees of this state OR A POLITICAL SUBDIVISION OF THIS STATE in the course of their public duties are the property of this state. Except as provided in this article, the director and every other custodian of public records shall carefully protect and preserve the records from deterioration, mutilation, loss or destruction and, when advisable, shall cause them to be properly repaired and renovated. All paper, ink and other materials used in public offices for the purpose of permanent records shall be of durable quality and shall comply with the standards established pursuant to section 39-101. Additionally, the custodian of records that keeps photography, film, microfiche, digital imaging or other types of reproduction or electronic media pursuant to section ~~41-1348~~ 41-151.16, subsection A shall protect records from loss or destruction pursuant to standards that are established by the director.

B. Records shall not be destroyed or otherwise disposed of by any agency of this state unless it is determined by the state library that the record has no further administrative, legal, fiscal, research or historical

value. The original of any record produced or reproduced pursuant to section ~~41-1348~~ 41-151.16 may be determined by the state library to have no further administrative, legal, fiscal, research or historical value. A person who destroys or otherwise disposes of records without the specific authority of the state library is in violation of section 38-421.

Sec. 42. Section 41-151.16, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

41-151.16. Production and reproduction of records by agencies of the state and political subdivisions; admissibility; violation; classification

A. Each agency of this state or any of its political subdivisions may implement a program for the production or reproduction by photography or other method of reproduction on film, microfiche, digital imaging or other electronic media of records in its custody, whether obsolete or current, and classify, catalogue and index such records for convenient reference. The agency, before the institution of any such program of production or reproduction, shall obtain approval from the director of the types of records to be produced or reproduced and of the methods of production, reproduction and storage and the equipment which the agency proposes to use in connection with the production, reproduction and storage. APPROVAL PURSUANT TO THIS SUBSECTION IS NECESSARY FOR DIGITIZING PROGRAMS BUT NOT FOR INDIVIDUAL INSTANCES OF DIGITIZATION. On approval from the director, the source documents may be destroyed, but only after an administrative audit and after safeguards are in place to protect the public records pursuant to section ~~41-1347~~ 41-151.15, subsection A.

B. Except as otherwise provided by law, records reproduced as provided in subsection A of this section are admissible in evidence.

C. A head of an agency of this state or a political subdivision of this state who violates this section is guilty of a class 2 misdemeanor.

Sec. 43. Section 41-151.18, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

41-151.18. Definition of records

In this ~~chapter~~ ARTICLE, unless the context otherwise requires, "records" means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to section ~~41-1348~~ 41-151.16, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained ~~therein~~ IN THE RECORD, AND INCLUDES RECORDS THAT ARE MADE CONFIDENTIAL BY STATUTE. Library or museum material made or acquired solely for reference or exhibition purposes, extra copies of documents preserved only for convenience

of reference and stocks of publications or documents intended for sale or distribution to interested persons are not included within the definition of records as used in this ~~chapter~~ ARTICLE.

Sec. 44. Section 41-151.20, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

41-151.20. Historical advisory commission; membership; terms; expenses; duties; historic sites review committee

A. A historical advisory commission is established consisting of members appointed by the director for staggered terms of three years ending on July 1. The commission membership of not less than ten nor more than twenty-five members shall consist of experts in the disciplines of history, arts and culture, architecture and archaeology, professional librarians and archivists or persons otherwise associated with the interpretation, research, writing, preservation or teaching of this state's heritage, including the Indian nations' history and heritage, and the director of the Arizona historical society, the director of the state museum, the director of the Arizona state parks board, the director of the office of tourism or the director's designee, the superintendent of public instruction or the superintendent's designee and the state historic preservation officer.

B. Members shall serve without compensation but those employed by the state shall be reimbursed for travel and subsistence by the department or agency they represent and those who are not employed by the state are eligible for reimbursement of expenses by the commission pursuant to title 38, chapter 4, article 2.

C. The commission shall:

1. Advise the legislature and state agencies on matters relating to this state's history and historic preservation.

2. Recommend measures to the legislature and state agencies to coordinate or improve the effectiveness of activities of state agencies and agencies of the political subdivisions of this state and other persons relating to the interpretation, research, writing and teaching of this state's history, heritage and historic preservation, including the Indian nations' history, heritage and preservation.

3. Advise the legislature and state agencies on the dissemination of information pertaining to activities relating to historic preservation as provided in paragraph 2.

4. Encourage, in cooperation with appropriate public and private agencies, the Indian nations and other persons, training and education in the field of the interpretation, research, writing and teaching of this state's history, heritage and historic preservation.

5. ASSIST IN THE ESTABLISHMENT OF THE ARIZONA REGISTER OF HERITAGE AGRICULTURE AS PROVIDED IN SECTION 3-162.

~~5.~~ 6. Submit annually on September 30 a report of the commission's activities to the director for inclusion in the annual report of the state library.

D. A historic sites review committee consisting of nine members is established to serve as a standing committee of the historical advisory commission. The state historic preservation officer shall appoint committee members for staggered terms of three years ending on July 1. The state historic preservation officer may appoint persons other than commission members to serve on the committee and shall appoint at least five persons who are professionals qualified in the disciplines of history, prehistoric and historic archaeology, architectural history or architecture. The committee shall select annually at the first meeting a chairman who is a commission member. The chairman shall report on committee activities at commission meetings. The committee shall assist in the duties prescribed in this section and by federal law, review nominations to the national and state historic registers, provide general advice and guidance to the state historic preservation officer and perform other duties as are necessary. On or before September 1 of each year, the state historic preservation officer shall submit a report of the committee's activities to the governor, the president of the senate, the speaker of the house of representatives and the director, including information prescribed in sections 41-862 and 41-881.

Sec. 45. Section 41-734, Arizona Revised Statutes, is amended to read:

41-734. Preservation of accounts; copies; fees

All accounts, vouchers, warrants, claims and supporting documents shall be preserved by the department pursuant to section ~~41-1346~~ 41-151.14 and copies ~~thereof~~ OF THESE DOCUMENTS shall be given to any person who applies for them~~,~~ and who tenders the fees as prescribed by the director.

Sec. 46. Section 41-862, Arizona Revised Statutes, is amended to read:

41-862. Program

In cooperation with the state historic preservation officer, each state agency shall establish a program to locate, inventory and nominate to the Arizona register of historic places all properties that are under the agency's ownership or control and that appear to meet the criteria for inclusion on the register. Each state agency shall exercise caution to assure that the property is not inadvertently transferred, sold, demolished, substantially altered or allowed to deteriorate significantly. The state historic preservation officer shall include the performance of state agencies in initiating and satisfying the programmatic management of historic properties in the annual report to the legislature and the governor as provided in section ~~41-1352~~ 41-151.20.

Sec. 47. Section 41-881, Arizona Revised Statutes, is amended to read:

41-881. Historic property rehabilitation program; administration; purposes; special projects; state contribution; standards; protective covenant; report

A. A state historic property rehabilitation program is established to be administered by the Arizona state parks board through the state historic preservation officer. All decisions relating to the program by the state historic preservation officer are subject to approval by the Arizona state

parks board. The state historic preservation officer may provide for the staff necessary for the operation of the program.

B. Monies from appropriations may be allocated by the state historic preservation officer for special project priorities established annually by the state historic preservation officer.

C. Monies from appropriations for historic property rehabilitation shall be used for the purpose of providing state monies up to an amount equal to the amount of cash, materials and labor from any other source for the rehabilitation of buildings, structures, archaeological sites and objects all or part of which are publicly owned or owned by a nonprofit entity and which are listed in the Arizona or national register of historic places including a property listed individually or as a contributing property within a historic district.

D. The state historic preservation officer shall establish guidelines for application and selection of rehabilitation project sponsors. The state historic preservation officer shall establish annually the amount of cash, materials and labor committed by the sponsor for determination of the amount of the state grant. The rehabilitation work shall meet the United States secretary of the interior's standards for rehabilitating historic properties or other appropriate rehabilitation or archaeological standards as determined by the historical advisory commission. The project sponsor shall sign and record a protective covenant on the property in accordance with terms and for a period of time based on the amount of the state grant as determined by the state historic preservation officer.

E. The state historic preservation officer shall include the activities of the historic property rehabilitation grants program in the report to the governor and legislature required in section ~~41-1352~~ 41-151.20.

Sec. 48. Section 41-1177.03, Arizona Revised Statutes, is amended to read:

41-1177.03. Distribution and sale of legislative journals and session laws

A. The legislature shall supply to the director of the Arizona state library, archives and public records for the purpose of exchange with other states, territories, the United States and foreign countries the number of copies of the session laws and journals of the legislature as required pursuant to section ~~41-1335~~ 41-151.05.

B. The legislature shall sell printed copies of the session laws and journals to the public at a price equal to the cost of publishing and distributing each copy.

C. The senate shall provide to any member of the senate, at the member's request, a senate journal.

D. The house of representatives shall provide to any member of the house of representatives, at the member's request, a house journal.

Sec. 49. Section 41-1304.05, Arizona Revised Statutes, is amended to read:

41-1304.05. State capitol building areas and other facilities; jurisdiction; maintenance

A. The legislative council is responsible for the allocation of space, operation, alteration, renovation and control of the following:

1. The original 1898 statehouse area of the state capitol building known as the state capitol museum.

2. The 1919 wing and the 1938 justice addition of the state capitol building known jointly as the legislative services wing.

~~3. The public records retention center and the grounds adjacent to it.~~

~~4.~~ 3. Any other facility acquired for legislative use and placed under legislative council jurisdiction and the grounds adjacent to it.

~~5.~~ 4. Except as provided in subsections B and C of this section, the grounds adjacent to the state capitol museum, the legislative services wing, the house of representatives wing and the senate wing and comprising the area east of the state capitol executive tower with a northern boundary of west Adams street, an eastern boundary of Seventeenth avenue and a southern boundary of west Jefferson street in Phoenix, Arizona.

B. The speaker of the state house of representatives is responsible for the following:

1. The allocation of space, operation, alteration, renovation and control of the house of representatives wing of the state capitol building.

2. The allocation of space and control of the parking lot area adjacent to the house of representatives wing, the parking lot area with a southern boundary of west Adams street, an eastern boundary of Seventeenth avenue and a northern boundary of west Monroe street in Phoenix, Arizona and comprised of one hundred five parking spaces and the southeast portion of the parking lot area with a southern boundary of west Monroe street and an eastern boundary of Seventeenth avenue in Phoenix, Arizona and comprised of fifty parking spaces.

C. The president of the state senate is responsible for the following:

1. The allocation of space, operation, alteration, renovation and control of the senate wing of the state capitol building.

2. The allocation of space and control of the parking lot area adjacent to the senate wing and the southwest portion of the parking lot area of the Wesley Bolin memorial plaza east of the state capitol building and comprised of one hundred twenty parking spaces.

D. The director of the department of administration is responsible for the maintenance of the entire state capitol building ~~and the public records retention center~~ subject to section 41-1304.

Sec. 50. Section 41-1361, Arizona Revised Statutes, is amended to read:

41-1361. Governmental mall commission; members; terms; compensation; definition

A. A legislative governmental mall commission is established consisting of:

1. Two members appointed by the governor one of whom shall have experience in land planning or architecture.

2. The president of the senate or ~~his~~ THE PRESIDENT'S designee as an advisory member.

3. The speaker of the house of representatives or ~~his~~ THE SPEAKER'S designee as an advisory member.

4. One member of the public appointed by the president of the senate.

5. One member of the public appointed by the speaker of the house of representatives.

6. The director of the department of administration or the director's designee.

7. The chairman of the historical advisory commission established by section ~~41-1352~~ 41-151.20 or the chairman's designee.

8. Two members appointed by the chairman of the Maricopa county board of supervisors. One of these members shall have experience in county planning.

9. Two members appointed by the mayor of the city of Phoenix. One of these members shall have experience in urban planning.

B. The term of office of the public members is three years.

C. Members of the commission are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

D. A member of the commission who is more than one hundred years of age may vote by proxy as determined by the person who appointed the member, or by any other method that is agreeable to both the member and the person who appointed the member. If a member of the commission is more than one hundred years of age, five other members of the commission constitute a quorum.

E. For the purposes of this section, "advisory member" means a member who gives advice to the other members of the legislative governmental mall commission at meetings of the commission but who is not eligible to vote, is not a member for purposes of determining whether a quorum is present, and is not eligible to receive any compensation or reimbursement of expenses by the commission.

Sec. 51. Section 41-2956, Arizona Revised Statutes, is amended to read:

41-2956. Termination period for agencies; funds; equipment; personnel; documents; bonds

A. Any agency THAT IS listed in article 2 of this chapter AND that is terminated, within six months after its termination date, shall conclude its affairs. Termination shall not reduce or otherwise limit the powers, duties or functions of the agency. On expiration of the six-month period, the agency and its personnel positions shall be abolished.

B. Six months after the termination date of the agency, the department of administration shall transfer all funds of that agency to the state general fund. All debts of the agency shall be paid by the department of administration from the agency's funds.

C. SUBJECT TO SECTION 41-151.21, all equipment, furniture and supplies of the terminated agency shall be transferred to the department of administration to be stored or disposed of pursuant to law.

D. All documents of the terminated agency shall be transferred to the Arizona state library, archives and public records to be stored or disposed of pursuant to law.

E. All orders, determinations, rules, permits, certificates, licenses, contracts, rates and privileges which have been issued, made, granted or allowed to become effective by an agency abolished by this chapter shall continue in effect according to their terms until the termination date of the agency.

F. Any bonds issued or sold by a state agency shall remain in full force and effect. The state shall assume bond amortization payments for any bond issuing agency abolished pursuant to this chapter.

G. If title 28 is repealed pursuant to this chapter, as long as there are any debts or other obligations payable from either the highway user revenue fund or any regional area road fund and no provision has been made for the payment or retirement of these debts or other obligations, the provisions of title 28 relating to the highway user revenue fund and any regional area road fund and the pledge of revenues from those funds and the liens on those funds to pay the debts or other obligations remain in full force and effect until the debts or other obligations have been fully paid and satisfied or provisions have been made to pay or satisfy the debts or obligations.

Sec. 52. Section 41-3020.04, Arizona Revised Statutes, is amended to read:

41-3020.04. Arizona state library, archives and public records; termination July 1, 2020

A. The Arizona state library, archives and public records terminates on July 1, 2020.

B. Title 41, chapter ~~8~~ 1, article ~~3~~ 2.1 is repealed on January 1, 2021.

Sec. 53. Section 41-3508, Arizona Revised Statutes, is amended to read:

41-3508. Statewide e-rate program fund

A. The statewide e-rate program fund is established. The government information technology agency shall administer the fund. The statewide e-rate program fund shall consist of:

1. Monies received pursuant to the e-rate program under the telecommunications act of 1996 or other grants to assist this state in improving broadband internet and telecommunications access for public schools and libraries in this state.

2. Monies received as a result of an intergovernmental agreement between the government information technology agency and other political subdivisions of this state.

3. Monies received from private grants or donations if designated for the fund by the grantor or donor.

B. Monies in the fund shall be used to assist public school districts, charter schools and libraries to submit applications for funding pursuant to subsection C and to fulfill the terms of an intergovernmental agreement or private contract pursuant to subsection D.

C. SUBJECT TO THE CONDITIONS OF SUBSECTION E AND IN COOPERATION WITH THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS, the government information technology agency shall develop policies and procedures for the e-rate application for public school districts, charter schools and libraries in this state, including providing technical assistance.

D. The government information technology agency may enter into contracts with private organizations and intergovernmental agreements with other state agencies and political subdivisions of this state to administer the statewide e-rate program.

E. PARTICIPATION IN THE E-RATE PROGRAM BY LIBRARIES IS VOLUNTARY. THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS SHALL DETERMINE E-RATE ELIGIBILITY APPLICATIONS.

Sec. 54. Section 42-1105, Arizona Revised Statutes, is amended to read:

42-1105. Taxpayer identification, verification and records; retention

A. The federal taxpayer identification number, assigned pursuant to section 6109 of the internal revenue code, is the taxpayer identifier for purposes of the taxes administered pursuant to this article. Each person who is required to make a return, statement or other document shall include the identifier in order to secure the person's proper identification. If the return, statement or other document is made, electronically or otherwise, by another person on behalf of the taxpayer, the taxpayer shall furnish the identifier to the other person, and the person shall furnish both the

taxpayer's identifier and his own identifier with the return, statement or document.

B. The department may prescribe by administrative rule alternative methods for signing, subscribing or verifying a return, statement or other document required or authorized to be filed with the department that have the same validity and consequence as the actual signature or written declaration of the taxpayer or other person required to sign, subscribe or verify the return, statement or other document. While the department is adopting a rule prescribing alternative methods for signing, subscribing or verifying a return, statement or other document, the director, by tax ruling, may waive the requirement of a signature for a particular type or class of return, statement or other document required to be filed with the department. For purposes of this subsection, "tax ruling" has the same meaning prescribed in section 42-2052.

C. A person who is a return preparer or an electronic return preparer shall furnish a completed copy of the return, statement or other document to the taxpayer no later than the time the return, statement or other document is presented for the taxpayer's signature.

D. Except as provided in section 42-3010, every person who is subject to the taxes administered pursuant to this article shall keep and preserve copies of filed tax returns, including any attachments to the tax return, any signature documents used for the tax return, suitable records and other books and accounts necessary to determine the tax for which the person is liable for the period prescribed in section 42-1104. The books, records and accounts shall be open for inspection at any reasonable time by the department or its authorized agent.

E. Except as provided in section 42-3010, a return preparer or electronic return preparer shall keep copies of the return, statement or other document for six years for transaction privilege and use tax returns and four years for all other returns, statements and other documents following the date on which the return, statement or other document was due to be filed or was presented to the taxpayer for signature, whichever is later.

F. Except as provided in section 42-3010, the department may require by administrative rule electronic return preparers to keep for each prepared return, statement or other document the following documents for six years for transaction privilege and use tax returns and four years for all other returns, statements and other documents following the later of either the date on which the return, statement or other document was due to be filed with the department or was presented to the taxpayer for signature:

1. The signature document or tax return form bearing the taxpayer's original signature in a manner prescribed by the department by administrative rule or tax ruling.

2. Any attachments to the return, statement or other document required to be submitted to the department if the return, statement or other document had not been electronically transmitted to the department.

G. The operator of a swap meet, flea market, fair, carnival, festival, circus or other transient selling event shall maintain a current list of vendors conducting business on the premises as sellers. The list shall include each vendor name, business name and business address. On written notice the department may require an operator to submit a copy of the list at any time to the department.

H. For at least the period of time prescribed by section 42-1104, the department shall retain records pursuant to sections ~~41-1346 through 41-1349~~ 41-151.14, 41-151.15, 41-151.16, 41-151.17 and ~~41-1351~~ 41-151.19.

Sec. 55. Section 44-7041, Arizona Revised Statutes, is amended to read:

44-7041. Creation; retention; conversion of written records

A. Each governmental agency shall determine if, and the extent to which, the governmental agency will create and retain electronic records and convert written records to electronic records. Any governmental agency that is subject to the management, preservation, determination of value and disposition of records requirements prescribed in sections ~~41-1345, 41-1345.01 and 41-1346 through 41-1351~~ 41-151.12, 41-151.13, 41-151.14, 41-151.15, 41-151.16, 41-151.17, 41-151.18 AND 41-151.19 and the permanent public records requirements prescribed in section 39-101 shall comply with those requirements.

B. State agencies shall comply with the standards adopted by the government information technology agency pursuant to title 41, chapter 32.

C. All governmental agencies shall comply with the policies that are established by the secretary of state pursuant to section 41-132 and that apply to the use of electronic signatures.

Sec. 56. Initial terms of members of the advisory board of the Arizona state library, archives and public records

A. Notwithstanding section 41-151.02, Arizona Revised Statutes, as transferred, renumbered and amended by this act, the initial terms of the two members added by this act are:

1. One term ending July 1, 2014.

2. One term ending July 1, 2013.

B. The secretary of state shall make all subsequent appointments as prescribed by statute.