

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2419

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 39-121.01, Arizona Revised Statutes, is amended to
3 read:

4 39-121.01. Definitions: maintenance of records: copies,
5 printouts or photographs of public records:
6 examination by mail; index

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

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

11 2. "Public body" means this state, any county, city, town, school
12 district, political subdivision or tax-supported district in this state, any
13 branch, department, board, bureau, commission, council or committee of the
14 foregoing, and any public organization or agency, ~~THAT IS~~ supported in whole
15 or in part by monies from this state or any political subdivision of this
16 state, ~~or expending~~ ~~THAT SPENDS~~ monies provided by this state or any
17 political subdivision of this state.

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

23 C. Each public body shall be responsible for the preservation,
24 maintenance and care of that body's public records, and each officer shall be

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

5 D. Subject to section 39-121.03:

6 1. Any person may request to examine or be furnished copies, printouts
7 or photographs of any public record during regular office hours or may
8 request that the custodian mail a copy of any public record not otherwise
9 available on the public body's website to the requesting person. The
10 custodian may require any person requesting that the custodian mail a copy of
11 any public record to pay in advance for any copying and postage charges. The
12 custodian of ~~such~~ THE records shall promptly furnish ~~such~~ THE copies,
13 printouts or photographs and may charge a fee if the facilities are available
14 THAT INCLUDES REIMBURSEMENT FOR THE COST OF LABOR IN FURNISHING THE COPIES,
15 PRINTOUTS OR PHOTOGRAPHS, CALCULATED IN HOURLY WAGES, except that THE
16 CUSTODIAN MAY NOT CHARGE FOR THE FIRST FOUR HOURS OF LABOR COSTS. Public
17 records for purposes listed in section 39-122 or 39-127 shall be furnished
18 without charge.

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

31 3. If the custodian of a public record does not have facilities for
32 making copies, printouts or photographs of a public record ~~which~~ THAT a

1 person has a right to inspect, ~~such~~ THE person shall be granted access to the
2 public record for the purpose of making copies, printouts or photographs.
3 The copies, printouts or photographs shall be made while the public record is
4 in the possession, custody and control of the custodian of the public record
5 and shall be subject to the supervision of such custodian.

6 E. Access to a public record is deemed denied if a custodian fails to
7 promptly respond to a request for production of a public record or fails to
8 provide to the requesting person an index of any record or categories of
9 records that are withheld from production pursuant to subsection D, paragraph
10 2 of this section."

11 Amend title to conform

DAVID W. STEVENS

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