

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

# SENATE BILL 1123

## 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)

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

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

4 3-161. Definitions

5 In this article, unless the context otherwise requires:

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

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

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

10 3-3303. Arizona agricultural protection commission; report

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

13 1. The following members appointed by the governor:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 38-611 and are eligible for reimbursement of expenses pursuant to title 38,  
2 chapter 4, article 2. Compensation and reimbursement costs are payable from  
3 the Arizona agricultural protection fund.

4 C. The commission shall:

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

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

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

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

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

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

19 D. The commission may:

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

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

25 Sec. 3. Section 5-507, Arizona Revised Statutes, is amended to read:  
26 **5-507. Monthly reports; annual reports**

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

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

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

38 2. An accounting of total distributions of that appropriation.

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

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

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

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

4 5-601. Gambling on Indian reservations; tribal-state compacts;  
5 tribal-state compact fund

6 A. Notwithstanding any other law, this state, through the governor,  
7 may enter into negotiations and execute tribal-state compacts with Indian  
8 tribes in this state pursuant to the Indian gaming regulatory act of 1988  
9 (P.L. 100-497; 102 Stat. 2467; 25 United States Code sections 2701 through  
10 2721 and 18 United States Code sections 1166 through 1168). Notwithstanding  
11 the authority granted to the governor by this subsection, this state  
12 specifically reserves all of its rights, as attributes of its inherent  
13 sovereignty, recognized by the tenth and eleventh amendments to the United  
14 States Constitution. The governor shall not execute a tribal-state compact  
15 which waives, abrogates or diminishes these rights.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 **8-358. Juvenile intensive probation guidelines; report**

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

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

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

1 B. The supreme court shall annually submit a report stating the number  
2 of juveniles supervised on intensive probation during the prior year, the  
3 nature of the offense and the delinquent history of each of these juveniles  
4 to the governor, the speaker of the house of representatives and the  
5 president of the senate at the time of its annual budget request **AND SHALL**  
6 **PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE.** Beginning July 1,  
7 2011, the report shall be submitted electronically.

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

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

16 **8-514.03. Kinship foster care; requirements; investigation;**  
17 **report**

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

22 B. A kinship foster care parent applicant who is not a licensed foster  
23 care parent shall be at least eighteen years of age. The applicant and each  
24 member of the applicant's household who is at least eighteen years of age  
25 shall submit a full set of fingerprints to the department for the purpose of  
26 obtaining a state and federal criminal records check pursuant to section  
27 41-1750 and Public Law 92-544. The department of public safety may exchange  
28 this fingerprint data with the federal bureau of investigation. The  
29 department shall determine if the applicant is able to meet the child's  
30 health and safety needs by conducting one or more home visits and  
31 interviewing the applicant. The department of economic security may  
32 interview other household members, review the applicant's personal and  
33 professional references and conduct child protective services central  
34 registry checks.

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

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

- 42 1. Full foster care benefits, including payment if the kinship foster  
43 care parent becomes a licensed foster care home.
- 44 2. Temporary assistance for needy families cash assistance payments  
45 for a child only case and supplemental financial support.

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

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

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

- 12 1. Family assessment.
- 13 2. Case management.
- 14 3. Child day care.
- 15 4. Housing search and relocation.
- 16 5. Parenting skills training.
- 17 6. Supportive intervention and guidance counseling.
- 18 7. Transportation.
- 19 8. Emergency services.
- 20 9. Parent aid services.
- 21 10. Respite services.

22 11. Additional services that the department determines are necessary to  
23 meet the needs of the child and family.

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

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

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

41 **8-817. Initial screening and safety assessment and**  
42 **investigation protocols**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 9. Procedures for dispute resolution.

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



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

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

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

10 11-251.03. Records center; contents; open to inspection

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

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

17 1. Required by law to be kept.

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

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

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

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

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

28 11-479. Destruction of records; requirements; exception

29 A. The county recorder may destroy, under ~~the provisions of~~ sections  
30 ~~41-1339, 41-1343, 41-1345, 41-1345.01 and 41-1346 through 41-1351, any or~~  
31 ~~41-151.09, 41-151.11, 41-151.12, 41-151.13, 41-151.14, 41-151.15, 41-151.16,~~  
32 ~~41-151.17, 41-151.18 AND 41-151.19,~~ all of the filed papers or record books  
33 created by handwriting, by typing on printed forms, by typewriting ~~or~~ by  
34 photostatic or photographic methods **OR BY ANY ELECTRONIC MEANS** in the  
35 recorder's official custody, except federal tax lien notices, if all of the  
36 following conditions exist:

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

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

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

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

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

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

8           11-910. Supervision by director of the Arizona state library,  
9           archives and public records; semiannual convention of  
10           county librarians

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

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

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

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

27           12-299.03. Duties of the supreme court; evaluation

28           A. The supreme court shall:

29           1. Implement and administer the community punishment program.

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

32           3. Facilitate the development of local plans.

33           4. Develop and implement an application process and procedures.

34           5. Review and approve plans and budgets.

35           6. Allocate funding.

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

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

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

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

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

9 12-885. Seizure and sale of escheated property; disposal of  
10 proceeds; exception

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

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

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

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

28 13-2314.01. Anti-racketeering revolving fund; use of fund;  
29 reports

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 13-2314.03. County anti-racketeering revolving fund; use of  
31 fund; reports

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

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

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

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

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

15 E. Monies in the fund may be used for the funding of gang prevention  
16 programs, substance abuse prevention programs, substance abuse education  
17 programs, and witness protection pursuant to section 11-536 or for any  
18 purpose permitted by federal law relating to the disposition of any property  
19 that is transferred to a law enforcement agency. ~~Monies in the fund may be  
20 transmitted by the county attorney on behalf of any political subdivision of  
21 this state to the Arizona drug and gang policy council for the funding of  
22 gang prevention programs, substance abuse prevention programs and substance  
23 abuse education programs.~~ Monies in the fund may be used for the  
24 investigation and prosecution of any offense included in the definition of  
25 racketeering in section 13-2301, subsection D, paragraph 4 or section  
26 13-2312, including civil enforcement.

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

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

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

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

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

21 **15-153. School safety program oversight committee; membership;**  
22 **duties; staff; compensation; definition**

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

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

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

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

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

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

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

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

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

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



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

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

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

12 Sec. 16. Section 16-162, Arizona Revised Statutes, is amended to read:  
13 16-162. Retention of registration forms and record of  
14 cancellation

15 The county recorder shall provide a means of retaining registration  
16 forms and records of cancellation of registration. The records shall be  
17 retained as prescribed by sections ~~41-1347 and 41-1351~~ 41-151.15 **AND**  
18 **41-151.19.**

19 Sec. 17. Section 16-171, Arizona Revised Statutes, is amended to read:  
20 16-171. Preservation of signature rosters as permanent records

21 The signature roster of a precinct register shall be retained  
22 permanently, and transfer shall be pursuant to sections ~~41-1347 and 41-1351~~  
23 **41-151.15 AND 41-151.19.** Signature rosters may be retained pursuant to this  
24 section in an electronic format.

25 Sec. 18. Section 20-153, Arizona Revised Statutes, is amended to read:  
26 20-153. Records

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

30 B. The director may destroy records pursuant to sections ~~41-1347 and~~  
31 ~~41-1351~~ **41-151.15 AND 41-151.19.**

32 Sec. 19. Section 23-986, Arizona Revised Statutes, is amended to read:  
33 23-986. Applicability of title 20 to fund; exemption of other  
34 statutory provisions; insufficient assets; insurance  
35 director duties

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

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



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

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

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

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

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

22 1. Title 35.

23 ~~6-~~ 2. Title 38, chapter 4.

24 ~~2-~~ 3. Title 39, chapter 1, article 1.

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

26 5. Title 41, chapter 3.1.

27 ~~3-~~ 6. Title 41, chapter 4.

28 7. Title 41, chapter 39.

29 Sec. 20. Section 28-440, Arizona Revised Statutes, is amended to read:  
30 ~~28-440.~~ Definitions

31 In this article, unless the context otherwise requires:

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

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

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

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

39 (c) Mechanical or electronic rerecording.

40 (d) Chemical reproduction.

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

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

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

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

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

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

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

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

19           10. "Original":

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

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

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

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

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

34           13. "Records" has the same meaning prescribed in section ~~41-1350~~  
35 ~~41-151.18~~.

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

40           Sec. 21. Section 28-443, Arizona Revised Statutes, is amended to read:  
41 ~~28-443.~~ Records; management; destruction

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

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

3 Sec. 22. Section 32-702, Arizona Revised Statutes, is amended to read:  
4 32-702. Arizona state board of accountancy; membership;  
5 administrative duties; compensation

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

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

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

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

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

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

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

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

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

34 2. Records of its proceedings.

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

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

43 32-3058. Preservation of records

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

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

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

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

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

18 Sec. 24. Section 35-103, Arizona Revised Statutes, is amended to read:  
19 35-103. Annual financial reports; notification; payments

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

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

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

30 ~~2. Sufficient copies~~ to the Arizona state library, archives and public  
31 records or its agent to satisfy the requirements of the state documents  
32 program or arrangements or agreements entered into pursuant to section  
33 ~~41-1335~~ 41-151.05, subsection A, paragraph 5.

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

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

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

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

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

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

4 36-351. Duties of the director; Arizona state library, archives  
5 and public records

6 A. The director shall provide safe, secure and permanent preservation  
7 of vital records. The director shall comply with preservation requirements,  
8 **INCLUDING THE RESOLUTION NECESSARY FOR AUTHENTIC REPRODUCTION**, established by  
9 the Arizona state library, archives and public records pursuant to section  
10 39-101.

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

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

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

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

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

26 **E. THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC**  
27 **RECORDS IS ENTITLED TO RECEIVE RECORDS, INCLUDING SEALED RECORDS, WITHIN**  
28 **ONE-HUNDRED AND TWENTY DAYS ON RECEIPT OR CREATION BY THE DEPARTMENT. THESE**  
29 **ELECTRONIC RECORDS SHALL ONLY BE USED FOR ARCHIVAL OR PRESERVATION PURPOSES**  
30 **AND MAY NOT BE RELEASED OR COPIED FOR OTHER PURPOSES.**

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

32 38-233. Filing oaths of record

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

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

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

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

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

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

14 Sec. 27. Section 39-103, Arizona Revised Statutes, is amended to read:  
15 39-103. Size of public records; exemptions

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

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

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

36 39-121.01. Definitions; maintenance of records; copies,  
37 printouts or photographs of public records;  
38 examination by mail; index

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

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

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

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

13           C. Each public body shall be responsible for the preservation,  
14 maintenance and care of that body's public records, and each officer shall be  
15 responsible for the preservation, maintenance and care of that officer's  
16 public records. It shall be the duty of each such body to carefully secure,  
17 protect and preserve public records from deterioration, mutilation, loss or  
18 destruction, unless disposed of pursuant to sections ~~41-1347 and 41-1351~~  
19 41-151.15 AND 41-151.19.

20           D. Subject to section 39-121.03:

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

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

43           3. If the custodian of a public record does not have facilities for  
44 making copies, printouts or photographs of a public record which a person has  
45 a right to inspect, such person shall be granted access to the public record

1 for the purpose of making copies, printouts or photographs. The copies,  
2 printouts or photographs shall be made while the public record is in the  
3 possession, custody and control of the custodian of the public record and  
4 shall be subject to the supervision of such custodian.

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

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

12 41-121.02. Department of state

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

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

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

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

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

24 Sec. 30. Transfer and renumber

25 Title 41, chapter 8, article 3, Arizona Revised Statutes, is  
26 transferred and renumbered for placement in title 41, chapter 1, Arizona  
27 Revised Statutes, as article 2.1. Sections 41-1330, 41-1331, 41-1332,  
28 41-1333, 41-1334, 41-1335, 41-1336, 41-1337, 41-1338, 41-1339, 41-1340,  
29 41-1343, 41-1345, 41-1345.01, 41-1346, 41-1347, 41-1348, 41-1349, 41-1350,  
30 41-1351, 41-1352, 41-1353, 41-1354 and 41-1355, Arizona Revised Statutes, are  
31 transferred and renumbered for placement in title 41, chapter 1, article 2.1,  
32 Arizona Revised Statutes, as transferred and renumbered by this act, as  
33 sections 41-151, 41-151.01, 41-151.02, 41-151.03, 41-151.04, 41-151.05,  
34 41-151.06, 41-151.07, 41-151.08, 41-151.09, 41-151.10, 41-151.11, 41-151.12,  
35 41-151.13, 41-151.14, 41-151.15, 41-151.16, 41-151.17, 41-151.18, 41-151.19,  
36 41-151.20, 41-151.21, 41-151.22 and 41-151.23, respectively.

37 Sec. 31. Heading change

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



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

3           41-151.02. Advisory board of the Arizona state library,  
4                           archives and public records

5           A. An advisory board of the Arizona state library, archives and public  
6 records is established consisting of the president of the senate or the  
7 president's designee, the speaker of the house of representatives or the  
8 speaker's designee, one member of the senate who is appointed by the  
9 president of the senate and who is a member of a different political party  
10 than the president, one member of the house of representatives who is  
11 appointed by the speaker of the house of representatives and who is a member  
12 of a different political party than the speaker and ~~five~~ SEVEN members who  
13 are appointed by the secretary of state.

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

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

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

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

30           41-151.05. Powers and duties of director

31           A. The director shall:

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

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

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

9           4. Certify copies from books, documents or other archival or public  
10 records which have been deposited in the custody of the state library. The  
11 fee for certification shall be the same as prescribed for the certification  
12 of records by the secretary of state. These fees shall be transmitted to the  
13 state treasurer for credit to the state library fund established by section  
14 ~~41-1336~~ 41-151.06. These certificates have the same force and effect as if  
15 made by the officer originally in charge of the record.

16           5. As the director deems necessary:

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

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

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

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

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

34           (a) Description of state publications in all formats.

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

36           (c) CERTIFICATION OF SIGNS, PLAQUES AND MARKINGS PURSUANT TO SECTIONS  
37 28-7051 AND 41-151.10.

38           (d) ENFORCEMENT OF SECTION 34-502.

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

44           9. ~~Annually submit a report to the legislature~~ AS PART OF THE  
45 SECRETARY OF STATE'S ANNUAL REPORT TO THE GOVERNOR, REPORT on the condition

1 of the state library, its activities and the disposition of monies spent for  
2 its maintenance ~~and transmit a copy of the report to the governor.~~

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

5 11. Cooperate with the legislative council in carrying out section  
6 41-1304, subsection B.

7 B. The governor, the secretary of state, the president of the senate,  
8 the speaker of the house of representatives, the heads of departments and all  
9 officers and agents of this state shall supply at no cost the number of  
10 copies of official reports, public documents and publications required for  
11 the state library or its agents to satisfy the requirements of the state  
12 documents program or arrangements or agreements entered into pursuant to  
13 subsection A, paragraph 5 of this section.

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

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

18 2. Pay the state library the fee charged pursuant to section ~~41-1345~~  
19 ~~41-151.12~~ if the governmental unit refuses the state library's request to  
20 supply, and the state library incurs any expenses in obtaining, the copies  
21 that are required to be supplied pursuant to this section.

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

24 41-151.06. State library administrative agency; state library  
25 fund

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

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

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

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

8 41-151.07. Library development services

9 The state library shall:

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

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

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

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

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

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

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

30 41-151.08. Archives and history services; recovery of costs

31 A. The state library shall contain:

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

35 2. Copies of current official reports, public documents and  
36 publications of state, county and municipal officers, departments, boards,  
37 commissions, agencies and institutions, and public archives. To permit  
38 compliance with this paragraph it is the duty of all public officers required  
39 by law to make written reports to the governor, or to the governing officer  
40 or body of a county, city or town, to provide those reports, documents and  
41 publications to the state library for filing in the state library archives in  
42 the number that will satisfy the requirements of the state documents program  
43 or arrangements or agreements entered into pursuant to section ~~41-1335~~  
44 ~~41-151.05~~, subsection A, paragraph 5 except those reports, documents and  
45 publications that are confidential.

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

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

5 2. Pay the state library the fee charged pursuant to section ~~41-1345~~  
6 41-151.12 if the governmental unit refuses the state library's request to  
7 provide, and the state library incurs any expenses in obtaining, the copies  
8 that are required to be provided pursuant to this section.

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

11 41-151.09. Depository of official archives

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

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

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

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

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

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

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

32 41-151.12. Records; records management; powers and duties of  
33 director; fees; records services fund

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42          41-151.13. Records management officer; duties

43          A. The state library shall employ a records management officer who is  
44 responsible for the direction and control of the records management

1 program. The records management officer shall at the direction of the  
2 director administer the provisions of section ~~41-1345~~ 41-151.12.

3 B. The state library shall:

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

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

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

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

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

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

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

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

28 ~~41-151.14.~~ State and local public records management:  
29 violation; classification; definition

30 A. The head of each state and local agency shall:

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

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

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

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



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

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

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

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

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

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

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

21          C. A head of a state or local agency who violates this section is  
22 guilty of a class 2 misdemeanor.

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

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

30           **41-151.15. Preservation of public records**

31          A. All records made or received by public officials or employees of  
32 this state **OR THE COUNTIES AND INCORPORATED CITIES AND TOWNS OF THIS STATE** in  
33 the course of their public duties are the property of this state. Except as  
34 provided in this article, the director and every other custodian of public  
35 records shall carefully protect and preserve the records from deterioration,  
36 mutilation, loss or destruction and, when advisable, shall cause them to be  
37 properly repaired and renovated. All paper, ink and other materials used in  
38 public offices for the purpose of permanent records shall be of durable  
39 quality and shall comply with the standards established pursuant to section  
40 39-101. Additionally, the custodian of records that keeps photography, film,  
41 microfiche, digital imaging or other types of reproduction or electronic  
42 media pursuant to section ~~41-1348~~ **41-151.16**, subsection A shall protect  
43 records from loss or destruction pursuant to standards that are established  
44 by the director.



1 B. Records shall not be destroyed or otherwise disposed of by any  
2 agency of this state unless it is determined by the state library that the  
3 record has no further administrative, legal, fiscal, research or historical  
4 value. The original of any record produced or reproduced pursuant to section  
5 ~~41-1348~~ 41-151.16 may be determined by the state library to have no further  
6 administrative, legal, fiscal, research or historical value. A person who  
7 destroys or otherwise disposes of records without the specific authority of  
8 the state library is in violation of section 38-421.

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

11 41-151.16. Production and reproduction of records by agencies  
12 of the state and political subdivisions;  
13 admissibility; violation; classification

14 A. Each agency of this state or any of its political subdivisions may  
15 implement a program for the production or reproduction by photography or  
16 other method of reproduction on film, microfiche, digital imaging or other  
17 electronic media of records in its custody, whether obsolete or current, and  
18 classify, catalogue and index such records for convenient reference. The  
19 agency, before the institution of any such program of production or  
20 reproduction, shall obtain approval from the director of the types of records  
21 to be produced or reproduced and of the methods of production, reproduction  
22 and storage and the equipment which the agency proposes to use in connection  
23 with the production, reproduction and storage. **APPROVAL PURSUANT TO THIS**  
24 **SUBSECTION IS NECESSARY FOR DIGITIZING PROGRAMS BUT NOT FOR INDIVIDUAL**  
25 **INSTANCES OF DIGITIZATION.** On approval from the director, the source  
26 documents may be destroyed, but only after an administrative audit and after  
27 safeguards are in place to protect the public records pursuant to section  
28 ~~41-1347~~ 41-151.15, subsection A.

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

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

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

35 41-151.18. Definition of records

36 In this ~~chapter~~ ARTICLE, unless the context otherwise requires,  
37 "records" means all books, papers, maps, photographs or other documentary  
38 materials, regardless of physical form or characteristics, including prints  
39 or copies of such items produced or reproduced on film or electronic media  
40 pursuant to section ~~41-1348~~ 41-151.16, made or received by any governmental  
41 agency in pursuance of law or in connection with the transaction of public  
42 business and preserved or appropriate for preservation by the agency or its  
43 legitimate successor as evidence of the organization, functions, policies,  
44 decisions, procedures, operations or other activities of the government, or  
45 because of the informational and historical value of data contained ~~therein~~

1 IN THE RECORD, AND INCLUDES RECORDS THAT ARE MADE CONFIDENTIAL BY  
2 STATUTE. Library or museum material made or acquired solely for reference or  
3 exhibition purposes, extra copies of documents preserved only for convenience  
4 of reference and stocks of publications or documents intended for sale or  
5 distribution to interested persons are not included within the definition of  
6 records as used in this ~~chapter~~ ARTICLE.

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

9 41-151.20. Historical advisory commission; membership; terms;  
10 expenses; duties; historic sites review committee

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

23 B. Members shall serve without compensation but those employed by the  
24 state shall be reimbursed for travel and subsistence by the department or  
25 agency they represent and those who are not employed by the state are  
26 eligible for reimbursement of expenses by the commission pursuant to title  
27 38, chapter 4, article 2.

28 C. The commission shall:

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

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

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

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

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

3           ~~5-~~ 6. Submit annually on September 30 a report of the commission's  
4 activities to the director for inclusion in the annual report of the state  
5 library.

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

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

25           41-734. Preservation of accounts; copies; fees

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

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

31           41-862. Program

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

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

2 ~~41-881.~~ Historic property rehabilitation program:  
3 administration; purposes; special projects; state  
4 contribution; standards; protective covenant; report

5 A. A state historic property rehabilitation program is established to  
6 be administered by the Arizona state parks board through the state historic  
7 preservation officer. All decisions relating to the program by the state  
8 historic preservation officer are subject to approval by the Arizona state  
9 parks board. The state historic preservation officer may provide for the  
10 staff necessary for the operation of the program.

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

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

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

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

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

38 ~~41-1177.03.~~ Distribution and sale of legislative journals and  
39 session laws

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

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

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

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

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

10 41-1304.05. State capitol building areas and other facilities;  
11 jurisdiction; maintenance

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

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

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

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

19 ~~4.~~ 3. Any other facility acquired for legislative use and placed  
20 under legislative council jurisdiction and the grounds adjacent to it.

21 ~~5.~~ 4. Except as provided in subsections B and C of this section, the  
22 grounds adjacent to the state capitol museum, the legislative services wing,  
23 the house of representatives wing and the senate wing and comprising the area  
24 east of the state capitol executive tower with a northern boundary of west  
25 Adams street, an eastern boundary of Seventeenth avenue and a southern  
26 boundary of west Jefferson street in Phoenix, Arizona.

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

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

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

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

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

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

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

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

6 41-1361. Governmental mall commission; members; terms;  
7 compensation; definition

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

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

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

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

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

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

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

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

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

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

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

29 C. Members of the commission are not eligible to receive compensation  
30 but are eligible for reimbursement of expenses pursuant to title 38, chapter  
31 4, article 2.

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

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

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

3           41-2956. Termination period for agencies; funds; equipment;  
4                                   personnel; documents; bonds

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

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

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

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

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

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

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

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

40           41-3020.04. Arizona state library, archives and public records;  
41                                   termination July 1, 2020

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



1 B. Title 41, chapter ~~8~~ 1, article ~~3~~ 2.1 is repealed on January 1,  
2 2021.

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

5 41-3508. Statewide e-rate program fund

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

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

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

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

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

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

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

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

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

36 42-1105. Taxpayer identification, verification and records;  
37 retention

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



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

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

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

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

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

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

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

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

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

10          H. For at least the period of time prescribed by section 42-1104, the  
11 department shall retain records pursuant to sections ~~41-1346 through 41-1349~~  
12 ~~41-151.14, 41-151.15, 41-151.16, 41-151.17 and 41-1351~~ 41-151.19.

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

15           44-7041. Creation; retention; conversion of written records

16          A. Each governmental agency shall determine if, and the extent to  
17 which, the governmental agency will create and retain electronic records and  
18 convert written records to electronic records. Any governmental agency that  
19 is subject to the management, preservation, determination of value and  
20 disposition of records requirements prescribed in sections ~~41-1345,~~  
21 ~~41-1345.01 and 41-1346 through 41-1351~~ 41-151.12, 41-151.13, 41-151.14,  
22 41-151.15, 41-151.16, 41-151.17, 41-151.18 AND 41-151.19 and the permanent  
23 public records requirements prescribed in section 39-101 shall comply with  
24 those requirements.

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

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

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

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

- 35           1. One term ending July 1, 2014.
- 36           2. One term ending July 1, 2013.

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