

House Engrossed

~~library; historic names; archeology; establishment~~
(now: library; historic names; establishment)

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HOUSE BILL 2058

AN ACT

AMENDING SECTION 11-479, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-906; AMENDING SECTIONS 28-440 AND 39-121.01, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2.1; AMENDING TITLE 41, CHAPTER 4.1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3; REPEALING SECTIONS 41-3020.04, 41-3020.05 AND 41-3020.08, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-3029.01, 41-3029.02 AND 41-3029.03; AMENDING SECTION 44-7041, ARIZONA REVISED STATUTES; RELATING TO STATE AGENCIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-479, Arizona Revised Statutes, is amended to
3 read:

4 11-479. Destruction of records; requirements; exception

5 A. The county recorder may destroy, under sections 41-151,
6 41-151.09, 41-151.11, 41-151.12, 41-151.13, 41-151.14, 41-151.15,
7 41-151.16, 41-151.17, ~~41-151.18~~ and 41-151.19, all of the filed papers or
8 record books created by handwriting, by typing on printed forms, by
9 typewriting, by photostatic or photographic methods or by any electronic
10 means in the recorder's official custody, except federal tax lien notices,
11 if all of the following conditions exist:

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

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

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

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

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

28 Sec. 2. Title 11, chapter 7, article 1, Arizona Revised Statutes,
29 is amended by adding section 11-906, to read:

30 11-906. Board of library examiners; membership; compensation;
31 powers and duties

32 A. THE BOARD OF LIBRARY EXAMINERS IS ESTABLISHED CONSISTING OF THE
33 DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS, WHO
34 SHALL SERVE AS THE EX OFFICIO CHAIRPERSON, THE LIBRARIAN OF THE UNIVERSITY
35 OF ARIZONA, THE LIBRARIAN OF THE PHOENIX PUBLIC LIBRARY AND TWO COUNTY
36 LIBRARIANS WHO ARE APPOINTED BY THE DIRECTOR OF THE ARIZONA STATE LIBRARY,
37 ARCHIVES AND PUBLIC RECORDS. THE COUNTY LIBRARIAN MEMBERS SHALL SERVE ONE
38 YEAR TERMS, AND THE DIRECTOR SHALL APPOINT THE COUNTY LIBRARIAN MEMBERS ON
39 A ROTATING BASIS TO REPRESENT EACH COUNTY FREE LIBRARY.

40 B. THE MEMBERS OF THE BOARD MAY NOT RECEIVE COMPENSATION FOR THEIR
41 SERVICES EXCEPT ACTUAL AND NECESSARY TRAVEL EXPENSES WHICH SHALL BE PAID
42 FROM THE GENERAL FUND.

43 C. THE BOARD SHALL PASS ON THE QUALIFICATIONS OF PERSONS DESIRING
44 TO BECOME COUNTY LIBRARIANS AND, IN WRITING, MAY ADOPT RULES NOT

1 INCONSISTENT WITH LAW FOR ITS GOVERNMENT AND TO CARRY OUT THE PURPOSES OF
2 THIS ARTICLE.

3 Sec. 3. Section 28-440, Arizona Revised Statutes, is amended to
4 read:

5 28-440. Definitions

6 In this article, unless the context otherwise requires:

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

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

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

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

15 (c) Mechanical or electronic rerecording.

16 (d) Chemical reproduction.

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

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

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

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

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

29 7. "Medical or disability information" means a restriction or
30 medical code placed on a person's motor vehicle record pursuant to section
31 28-3159, subsection A, paragraph 1 or section 28-3167.

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

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

41 10. "Original":

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

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

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

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

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

12 13. "Records" has the same meaning prescribed in section ~~41-151.18~~
13 41-151.

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

19 Sec. 4. Section 39-121.01, Arizona Revised Statutes, is amended to
20 read:

21 39-121.01. Definitions; maintenance of records; copies,
22 printouts or photographs of public records;
23 examination by mail; index

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

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

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

36 B. All officers and public bodies shall maintain all records,
37 including records as defined in section ~~41-151.18~~ 41-151, reasonably
38 necessary or appropriate to maintain an accurate knowledge of their
39 official activities and of any of their activities ~~which~~ THAT are
40 supported by monies from this state or any political subdivision of this
41 state.

42 C. Each public body shall be responsible for the preservation,
43 maintenance and care of that body's public records, and each officer shall
44 be responsible for the preservation, maintenance and care of that
45 officer's public records. It shall be the duty of each such body to

1 carefully secure, protect and preserve public records from deterioration,
2 mutilation, loss or destruction, unless disposed of pursuant to sections
3 41-151.15 and 41-151.19.

4 D. Subject to section 39-121.03:

5 1. Any person may request to examine or be furnished copies,
6 printouts or photographs of any public record during regular office hours
7 or may request that the custodian mail a copy of any public record not
8 otherwise available on the public body's website to the requesting person.
9 The custodian may require any person requesting that the custodian mail a
10 copy of any public record to pay in advance for any copying and postage
11 charges. The custodian of such records shall promptly furnish such
12 copies, printouts or photographs and may charge a fee if the facilities
13 are available, except that public records for purposes listed in section
14 39-122 or 39-127 shall be furnished without charge.

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

28 3. If the custodian of a public record does not have facilities for
29 making copies, printouts or photographs of a public record ~~which~~ THAT a
30 person has a right to inspect, ~~such~~ THE person shall be granted access to
31 the public record for the purpose of making copies, printouts or
32 photographs. The copies, printouts or photographs shall be made while the
33 public record is in the possession, custody and control of the custodian
34 of the public record and shall be subject to the supervision of ~~such~~ THE
35 custodian.

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

1 Sec. 5. Title 41, chapter 1, Arizona Revised Statutes, is amended
2 by adding article 2.1, to read:

3 ARTICLE 2.1. ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC
4 RECORDS ESTABLISHED IN THE OFFICE OF THE SECRETARY OF STATE

5 41-151. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "DIRECTOR" MEANS THE DIRECTOR OF THE STATE LIBRARY.

8 2. "RECORDS":

9 (a) MEANS ALL BOOKS, PAPERS, MAPS, PHOTOGRAPHS OR OTHER DOCUMENTARY
10 MATERIALS, REGARDLESS OF PHYSICAL FORM OR CHARACTERISTICS, INCLUDING
11 PRINTS OR COPIES OF SUCH ITEMS PRODUCED OR REPRODUCED ON FILM OR
12 ELECTRONIC MEDIA PURSUANT TO SECTION 41-151.16, MADE OR RECEIVED BY ANY
13 GOVERNMENTAL AGENCY IN PURSUANCE OF LAW OR IN CONNECTION WITH THE
14 TRANSACTION OF PUBLIC BUSINESS AND PRESERVED OR APPROPRIATE FOR
15 PRESERVATION BY THE AGENCY OR ITS LEGITIMATE SUCCESSOR AS EVIDENCE OF THE
16 ORGANIZATION, FUNCTIONS, POLICIES, DECISIONS, PROCEDURES, OPERATIONS OR
17 OTHER ACTIVITIES OF THE GOVERNMENT, OR BECAUSE OF THE INFORMATIONAL AND
18 HISTORICAL VALUE OF DATA CONTAINED IN THE RECORD.

19 (b) INCLUDES RECORDS THAT ARE MADE CONFIDENTIAL BY STATUTE.

20 (c) DOES NOT INCLUDE LIBRARY OR MUSEUM MATERIAL MADE OR ACQUIRED
21 SOLELY FOR REFERENCE OR EXHIBITION PURPOSES, EXTRA COPIES OF DOCUMENTS
22 PRESERVED ONLY FOR CONVENIENCE OF REFERENCE AND STOCKS OF PUBLICATIONS OR
23 DOCUMENTS INTENDED FOR SALE OR DISTRIBUTION TO INTERESTED PERSONS.

24 3. "STATE LIBRARY" MEANS THE ARIZONA STATE LIBRARY, ARCHIVES AND
25 PUBLIC RECORDS.

26 41-151.01. Arizona state library, archives and public records

27 A. THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS IS
28 ESTABLISHED IN THE OFFICE OF THE SECRETARY OF STATE.

29 B. THE STATE LIBRARY SHALL:

30 1. ACQUIRE AND PROVIDE ACCESS TO MATERIALS RELATING TO THE
31 FOLLOWING IN PRINT, IN AN ELECTRONIC FORMAT OR IN ANY OTHER FORMAT:

32 (a) LAW.

33 (b) POLITICAL SCIENCE.

34 (c) ECONOMICS.

35 (d) SOCIOLOGY.

36 (e) SUBJECTS PERTAINING TO THE THEORY AND PRACTICE OF GOVERNMENT.

37 (f) GENEALOGY.

38 (g) ARIZONA HISTORY.

39 2. PROVIDE THE FOLLOWING:

40 (a) A GENERAL AND LEGAL REFERENCE SERVICE.

41 (b) A RECORDS MANAGEMENT AND ARCHIVES PROGRAM.

42 (c) A STATE AND FEDERAL GOVERNMENT DOCUMENTS DEPOSITORY PROGRAM.

43 (d) A LIBRARY DEVELOPMENT SERVICE.

44 (e) MUSEUMS FOR EDUCATIONAL PURPOSES AS APPROVED BY THE SECRETARY
45 OF STATE.

1 (f) A SERVICE, INCLUDING MATERIALS, FOR PERSONS WHO ARE VISUALLY OR
2 PHYSICALLY UNABLE TO USE TRADITIONAL PRINT MATERIALS.

3 41-151.02. Electronic records repository fund; exemption

4 A. THE ELECTRONIC RECORDS REPOSITORY FUND IS ESTABLISHED CONSISTING
5 OF LEGISLATIVE APPROPRIATIONS, GIFTS, NONFEDERAL GRANTS, FEES, DONATIONS
6 AND OTHER MONIES. THE DIRECTOR SHALL ADMINISTER THE FUND. MONIES IN THE
7 FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION. THE DIRECTOR SHALL USE THE
8 MONIES IN THE FUND FOR OPERATING EXPENSES FOR THE TRUSTED ELECTRONIC
9 RECORDS REPOSITORY ESTABLISHED PURSUANT TO SECTION 41-151.15.

10 B. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION
11 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

12 41-151.03. Director of the state library; qualifications

13 A. THE STATE LIBRARY IS UNDER THE CHARGE AND CONTROL OF A DIRECTOR,
14 SUBJECT TO SUPERVISION OF THE SECRETARY OF STATE. THE SECRETARY OF STATE
15 SHALL APPOINT THE DIRECTOR OF THE STATE LIBRARY. THE DIRECTOR SHALL SERVE
16 AT THE PLEASURE OF THE SECRETARY OF STATE.

17 B. THE DIRECTOR SHALL BE TECHNICALLY TRAINED IN LIBRARY WORK WITH
18 AT LEAST A MASTER'S DEGREE IN LIBRARY SCIENCE OR THE EQUIVALENT AND HAVE
19 AT LEAST FIVE YEARS' ACTUAL EXPERIENCE AS CHIEF ADMINISTRATOR OF A MAJOR
20 LIBRARY.

21 41-151.04. Compensation of director

22 THE SECRETARY OF STATE SHALL DETERMINE THE COMPENSATION OF THE
23 DIRECTOR PURSUANT TO SECTION 38-611.

24 41-151.05. Powers and duties of director

25 A. THE DIRECTOR SHALL:

26 1. ADOPT RULES FOR THE USE OF BOOKS OR OTHER MATERIALS IN THE
27 CUSTODY OF THE STATE LIBRARY AND FOR THE REMOVAL OF BOOKS FROM THE
28 LIBRARY, INCLUDING ASSESSING REASONABLE PENALTIES FOR FAILURE TO RETURN
29 BOOKS OR OTHER MATERIALS WHEN DUE. THE PROCEEDS FROM THE ASSESSMENT OF
30 REASONABLE PENALTIES SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND
31 35-147, IN THE STATE LIBRARY FUND ESTABLISHED BY SECTION 41-151.06. THE
32 MONIES SHALL BE USED ONLY FOR THE PURCHASE OF OTHER BOOKS OR MATERIALS.

33 2. SELL OR EXCHANGE UNDESIRED DUPLICATE COPIES OF BOOKS OR OTHER
34 MATERIALS, OR BOOKS OR OTHER MATERIALS NOT OF VALUE FOR THE PURPOSES OF
35 THE LIBRARY, OR PHOTOGRAPHIC REPRODUCTIONS OF STATE LIBRARY HOLDINGS, AND
36 DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, THE PROCEEDS IN THE STATE
37 LIBRARY FUND ESTABLISHED BY SECTION 41-151.06. THE MONIES SHALL BE USED
38 FOR THE PURCHASE OF OTHER BOOKS OR MATERIALS.

39 3. BRING ACTIONS FOR THE RECOVERY OF BOOKS OR OTHER MATERIALS, OR
40 FOR THREE TIMES THE VALUE OF THE BOOKS OR OTHER MATERIALS, AGAINST ANY
41 PERSON WHO HAS THEM IN THE PERSON'S POSSESSION OR WHO IS RESPONSIBLE FOR
42 THE BOOKS OR OTHER MATERIALS, AND WHO HAS FAILED OR REFUSED TO RETURN THEM
43 ON DEMAND. IF A BOOK OR OTHER MATERIAL IS ONE OF A SET, THE VALUE OF THE
44 BOOK OR OTHER MATERIAL MAY BE DEEMED THE VALUE OF THE ENTIRE SET. THE
45 DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, MONIES

1 RECOVERED PURSUANT TO THIS PARAGRAPH IN THE STATE LIBRARY FUND ESTABLISHED
2 BY SECTION 41-151.06.

3 4. CERTIFY COPIES FROM BOOKS, DOCUMENTS OR OTHER ARCHIVAL OR PUBLIC
4 RECORDS THAT HAVE BEEN DEPOSITED IN THE CUSTODY OF THE STATE LIBRARY. THE
5 FEE FOR CERTIFICATION SHALL BE THE SAME AS PRESCRIBED FOR THE
6 CERTIFICATION OF RECORDS BY THE SECRETARY OF STATE. THE DIRECTOR SHALL
7 DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, THESE FEES IN THE STATE
8 LIBRARY FUND ESTABLISHED BY SECTION 41-151.06. THESE CERTIFICATES HAVE
9 THE SAME FORCE AND EFFECT AS IF MADE BY THE OFFICER ORIGINALLY IN CHARGE
10 OF THE RECORD.

11 5. AS THE DIRECTOR DEEMS NECESSARY:

12 (a) ARRANGE WITH THE FEDERAL GOVERNMENT, OTHER STATES AND FOREIGN
13 COUNTRIES FOR A SYSTEM OF EXCHANGE OF OFFICIAL STATE REPORTS AND
14 PUBLICATIONS, SESSION LAWS, STATUTES, LEGISLATIVE JOURNALS AND SUPREME
15 COURT REPORTS.

16 (b) ENTER INTO AGREEMENTS TO ESTABLISH A DEPOSITORY SYSTEM AND AN
17 EXCHANGE PROGRAM WITH ANY MUNICIPAL, COUNTY OR REGIONAL PUBLIC LIBRARY,
18 STATE COLLEGE OR STATE UNIVERSITY LIBRARY AND OUT-OF-STATE RESEARCH
19 LIBRARIES.

20 (c) ENTER INTO AGREEMENTS WITH LIBRARIES IN THIS STATE FOR THE
21 STATE DOCUMENTS PROGRAM DESCRIBED IN SECTION 41-151.08, SUBSECTION A,
22 PARAGRAPH 2. ANY LIBRARY THAT ENTERS INTO AN AGREEMENT PURSUANT TO THIS
23 SUBDIVISION SHALL CONTINUE TO CONTRIBUTE AT LEAST THE SAME LEVEL OF
24 SUPPORT TO THE STATE DOCUMENTS PROGRAM AND MAY NOT USE ANY MONIES RECEIVED
25 PURSUANT TO THE AGREEMENT TO SUPPLANT OTHER MONIES AVAILABLE TO THE
26 LIBRARY.

27 6. ADOPT RULES FOR THE ACQUISITION, MAINTENANCE, ACCESS AND
28 PRESERVATION OF STATE PUBLICATIONS.

29 7. AFTER CONSULTATION WITH OTHER AGENCIES, ADOPT RULES AS PROVIDED
30 BY STATUTE, INCLUDING RULES FOR:

31 (a) DESCRIBING STATE PUBLICATIONS IN ALL FORMATS.

32 (b) SUPERVISING COUNTY FREE LIBRARIES PURSUANT TO SECTION 11-910.

33 (c) CERTIFYING SIGNS, PLAQUES AND MARKINGS PURSUANT TO SECTIONS
34 28-7051 AND 41-151.10.

35 (d) ENFORCING SECTION 34-502.

36 8. PROVIDE ACCESS TO AN OFFICIAL COMPILATION OR REVISION OF THE
37 LAWS OF THIS STATE TO EACH PUBLIC OR COURT LIBRARY IN THIS STATE THAT
38 APPLIES FOR ACCESS. THE DIRECTOR MAY PROVIDE THE ACCESS ELECTRONICALLY.
39 ON REQUEST, THE DIRECTOR MAY PROVIDE A CERTIFIED COPY OF A LAW PURSUANT TO
40 PARAGRAPH 4 OF THIS SUBSECTION.

41 9. AS PART OF THE SECRETARY OF STATE'S ANNUAL REPORT TO THE
42 GOVERNOR, REPORT ON THE CONDITION OF THE STATE LIBRARY, ITS ACTIVITIES AND
43 THE DISPOSITION OF MONIES SPENT FOR ITS MAINTENANCE.

1 10. SUBJECT TO CHAPTER 4, ARTICLE 4 OF THIS TITLE, APPOINT
2 PERSONNEL, INCLUDING SECURITY PERSONNEL, NECESSARY TO PERFORM THE DUTIES
3 OF THE STATE LIBRARY AND ASSIGN THEIR DUTIES.

4 11. COOPERATE WITH THE LEGISLATIVE COUNCIL IN CARRYING OUT SECTION
5 41-1304, SUBSECTION B.

6 B. THE GOVERNOR, THE SECRETARY OF STATE, THE PRESIDENT OF THE
7 SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE HEADS OF
8 DEPARTMENTS AND ALL OFFICERS AND AGENTS OF THIS STATE SHALL SUPPLY AT NO
9 COST THE NUMBER OF COPIES OF OFFICIAL REPORTS, PUBLIC DOCUMENTS AND
10 PUBLICATIONS REQUIRED FOR THE STATE LIBRARY OR ITS AGENTS TO SATISFY THE
11 REQUIREMENTS OF THE STATE DOCUMENTS PROGRAM OR ARRANGEMENTS OR AGREEMENTS
12 ENTERED INTO PURSUANT TO SUBSECTION A, PARAGRAPH 5 OF THIS SECTION.

13 C. THE GOVERNMENTAL UNITS DESCRIBED IN SUBSECTION B OF THIS SECTION
14 SHALL:

15 1. NOTIFY THE STATE LIBRARY IF THE REPORTS, DOCUMENTS AND
16 PUBLICATIONS SUBJECT TO THIS SECTION ARE POSTED ON AN INTERNET WEBSITE.

17 2. PAY THE STATE LIBRARY THE FEE CHARGED PURSUANT TO SECTION
18 41-151.12 IF THE GOVERNMENTAL UNIT REFUSES THE STATE LIBRARY'S REQUEST TO
19 SUPPLY, AND THE STATE LIBRARY INCURS ANY EXPENSES IN OBTAINING, THE COPIES
20 THAT ARE REQUIRED TO BE SUPPLIED PURSUANT TO THIS SECTION.

21 41-151.06. State library administrative agency; state library
22 fund

23 A. THE STATE LIBRARY IS THE STATE LIBRARY ADMINISTRATIVE AGENCY,
24 AND THE DIRECTOR MAY ACCEPT, ON BEHALF OF THE STATE, ANY ALLOCATION OF
25 MONIES OR MATERIALS MADE BY THE FEDERAL GOVERNMENT FOR STATE LIBRARY
26 PURPOSES, ANY APPROPRIATION OF STATE MONIES FOR THE PURPOSES OF THIS
27 ARTICLE OR ANY BEQUEST, GRANT OR GIFT TO THE STATE LIBRARY, AND
28 ADMINISTER ALL OF THEM UNDER RULES ADOPTED BY THE DIRECTOR, UNLESS
29 OTHERWISE PROVIDED BY LAW. THE ADMINISTRATION MAY NOT BE INCONSISTENT
30 WITH THE CONDITIONS OF THE ALLOCATION, APPROPRIATION, BEQUEST, GRANT OR
31 GIFT.

32 B. THE STATE LIBRARY FUND IS ESTABLISHED. ALL MONIES RECEIVED
33 PURSUANT TO THIS SECTION AND SECTION 41-151.05, EXCEPT FOR FEDERAL
34 MONIES, SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN
35 THE FUND AND ACCOUNTED FOR SEPARATELY. MONIES IN THE ACCOUNTS ARE
36 CONTINUOUSLY APPROPRIATED TO THE STATE LIBRARY FOR THE PURPOSES PROVIDED
37 FOR IN THE FUND SOURCES, AND MONIES IN THE FUND ARE EXEMPT FROM THE
38 PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS. ON
39 NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND DIVEST
40 MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED FROM
41 INVESTMENT SHALL BE CREDITED TO THE FUND.

42 C. ALL FEDERAL MONIES RECEIVED AS PROVIDED BY THIS SECTION SHALL
43 BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN A SEPARATE
44 ACCOUNT OF THE FUND AND DISBURSED IN THE MANNER PRESCRIBED FOR THE

1 DISBURSEMENT OF STATE FUNDS, BUT ARE NOT SUBJECT TO SECTION 35-190
2 RELATING TO LAPSING OF APPROPRIATIONS.

3 41-151.07. Library development services

4 THE STATE LIBRARY SHALL:

- 5 1. DIRECT AND COORDINATE STATEWIDE PUBLIC LIBRARY SERVICES.
- 6 2. ENCOURAGE AND ASSIST THE DEVELOPMENT OF LIBRARY SERVICES IN
7 STATE AND LOCAL INSTITUTIONS AND GOVERNMENTAL UNITS.
- 8 3. COMPILE AND DISSEMINATE STATISTICS AND OTHER DATA RELATING TO
9 LIBRARIES AND LIBRARY SERVICES.
- 10 4. GIVE PROFESSIONAL ADVICE AND ASSISTANCE IN THE ESTABLISHMENT AND
11 OPERATION OF COUNTY FREE LIBRARIES, MUNICIPAL OR OTHER LIBRARIES, OR ANY
12 COMBINATIONS OF COUNTY FREE AND MUNICIPAL OR OTHER LIBRARIES, AND TO JOINT
13 VENTURES OF PUBLIC AND PRIVATE OR NONPROFIT LIBRARIES IN THIS STATE THAT
14 MAKE LIBRARY INFORMATION AVAILABLE TO THE PUBLIC AND THAT REQUEST SUCH
15 PROFESSIONAL ADVICE AND ASSISTANCE.
- 16 5. DEVELOP LIBRARY SERVICES FOR THE BLIND AND PERSONS WITH PHYSICAL
17 DISABILITIES REGARDLESS OF THE TYPE OF TECHNOLOGY USED.
- 18 6. PERFORM ALL OTHER DUTIES NECESSARY OR APPROPRIATE TO THE
19 DEVELOPMENT OF STATEWIDE LIBRARY SERVICES.

20 41-151.08. Archives and history services; recovery of costs

21 A. THE STATE LIBRARY SHALL CONTAIN:

- 22 1. ALL AVAILABLE WORKS, BOOKS, NEWSPAPER FILES, PAMPHLETS, PAPERS,
23 MANUSCRIPTS, DOCUMENTS, MAGAZINES AND NEWSPAPER ARTICLES, MAPS, PICTURES,
24 ITEMS AND MATERIALS PERTAINING TO OR BEARING ON THE HISTORY OF THIS STATE.
- 25 2. COPIES OF CURRENT OFFICIAL REPORTS, PUBLIC DOCUMENTS AND
26 PUBLICATIONS OF STATE, COUNTY AND MUNICIPAL OFFICERS, DEPARTMENTS, BOARDS,
27 COMMISSIONS, AGENCIES AND INSTITUTIONS, AND PUBLIC ARCHIVES. TO ALLOW
28 COMPLIANCE WITH THIS PARAGRAPH, ALL PUBLIC OFFICERS REQUIRED BY LAW SHALL
29 REPORT IN WRITING TO THE GOVERNOR, OR TO THE GOVERNING OFFICER OR BODY OF
30 A COUNTY, CITY OR TOWN, TO PROVIDE THOSE REPORTS, DOCUMENTS AND
31 PUBLICATIONS TO THE STATE LIBRARY FOR FILING IN THE STATE LIBRARY ARCHIVES
32 IN THE NUMBER THAT WILL SATISFY THE REQUIREMENTS OF THE STATE DOCUMENTS
33 PROGRAM OR ARRANGEMENTS OR AGREEMENTS ENTERED INTO PURSUANT TO SECTION
34 41-151.05, SUBSECTION A, PARAGRAPH 5 EXCEPT THOSE REPORTS, DOCUMENTS AND
35 PUBLICATIONS THAT ARE CONFIDENTIAL.

36 B. THE GOVERNMENTAL UNITS DESCRIBED IN SUBSECTION A OF THIS SECTION
37 SHALL:

- 38 1. NOTIFY THE STATE LIBRARY IF THE REPORTS, DOCUMENTS AND
39 PUBLICATIONS SUBJECT TO THIS SECTION ARE POSTED ON AN INTERNET WEBSITE.
- 40 2. PAY THE STATE LIBRARY THE FEE CHARGED PURSUANT TO SECTION
41 41-151.12 IF THE GOVERNMENTAL UNIT REFUSES THE STATE LIBRARY'S REQUEST TO
42 PROVIDE, AND THE STATE LIBRARY INCURS ANY EXPENSES IN OBTAINING, THE
43 COPIES THAT ARE REQUIRED TO BE PROVIDED PURSUANT TO THIS SECTION.

1 41-151.09. Depository of official archives

2 A. THE STATE LIBRARY IS THE CENTRAL DEPOSITORY OF ALL OFFICIAL
3 BOOKS, RECORDS AND DOCUMENTS, INCLUDING ELECTRONIC RECORDS, NOT IN CURRENT
4 USE OF THE VARIOUS STATE OFFICERS AND DEPARTMENTS OF THIS STATE AND THE
5 COUNTIES, CITIES AND TOWNS. THESE MATERIALS CONSTITUTE THE STATE
6 ARCHIVES. THE STATE ARCHIVES SHALL BE CAREFULLY KEPT AND PRESERVED,
7 CLASSIFIED, CATALOGUED AND MADE AVAILABLE FOR INSPECTION UNDER RULES THE
8 DIRECTOR ADOPTS.

9 B. STATE OFFICERS IN POSSESSION OF OFFICIAL STATE OR TERRITORIAL
10 ARCHIVES SHALL DEPOSIT THOSE ARCHIVES WITH THE STATE LIBRARY.

11 C. ANY COUNTY, MUNICIPAL OR OTHER PUBLIC OFFICIAL SHALL RETAIN OR
12 DEPOSIT WITH THE STATE LIBRARY FOR PERMANENT PRESERVATION PURSUANT TO
13 SECTION 39-101 OFFICIAL BOOKS, RECORDS, DOCUMENTS AND ORIGINAL PAPERS NOT
14 IN CURRENT USE. THE CLERK OF THE SUPERIOR COURT SHALL DEPOSIT AND THE
15 STATE LIBRARY SHALL PRESERVE ALL PERMANENT SUPERIOR COURT CASE FILES
16 PURSUANT TO COURT RULES.

17 D. THE STATE LIBRARY SHALL MAKE BIRTH AND DEATH RECORDS HELD IN THE
18 STATE LIBRARY ARCHIVES AVAILABLE FOR INSPECTION AS FOLLOWS:

19 1. BIRTH RECORDS IF SEVENTY-FIVE YEARS HAVE PASSED AFTER THE DATE
20 OF BIRTH AS RECORDED ON THE BIRTH CERTIFICATE.

21 2. DEATH RECORDS IF FIFTY YEARS HAVE PASSED AFTER THE DATE OF
22 DEATH.

23 41-151.10. Historical records

24 THE STATE LIBRARY SHALL:

25 1. COLLECT FROM THE FILES OF OLD NEWSPAPERS, COURT RECORDS, CHURCH
26 RECORDS, PRIVATE COLLECTIONS AND OTHER SOURCES, DATA PERTAINING TO THE
27 HISTORY OF THIS STATE.

28 2. ACCEPT LOANS OR GIFTS OF RARE VOLUMES, MANUSCRIPTS, MAPS,
29 PICTURES AND OTHER ARTICLES OR THINGS OF HISTORICAL VALUE.

30 3. CLASSIFY, EDIT, ANNOTATE AND PUBLISH FROM TIME TO TIME RECORDS
31 CONSIDERED OF PUBLIC INTEREST.

32 4. ENCOURAGE THE PROPER MARKING OF POINTS OF HISTORICAL IMPORTANCE.

33 5. SYSTEMATICALLY STIMULATE HISTORICAL RESEARCH AND ENCOURAGE THE
34 STUDY OF ARIZONA HISTORY.

35 41-151.11. Access to public records

36 THE DIRECTOR, IN PERSON OR THROUGH A DEPUTY, HAS THE RIGHT OF
37 REASONABLE ACCESS TO ALL NONCONFIDENTIAL PUBLIC RECORDS IN THIS STATE, OR
38 ANY PUBLIC OFFICE OF THIS STATE OR ANY COUNTY, CITY, DISTRICT OR POLITICAL
39 SUBDIVISION OF THIS STATE, BECAUSE OF THE HISTORICAL AND RESEARCH VALUE OF
40 DATA CONTAINED IN THOSE RECORDS, WITH A VIEW TO SECURING THEIR SAFETY AND
41 DETERMINING THEIR NEED FOR PRESERVATION OR DISPOSAL.

42 41-151.12. Records; records management; powers and duties of
43 director; fees; records services fund

44 A. THE DIRECTOR IS RESPONSIBLE FOR PRESERVING AND MANAGING
45 RECORDS. IN ADDITION TO OTHER POWERS AND DUTIES, THE DIRECTOR SHALL:

- 1 1. ESTABLISH STANDARDS, PROCEDURES AND TECHNIQUES FOR EFFECTIVE
2 MANAGEMENT OF RECORDS.
- 3 2. MAKE CONTINUING SURVEYS OF RECORDKEEPING OPERATIONS AND
4 RECOMMEND IMPROVEMENTS IN CURRENT RECORD MANAGEMENT PRACTICES, INCLUDING
5 THE USE OF SPACE, EQUIPMENT AND SUPPLIES EMPLOYED IN CREATING,
6 MAINTAINING, STORING AND SERVICING RECORDS.
- 7 3. ESTABLISH STANDARDS AND PROCEDURES FOR PREPARING SCHEDULES THAT
8 PROVIDE FOR RETAINING RECORDS OF CONTINUING VALUE AND FOR PROMPT AND
9 ORDERLY DISPOSAL OF RECORDS NO LONGER POSSESSING SUFFICIENT
10 ADMINISTRATIVE, LEGAL OR FISCAL VALUE TO WARRANT THEIR FURTHER KEEPING.
- 11 4. ESTABLISH CRITERIA FOR DESIGNATING ESSENTIAL RECORDS WITHIN THE
12 FOLLOWING GENERAL CATEGORIES:
 - 13 (a) RECORDS CONTAINING INFORMATION NECESSARY TO THE OPERATIONS OF
14 GOVERNMENT IN AN EMERGENCY CREATED BY A DISASTER.
 - 15 (b) RECORDS CONTAINING INFORMATION NECESSARY TO PROTECT THE RIGHTS
16 AND INTERESTS OF PERSONS OR TO ESTABLISH AND AFFIRM THE POWERS AND DUTIES
17 OF GOVERNMENTS IN THE RESUMPTION OF OPERATIONS AFTER A DISASTER.
- 18 5. REPRODUCE OR CAUSE TO BE REPRODUCED ESSENTIAL RECORDS AND
19 PRESCRIBE THE PLACE AND MANNER OF THEIR SAFEKEEPING.
- 20 6. OBTAIN SUCH REPORTS AND DOCUMENTATION FROM AGENCIES AS ARE
21 REQUIRED FOR ADMINISTERING THIS PROGRAM.
- 22 7. REQUEST TRANSMITTAL OF THE ORIGINALS OF RECORDS PRODUCED OR
23 REPRODUCED BY AGENCIES OF THIS STATE OR ITS POLITICAL SUBDIVISIONS
24 PURSUANT TO SECTION 41-151.16 OR CERTIFIED NEGATIVES, FILMS OR ELECTRONIC
25 MEDIA OF SUCH ORIGINALS, OR BOTH, IF IN THE DIRECTOR'S JUDGMENT SUCH
26 RECORDS MAY BE OF HISTORICAL OR OTHER VALUE.
- 27 8. ON REQUEST, ASSIST AND ADVISE IN THE ESTABLISHMENT OF RECORDS
28 MANAGEMENT PROGRAMS IN THE LEGISLATIVE AND JUDICIAL BRANCHES OF THIS STATE
29 AND PROVIDE PROGRAM SERVICES SIMILAR TO THOSE AVAILABLE TO THE EXECUTIVE
30 BRANCH OF STATE GOVERNMENT PURSUANT TO THIS ARTICLE.
- 31 9. ESTABLISH A FEE SCHEDULE TO SYSTEMATICALLY CHARGE STATE
32 AGENCIES, POLITICAL SUBDIVISIONS OF THIS STATE AND OTHER GOVERNMENTAL
33 UNITS OF THIS STATE FOR SERVICES DESCRIBED IN THIS SECTION AND SECTION
34 41-151.13 AND DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, MONIES
35 RECEIVED FROM FEES IN THE RECORDS SERVICES FUND ESTABLISHED BY SUBSECTION
36 B OF THIS SECTION.
- 37 10. SUBJECT TO APPROVAL OF THE SECRETARY OF STATE, ESTABLISH A FEE
38 SCHEDULE TO CHARGE STATE AGENCIES, POLITICAL SUBDIVISIONS OF THIS STATE
39 AND OTHER GOVERNMENTAL UNITS OF THIS STATE FOR SERVICES AND EXPENSES
40 INCURRED BY THE STATE LIBRARY IN OBTAINING COPIES OF THOSE REPORTS,
41 DOCUMENTS AND PUBLICATIONS THAT ARE REQUIRED TO BE DELIVERED, SUPPLIED OR
42 PROVIDED PURSUANT TO SECTIONS 35-103, 41-151.05 AND 41-151.08 AND DEPOSIT,
43 PURSUANT TO SECTIONS 35-146 AND 35-147, THESE MONIES IN THE RECORDS
44 SERVICES FUND ESTABLISHED BY SUBSECTION B OF THIS SECTION.

1 B. THE RECORDS SERVICES FUND IS ESTABLISHED CONSISTING OF MONIES
2 DEPOSITED PURSUANT TO SUBSECTION A, PARAGRAPHS 9 AND 10 OF THIS SECTION.
3 THE DIRECTOR SHALL ADMINISTER THE FUND FOR THE PURPOSES PROVIDED IN
4 SUBSECTION A OF THIS SECTION. MONIES IN THE FUND ARE SUBJECT TO
5 LEGISLATIVE APPROPRIATION AND ARE EXEMPT FROM THE PROVISIONS OF SECTION
6 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

7 41-151.13. Records management officer; duties

8 A. THE STATE LIBRARY SHALL EMPLOY A RECORDS MANAGEMENT OFFICER WHO
9 IS RESPONSIBLE FOR THE DIRECTION AND CONTROL OF THE RECORDS MANAGEMENT
10 PROGRAM. THE RECORDS MANAGEMENT OFFICER, AT THE DIRECTION OF THE
11 DIRECTOR, SHALL ADMINISTER SECTION 41-151.12.

12 B. THE STATE LIBRARY SHALL:

13 1. THROUGH CONSULTATION AND EDUCATION, PROVIDE FOR AN EFFICIENT AND
14 CONTEMPORARY RECORDS MANAGEMENT PROGRAM USING MODERN TECHNIQUES TO
15 FACILITATE THE EFFICIENT AND ECONOMIC CREATION, MAINTENANCE, CONTROL,
16 RETENTION AND DISPOSITION OF RECORDS.

17 2. OPERATE A RECORDS MANAGEMENT CENTER FOR MAINTAINING AND HOUSING
18 INACTIVE NONARCHIVAL RECORDS. THE RECORDS MANAGEMENT CENTER IS THE ONLY
19 INACTIVE RECORDS CENTER OPERATED BY A STATE AGENCY. STATE AGENCIES MAY
20 USE OTHER FACILITIES FOR INACTIVE RECORDS STORAGE WITH PRIOR APPROVAL OF
21 THE DIRECTOR.

22 3. ESTABLISH STANDARDS AND PROCEDURES FOR RECORDS ACCEPTED FOR
23 STORAGE.

24 4. OPERATE A SECURE VAULT AS PART OF THE RECORDS MANAGEMENT CENTER
25 FOR HOUSING AND MAINTAINING MICROGRAPHIC, MACHINE READ AND SELECTED
26 ESSENTIAL RECORDS.

27 5. OPERATE A PRESERVATION IMAGING FUNCTION THAT IS RESPONSIBLE FOR:

28 (a) THE EFFICIENT AND COORDINATED USE OF MICROGRAPHICS AND DIGITAL
29 IMAGING EQUIPMENT, TECHNIQUES AND PERSONNEL TO ACHIEVE OPTIMUM QUALITY,
30 EFFECTIVENESS AND ECONOMY IN THE PRODUCTION OF SOURCE DOCUMENT
31 MICROGRAPHICS AND DIGITAL IMAGING.

32 (b) PROCESSING AND DUPLICATING MICROFILM PRODUCED BY THE
33 PRESERVATION IMAGING OPERATION AND FILM PRODUCED BY OTHER AGENCIES OF THIS
34 STATE.

35 41-151.14. State and local public records management;
36 violation; classification; definition

37 A. THE HEAD OF EACH STATE AND LOCAL AGENCY SHALL:

38 1. ESTABLISH AND MAINTAIN AN ACTIVE, CONTINUING PROGRAM FOR THE
39 ECONOMICAL AND EFFICIENT MANAGEMENT OF THE PUBLIC RECORDS OF THE AGENCY.

40 2. MAKE AND MAINTAIN RECORDS CONTAINING ADEQUATE AND PROPER
41 DOCUMENTATION OF THE ORGANIZATION, FUNCTIONS, POLICIES, DECISIONS,
42 PROCEDURES AND ESSENTIAL TRANSACTIONS OF THE AGENCY DESIGNED TO FURNISH
43 INFORMATION TO PROTECT THE RIGHTS OF THIS STATE AND OF PERSONS DIRECTLY
44 AFFECTED BY THE AGENCY'S ACTIVITIES.

1 3. SUBMIT TO THE DIRECTOR, IN ACCORDANCE WITH ESTABLISHED
2 STANDARDS, SCHEDULES PROPOSING THE LENGTH OF TIME EACH RECORD SERIES
3 WARRANTS RETENTION FOR ADMINISTRATIVE, LEGAL OR FISCAL PURPOSES AFTER IT
4 HAS BEEN RECEIVED BY THE AGENCY.

5 4. ONCE EVERY FIVE YEARS SUBMIT TO THE DIRECTOR LISTS OF ALL
6 ESSENTIAL PUBLIC RECORDS IN THE CUSTODY OF THE AGENCY.

7 5. COOPERATE WITH THE DIRECTOR IN THE CONDUCT OF SURVEYS.

8 6. DESIGNATE AN INDIVIDUAL WITHIN THE AGENCY TO MANAGE THE RECORDS
9 MANAGEMENT PROGRAM OF THE AGENCY. THE AGENCY SHALL RECONFIRM THE IDENTITY
10 OF THIS INDIVIDUAL TO THE STATE LIBRARY EVERY OTHER YEAR. THE DESIGNATED
11 INDIVIDUAL:

12 (a) MUST BE AT A LEVEL OF MANAGEMENT SUFFICIENT TO DIRECT THE
13 RECORDS MANAGEMENT PROGRAM IN AN EFFICIENT AND EFFECTIVE MANNER.

14 (b) SHALL ACT AS COORDINATOR AND LIAISON FOR THE AGENCY WITH THE
15 STATE LIBRARY.

16 7. COMPLY WITH RULES, STANDARDS AND PROCEDURES ADOPTED BY THE
17 DIRECTOR.

18 B. THE GOVERNING BODY OF EACH COUNTY, CITY, TOWN OR OTHER POLITICAL
19 SUBDIVISION SHALL PROMOTE THE PRINCIPLES OF EFFICIENT RECORDS MANAGEMENT
20 FOR LOCAL PUBLIC RECORDS. THE GOVERNING BODY, AS FAR AS PRACTICABLE,
21 SHALL FOLLOW THE PROGRAM ESTABLISHED FOR MANAGING STATE RECORDS. THE
22 DIRECTOR, ON REQUEST OF THE GOVERNING BODY, SHALL PROVIDE ADVICE AND
23 ASSISTANCE IN ESTABLISHING A LOCAL PUBLIC RECORDS MANAGEMENT PROGRAM.

24 C. A HEAD OF A STATE OR LOCAL AGENCY WHO VIOLATES THIS SECTION IS
25 GUILTY OF A CLASS 2 MISDEMEANOR.

26 D. FOR THE PURPOSES OF THIS SECTION, "RECORDS MANAGEMENT" MEANS
27 CREATING AND IMPLEMENTING SYSTEMATIC CONTROLS FOR RECORDS AND INFORMATION
28 ACTIVITIES FROM THE POINT WHERE THEY ARE CREATED OR RECEIVED THROUGH FINAL
29 DISPOSITION OR ARCHIVAL RETENTION, INCLUDING DISTRIBUTION, USE, STORAGE,
30 RETRIEVAL, PROTECTION AND PRESERVATION.

31 41-151.15. Preservation of public records

32 A. ALL RECORDS MADE OR RECEIVED BY PUBLIC OFFICIALS OR EMPLOYEES OF
33 THIS STATE OR THE COUNTIES, CITIES AND TOWNS OF THIS STATE IN THE COURSE
34 OF THEIR PUBLIC DUTIES ARE THE PROPERTY OF THIS STATE. EXCEPT AS PROVIDED
35 IN THIS ARTICLE, THE DIRECTOR AND EVERY OTHER CUSTODIAN OF PUBLIC RECORDS
36 SHALL CAREFULLY PROTECT AND PRESERVE THE RECORDS FROM DETERIORATION,
37 MUTILATION, LOSS OR DESTRUCTION AND, WHEN ADVISABLE, SHALL CAUSE THEM TO
38 BE PROPERLY REPAIRED AND RENOVATED. ALL PAPER, INK AND OTHER MATERIALS
39 USED IN PUBLIC OFFICES FOR THE PURPOSE OF PERMANENT RECORDS, INCLUDING
40 ELECTRONIC RECORDS, SHALL BE OF DURABLE QUALITY AND SHALL COMPLY WITH THE
41 STANDARDS ESTABLISHED PURSUANT TO SECTION 39-101. ADDITIONALLY, THE
42 CUSTODIAN OF RECORDS THAT KEEPS PHOTOGRAPHY, FILM, MICROFICHE, DIGITAL
43 IMAGING OR OTHER TYPES OF REPRODUCTION OR ELECTRONIC MEDIA PURSUANT TO
44 SECTION 41-151.16, SUBSECTION A SHALL PROTECT RECORDS FROM LOSS OR
45 DESTRUCTION PURSUANT TO STANDARDS THAT ARE ESTABLISHED BY THE DIRECTOR.

1 B. THE STATE LIBRARY SHALL ESTABLISH, OPERATE AND MAINTAIN A
2 TRUSTED ELECTRONIC RECORDS REPOSITORY TO KEEP, PRESERVE, SECURE AND MAKE
3 AVAILABLE THE ELECTRONIC AND DIGITIZED RECORDS OF THE STATE ARCHIVES AND
4 THE STATE DOCUMENTS PROGRAM AND OF ANY DOCUMENTS AND PUBLIC RECORDS
5 RECEIVED, SUBJECT TO LEGISLATIVE APPROPRIATION.

6 C. RECORDS MAY NOT BE DESTROYED OR OTHERWISE DISPOSED OF BY ANY
7 AGENCY OF THIS STATE UNLESS IT IS DETERMINED BY THE STATE LIBRARY THAT THE
8 RECORD HAS NO FURTHER ADMINISTRATIVE, LEGAL, FISCAL, RESEARCH OR
9 HISTORICAL VALUE. THE ORIGINAL OF ANY RECORD PRODUCED OR REPRODUCED
10 PURSUANT TO SECTION 41-151.16 MAY BE DETERMINED BY THE STATE LIBRARY TO
11 HAVE NO FURTHER ADMINISTRATIVE, LEGAL, FISCAL, RESEARCH OR HISTORICAL
12 VALUE. A PERSON WHO DESTROYS OR OTHERWISE DISPOSES OF RECORDS WITHOUT THE
13 SPECIFIC AUTHORITY OF THE STATE LIBRARY IS IN VIOLATION OF SECTION 38-421.

14 41-151.16. Production and reproduction of records by agencies
15 of the state and political subdivisions;
16 admissibility; violation; classification

17 A. EACH AGENCY OF THIS STATE OR OF ANY POLITICAL SUBDIVISION OF
18 THIS STATE MAY IMPLEMENT A PROGRAM FOR THE PRODUCTION OR REPRODUCTION BY
19 PHOTOGRAPHY OR OTHER METHOD OF REPRODUCTION ON FILM, MICROFICHE, DIGITAL
20 IMAGING OR OTHER ELECTRONIC MEDIA OF RECORDS IN ITS CUSTODY, WHETHER
21 OBSOLETE OR CURRENT, AND CLASSIFY, CATALOGUE AND INDEX SUCH RECORDS FOR
22 CONVENIENT REFERENCE. THE AGENCY, BEFORE THE INSTITUTION OF ANY SUCH
23 PROGRAM OF PRODUCTION OR REPRODUCTION, SHALL OBTAIN APPROVAL FROM THE
24 DIRECTOR OF THE TYPES OF RECORDS TO BE PRODUCED OR REPRODUCED AND OF THE
25 METHODS OF PRODUCTION, REPRODUCTION AND STORAGE AND THE EQUIPMENT WHICH
26 THE AGENCY PROPOSES TO USE IN CONNECTION WITH THE PRODUCTION, REPRODUCTION
27 AND STORAGE. APPROVAL PURSUANT TO THIS SUBSECTION IS NECESSARY FOR
28 DIGITIZING PROGRAMS BUT NOT FOR INDIVIDUAL INSTANCES OF DIGITIZATION. ON
29 APPROVAL FROM THE DIRECTOR, THE SOURCE DOCUMENTS MAY BE DESTROYED, BUT
30 ONLY AFTER AN ADMINISTRATIVE AUDIT AND AFTER SAFEGUARDS ARE IN PLACE TO
31 PROTECT THE PUBLIC RECORDS PURSUANT TO SECTION 41-151.15, SUBSECTION A.

32 B. EXCEPT AS OTHERWISE PROVIDED BY LAW, RECORDS REPRODUCED AS
33 PROVIDED IN SUBSECTION A OF THIS SECTION ARE ADMISSIBLE IN EVIDENCE.

34 C. A HEAD OF AN AGENCY OF THIS STATE OR A POLITICAL SUBDIVISION OF
35 THIS STATE WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 2 MISDEMEANOR.

36 41-151.17. Duties relating to historical value

37 A. THE STATE LIBRARY SHALL:

38 1. DETERMINE WHETHER PUBLIC RECORDS PRESENTED TO IT ARE OF
39 HISTORICAL VALUE.

40 2. DISPOSE OF RECORDS DETERMINED TO BE OF NO HISTORICAL VALUE.

41 3. ACCEPT THOSE RECORDS DEEMED BY A PUBLIC OFFICER HAVING CUSTODY
42 OF THE RECORDS TO BE UNNECESSARY FOR TRANSACTING THE BUSINESS OF THE
43 PUBLIC OFFICER'S OFFICE AND DEEMED TO BE OF HISTORICAL VALUE.

44 B. THE STATE LIBRARY SHALL CHECK ALL PUBLIC RECORDS OF ANY PUBLIC
45 OFFICE, ON THE TERMINATION OF THE EXISTENCE AND FUNCTIONS OF THE OFFICE,

1 AND EITHER DISPOSE OF OR TRANSFER THE RECORDS TO THE CUSTODY OF THE STATE
2 LIBRARY, IN ACCORDANCE WITH THIS ARTICLE. IF A PUBLIC OFFICE IS
3 TERMINATED OR REDUCED BY THE TRANSFER OF ITS POWERS AND DUTIES TO ANOTHER
4 OFFICE OR TO OTHER OFFICES, ITS APPROPRIATE PUBLIC RECORDS SHALL PASS WITH
5 THE POWERS AND DUTIES TRANSFERRED.

6 41-151.18. Arizona uniform laws commission; membership;
7 duties

8 A. THE ARIZONA UNIFORM LAWS COMMISSION IS ESTABLISHED CONSISTING OF
9 FOUR MEMBERS WHO ARE MEMBERS OF A STATE BAR ASSOCIATION AND WHO ARE
10 APPOINTED BY THE GOVERNOR. THESE MEMBERS ARE IN ADDITION TO THE MEMBERS
11 WHO HAVE ATTAINED LIFE MEMBERSHIP IN THE NATIONAL CONFERENCE OF
12 COMMISSIONERS ON UNIFORM STATE LAWS. THE TERM OF OFFICE OF THE MEMBERS IS
13 SIX YEARS EXCEPT FOR LIFETIME MEMBERS. AN APPOINTMENT TO FILL A VACANCY
14 CAUSED OTHER THAN BY EXPIRATION OF A TERM IS FOR THE REMAINDER OF THE
15 UNEXPIRED TERM.

16 B. MEMBERS OF THE ARIZONA UNIFORM LAWS COMMISSION ARE NOT ELIGIBLE
17 FOR COMPENSATION BUT ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT
18 TO TITLE 38, CHAPTER 4, ARTICLE 2.

19 C. THE ARIZONA UNIFORM LAWS COMMISSION SHALL REVIEW EFFORTS
20 NATIONALLY TO ENACT UNIFORM LAWS AND RECOMMEND TO THE GOVERNOR AND THE
21 LEGISLATURE THE ADOPTION OF UNIFORM LEGISLATION THAT THE COMMISSION DEEMS
22 DESIRABLE.

23 D. THE SECRETARY OF STATE MAY MAINTAIN MEMBERSHIP ON THE ARIZONA
24 UNIFORM LAWS COMMISSION. ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE ARIZONA
25 UNIFORM LAWS COMMISSION SHALL SUBMIT A LETTER TO EACH MEMBER OF THE
26 LEGISLATURE THAT INCLUDES A WEBSITE LINK TO THE CURRENT LIST OF THE
27 UNIFORM ACTS THAT IS PREPARED BY THE NATIONAL CONFERENCE OF COMMISSIONERS
28 ON UNIFORM STATE LAWS FOR THE PURPOSE OF INFORMING THE MEMBERS OF THE
29 LEGISLATURE ABOUT CURRENT MODEL LEGISLATION THAT IS AVAILABLE TO THE
30 LEGISLATORS.

31 41-151.19. Determination of value; disposition

32 EVERY PUBLIC OFFICER WHO HAS PUBLIC RECORDS IN THE PUBLIC OFFICER'S
33 CUSTODY SHALL CONSULT PERIODICALLY WITH THE STATE LIBRARY AND THE STATE
34 LIBRARY SHALL DETERMINE WHETHER THE RECORDS IN QUESTION ARE OF LEGAL,
35 ADMINISTRATIVE, HISTORICAL OR OTHER VALUE. THOSE RECORDS DETERMINED TO BE
36 OF LEGAL, ADMINISTRATIVE, HISTORICAL OR OTHER VALUE SHALL BE PRESERVED.
37 THOSE RECORDS DETERMINED TO BE OF NO LEGAL, ADMINISTRATIVE, HISTORICAL OR
38 OTHER VALUE SHALL BE DISPOSED OF BY SUCH A METHOD AS THE STATE LIBRARY MAY
39 SPECIFY. A REPORT OF RECORDS DESTRUCTION THAT INCLUDES A LIST OF ALL
40 RECORDS DISPOSED OF SHALL BE FILED AT LEAST ANNUALLY WITH THE STATE
41 LIBRARY ON A FORM PRESCRIBED BY THE STATE LIBRARY.

1 41-151.20. Historical advisory commission: membership: terms:
2 expenses; duties; historic sites review
3 committee

4 A. THE HISTORICAL ADVISORY COMMISSION IS ESTABLISHED CONSISTING OF
5 MEMBERS APPOINTED BY THE DIRECTOR FOR STAGGERED TERMS OF THREE YEARS
6 ENDING ON JULY 1. THE COMMISSION MEMBERSHIP OF NOT LESS THAN TEN NOR MORE
7 THAN TWENTY-FIVE MEMBERS SHALL CONSIST OF EXPERTS IN THE DISCIPLINES OF
8 HISTORY, ARTS AND CULTURE, ARCHITECTURE AND ARCHAEOLOGY, PROFESSIONAL
9 LIBRARIANS AND ARCHIVISTS OR PERSONS OTHERWISE ASSOCIATED WITH
10 INTERPRETING, RESEARCHING, WRITING, PRESERVING OR TEACHING THIS STATE'S
11 HERITAGE, INCLUDING THE INDIAN NATIONS' HISTORY AND HERITAGE, AND THE
12 DIRECTOR OF THE ARIZONA HISTORICAL SOCIETY, THE DIRECTOR OF THE STATE
13 MUSEUM, THE DIRECTOR OF THE ARIZONA STATE PARKS BOARD, THE DIRECTOR OF THE
14 OFFICE OF TOURISM OR THE DIRECTOR'S DESIGNEE, THE SUPERINTENDENT OF PUBLIC
15 INSTRUCTION OR THE SUPERINTENDENT'S DESIGNEE AND THE STATE HISTORIC
16 PRESERVATION OFFICER.

17 B. MEMBERS SHALL SERVE WITHOUT COMPENSATION BUT THOSE EMPLOYED BY
18 THIS STATE SHALL BE REIMBURSED FOR TRAVEL AND SUBSISTENCE BY THE
19 DEPARTMENT OR AGENCY THEY REPRESENT AND THOSE WHO ARE NOT EMPLOYED BY THIS
20 STATE ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES BY THE COMMISSION
21 PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

22 C. THE COMMISSION SHALL:

23 1. ADVISE THE LEGISLATURE AND STATE AGENCIES ON MATTERS RELATING TO
24 THIS STATE'S HISTORY AND HISTORIC PRESERVATION.

25 2. RECOMMEND MEASURES TO THE LEGISLATURE AND STATE AGENCIES TO
26 COORDINATE OR IMPROVE THE EFFECTIVENESS OF ACTIVITIES OF STATE AGENCIES
27 AND AGENCIES OF THE POLITICAL SUBDIVISIONS OF THIS STATE AND OTHER PERSONS
28 RELATING TO INTERPRETING, RESEARCHING, WRITING AND TEACHING THIS STATE'S
29 HISTORY, HERITAGE AND HISTORIC PRESERVATION, INCLUDING THE INDIAN NATIONS'
30 HISTORY, HERITAGE AND PRESERVATION.

31 3. ADVISE THE LEGISLATURE AND STATE AGENCIES ON DISSEMINATING
32 INFORMATION PERTAINING TO ACTIVITIES RELATING TO HISTORIC PRESERVATION AS
33 PROVIDED IN PARAGRAPH 2 OF THIS SUBSECTION.

34 4. ENCOURAGE, IN COOPERATION WITH APPROPRIATE PUBLIC AND PRIVATE
35 AGENCIES, THE INDIAN NATIONS AND OTHER PERSONS, TRAINING AND EDUCATION IN
36 THE FIELD OF INTERPRETING, RESEARCHING, WRITING AND TEACHING THIS STATE'S
37 HISTORY, HERITAGE AND HISTORIC PRESERVATION.

38 5. ASSIST IN ESTABLISHING THE ARIZONA REGISTER OF HERITAGE
39 AGRICULTURE PURSUANT TO SECTION 3-162.

40 6. ON SEPTEMBER 30 OF EACH YEAR, SUBMIT A REPORT OF THE
41 COMMISSION'S ACTIVITIES TO THE DIRECTOR FOR INCLUSION IN THE ANNUAL REPORT
42 OF THE STATE LIBRARY.

43 D. THE HISTORIC SITES REVIEW COMMITTEE CONSISTING OF NINE MEMBERS
44 IS ESTABLISHED TO SERVE AS A STANDING COMMITTEE OF THE HISTORICAL ADVISORY
45 COMMISSION. THE STATE HISTORIC PRESERVATION OFFICER SHALL APPOINT

1 COMMITTEE MEMBERS FOR STAGGERED TERMS OF THREE YEARS ENDING ON JULY 1.
2 THE STATE HISTORIC PRESERVATION OFFICER MAY APPOINT PERSONS OTHER THAN
3 COMMISSION MEMBERS TO SERVE ON THE COMMITTEE AND SHALL APPOINT AT LEAST
4 FIVE PERSONS WHO ARE PROFESSIONALS QUALIFIED IN THE DISCIPLINES OF
5 HISTORY, PREHISTORIC AND HISTORIC ARCHAEOLOGY, ARCHITECTURAL HISTORY OR
6 ARCHITECTURE. THE COMMITTEE SHALL SELECT ANNUALLY AT THE FIRST MEETING A
7 CHAIRPERSON WHO IS A COMMISSION MEMBER. THE CHAIRPERSON SHALL REPORT ON
8 COMMITTEE ACTIVITIES AT COMMISSION MEETINGS. THE COMMITTEE SHALL ASSIST
9 IN THE DUTIES PRESCRIBED IN THIS SECTION AND BY FEDERAL LAW, REVIEW
10 NOMINATIONS TO THE NATIONAL AND STATE HISTORIC REGISTERS, PROVIDE GENERAL
11 ADVICE AND GUIDANCE TO THE STATE HISTORIC PRESERVATION OFFICER AND PERFORM
12 OTHER DUTIES AS ARE NECESSARY. ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE
13 STATE HISTORIC PRESERVATION OFFICER SHALL SUBMIT A REPORT OF THE
14 COMMITTEE'S ACTIVITIES TO THE GOVERNOR, THE PRESIDENT OF THE SENATE, THE
15 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE DIRECTOR, INCLUDING
16 INFORMATION PRESCRIBED IN SECTIONS 41-862 AND 41-881.

17 41-151.21. Review and transfer of certain historic property;
18 exemption; definition

19 A. AN AGENCY SHALL NOTIFY THE STATE LIBRARY ON FORMS PRESCRIBED BY
20 THE DIRECTOR IF THE AGENCY HAS OR ACQUIRES FURNITURE, EQUIPMENT OR OTHER
21 PERSONAL PROPERTY THAT IS FIFTY OR MORE YEARS OF AGE OR OF KNOWN
22 HISTORICAL INTEREST, INCLUDING PROPERTY ESCHEATED TO THIS STATE UNDER
23 TITLE 12, CHAPTER 7, ARTICLE 5.

24 B. THE DIRECTOR MAY AUTHORIZE A PERSON TO INSPECT THE PERSONAL
25 PROPERTY REPORTED UNDER SUBSECTION A OF THIS SECTION AND RECOMMEND TO THE
26 STATE LIBRARY WHETHER THE PERSONAL PROPERTY IS OF AN HISTORIC INTEREST OR
27 VALUE AS WOULD IN THE PUBLIC INTEREST REQUIRE IT TO BE MADE AVAILABLE
28 PERMANENTLY FOR PLACEMENT ON PUBLIC DISPLAY IN ANY RESTORED EXECUTIVE,
29 LEGISLATIVE OR JUDICIAL FACILITY OR MUSEUM AREA.

30 C. IF THE STATE LIBRARY DETERMINES THE PERSONAL PROPERTY SHOULD BE
31 MADE AVAILABLE FOR DISPLAY PURPOSES, THE STATE LIBRARY SHALL PROVIDE
32 WRITTEN NOTICE TO THE AGENCY REQUESTING PROMPT TRANSFER OF THE PERSONAL
33 PROPERTY TO THE STATE LIBRARY.

34 D. AN AGENCY MAY APPLY TO THE SECRETARY OF STATE FOR AN EXEMPTION
35 FROM THE TRANSFER REQUIRED UNDER SUBSECTION C OF THIS SECTION BY FILING A
36 PROMPT WRITTEN RESPONSE STATING:

- 37 1. THE LENGTH OF TIME THE AGENCY HAS USED THE PERSONAL PROPERTY.
- 38 2. WHY THE VALUE OF THE PERSONAL PROPERTY TO THE AGENCY IS GREATER
39 THAN THE EDUCATIONAL AND HISTORIC VALUE IN DISPLAYING THE PERSONAL
40 PROPERTY.
- 41 3. WHAT HARM THE AGENCY WOULD SUFFER IF THE PERSONAL PROPERTY IS
42 TRANSFERRED TO THE STATE LIBRARY.
- 43 4. THAT THE USE OF FEDERAL MONIES IN THE INITIAL ACQUISITION OF THE
44 PERSONAL PROPERTY LEGALLY PRECLUDES ITS TRANSFER TO THE STATE LIBRARY.

1 E. THE SECRETARY OF STATE SHALL GRANT AN EXEMPTION TO A REQUESTED
2 PROPERTY TRANSFER IF THE SECRETARY OF STATE FINDS THAT THE TRANSFER OF THE
3 PROPERTY WOULD RESULT IN SIGNIFICANT COST OR DISRUPTION TO THE AGENCY THAT
4 WOULD OUTWEIGH THE EDUCATIONAL AND HISTORIC VALUE IN DISPLAYING THE
5 PROPERTY.

6 F. FOR THE PURPOSES OF THIS SECTION, "AGENCY" MEANS ANY BRANCH,
7 DEPARTMENT, COMMISSION, BOARD OR OTHER UNIT OF THE STATE ORGANIZATION THAT
8 RECEIVES, DISBURSES OR SPENDS STATE MONIES OR INCURS OBLIGATIONS AGAINST
9 THIS STATE.

10 41-151.22. Privacy of user records: violation:
11 classification; definition

12 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, A LIBRARY OR
13 LIBRARY SYSTEM SUPPORTED BY PUBLIC MONIES MAY NOT ALLOW DISCLOSURE OF ANY
14 RECORD OR OTHER INFORMATION, INCLUDING E-BOOKS, THAT IDENTIFIES A USER OF
15 LIBRARY SERVICES AS REQUESTING OR OBTAINING SPECIFIC MATERIALS OR SERVICES
16 OR AS OTHERWISE USING THE LIBRARY.

17 B. RECORDS MAY BE DISCLOSED:

- 18 1. IF NECESSARY, FOR THE REASONABLE OPERATION OF THE LIBRARY.
- 19 2. ON WRITTEN CONSENT OF THE USER.
- 20 3. ON RECEIPT OF A COURT ORDER.
- 21 4. IF REQUIRED BY LAW.

22 C. ANY PERSON WHO KNOWINGLY DISCLOSES ANY RECORD OR OTHER
23 INFORMATION IN VIOLATION OF THIS SECTION IS GUILTY OF A CLASS 3
24 MISDEMEANOR.

25 D. FOR THE PURPOSES OF THIS SECTION, "E-BOOK" MEANS A BOOK COMPOSED
26 IN OR CONVERTED TO DIGITAL FORMAT FOR DISPLAY ON A COMPUTER SCREEN OR
27 HANDHELD DEVICE.

28 41-151.23. Arizona historical records advisory board

29 A. THE ARIZONA HISTORICAL RECORDS ADVISORY BOARD IS ESTABLISHED
30 CONSISTING OF THE DIRECTOR AND AT LEAST SIX MEMBERS APPOINTED BY THE
31 DIRECTOR. THESE MEMBERS SHALL CONSIST OF RECOGNIZED EXPERTS IN
32 ADMINISTERING GOVERNMENT RECORDS, HISTORICAL RECORDS OR ARCHIVES AND SHALL
33 BE AS BROADLY REPRESENTATIVE AS POSSIBLE OF PUBLIC AND PRIVATE ARCHIVES,
34 RECORDS OFFICES AND RESEARCH INSTITUTIONS AND ORGANIZATIONS IN THIS STATE.

35 B. MEMBERS APPOINTED BY THE DIRECTOR PURSUANT TO SUBSECTION A OF
36 THIS SECTION SHALL SERVE THREE-YEAR STAGGERED TERMS BEGINNING ON JULY 1.
37 IF THERE IS A VACANCY, THE DIRECTOR SHALL APPOINT ANOTHER PERSON TO SERVE
38 THE REMAINDER OF THE TERM. THE DIRECTOR MAY APPOINT MEMBERS TO SUCCEEDING
39 TERMS. THE DIRECTOR MAY REMOVE A MEMBER FOR GOOD AND SUFFICIENT CAUSE.

40 C. THE ADVISORY BOARD SHALL ANNUALLY ELECT A CHAIRPERSON AND VICE
41 CHAIRPERSON FROM AMONG ITS MEMBERS AT THE FIRST MEETING OF THE FISCAL
42 YEAR. THE DIRECTOR SHALL SERVE AS SECRETARY OF THE ADVISORY BOARD AND
43 SHALL MAINTAIN THE RECORDS OF THE ADVISORY BOARD.

44 D. THE DIRECTOR SHALL CALL QUARTERLY MEETINGS AND THE DIRECTOR OR
45 CHAIRPERSON MAY CALL OTHER MEETINGS AS THE DIRECTOR OR CHAIRPERSON DEEMS

1 NECESSARY. A MEMBER OF THE ADVISORY BOARD MAY SEND A DESIGNEE TO BE AN
2 OBSERVER AT ADVISORY BOARD MEETINGS. THE DESIGNEE MAY NOT VOTE DIRECTLY
3 OR AS A PROXY.

4 E. THE ADVISORY BOARD SHALL:

5 1. SERVE AS THE CENTRAL ADVISORY BODY FOR HISTORICAL RECORDS
6 PLANNING AND FOR NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION
7 FUNDED PROJECTS DEVELOPED AND CARRIED OUT IN THIS STATE.

8 2. SERVE AS A COORDINATING BODY TO FACILITATE COOPERATION AMONG
9 HISTORICAL RECORDS REPOSITORIES AND OTHER INFORMATION AGENCIES IN THIS
10 STATE AND AS A STATE-LEVEL REVIEW BODY FOR GRANT PROPOSALS AS DEFINED IN
11 THE NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION GUIDELINES.

12 F. THE ADVISORY BOARD MAY:

13 1. SPONSOR AND PUBLISH SURVEYS OF THE CONDITIONS AND NEEDS OF
14 HISTORICAL RECORDS IN THIS STATE.

15 2. SOLICIT OR DEVELOP PROPOSALS FOR PROJECTS TO BE CARRIED OUT IN
16 THIS STATE WITH NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION
17 GRANTS.

18 3. REVIEW PROPOSALS BY INSTITUTIONS IN THIS STATE AND MAKE
19 RECOMMENDATIONS ABOUT THESE PROPOSALS TO THE NATIONAL HISTORICAL
20 PUBLICATIONS AND RECORDS COMMISSION.

21 4. DEVELOP, REVISE AND SUBMIT TO THE NATIONAL HISTORICAL
22 PUBLICATIONS AND RECORDS COMMISSION THIS STATE'S PRIORITIES FOR HISTORICAL
23 RECORDS PROJECTS ACCORDING TO GUIDELINES DEVELOPED BY THE NATIONAL
24 HISTORICAL PUBLICATIONS AND RECORDS COMMISSION.

25 5. PROMOTE AN UNDERSTANDING OF THE ROLE AND VALUE OF HISTORICAL
26 RECORDS.

27 6. ACT IN AN ADVISORY CAPACITY TO THE STATE ARCHIVES AND OTHER
28 STATEWIDE ARCHIVAL OR RECORDS AGENCIES.

29 7. REVIEW, THROUGH REPORTS AND OTHERWISE, THE OPERATION AND
30 PROGRESS OF PROJECTS IN THIS STATE THAT ARE FINANCED BY NATIONAL
31 HISTORICAL PUBLICATIONS AND RECORDS COMMISSION GRANTS.

32 G. MEMBERS OF THE ADVISORY BOARD ARE NOT ELIGIBLE TO RECEIVE
33 COMPENSATION BUT ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO
34 TITLE 38, CHAPTER 4, ARTICLE 2.

35 41-151.24. Museum gift shop revolving fund; exemption

36 A. THE MUSEUM GIFT SHOP REVOLVING FUND IS ESTABLISHED CONSISTING OF
37 GIFT SHOP PROCEEDS RECEIVED FROM THE SALE OF GOODS, GIFTS, NONFEDERAL
38 GRANTS AND DONATIONS. THE DIRECTOR SHALL ADMINISTER THE FUND. MONIES IN
39 THE FUND ARE CONTINUOUSLY APPROPRIATED. THE DIRECTOR SHALL USE THE MONIES
40 IN THE FUND TO PROVIDE TO THE PUBLIC GOODS FOR SALE THAT ARE REFLECTIVE OF
41 THE THEMES OF THE STATE CAPITOL MUSEUM AND THIS STATE.

42 B. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION
43 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

1 Sec. 6. Title 41, chapter 4.1, Arizona Revised Statutes, is amended
2 by adding article 3, to read:

3 ARTICLE 3. HISTORIC NAMES

4 41-835. Perpetuation of historical names

5 IT IS DECLARED THE PUBLIC POLICY OF THIS STATE THAT NATURAL OR
6 ARTIFICIAL OBJECTS, PLACES OR THINGS CONTINUE TO BE KNOWN BY THE NAMES
7 THEY NOW BEAR, AS DETERMINED BY THE STATE GEOGRAPHIC AND HISTORIC NAMES
8 BOARD, SO THAT THE HISTORICAL RECORD OF THE STATE MAY BE PROTECTED AND
9 PRESERVED.

10 41-835.01. Definitions

11 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

12 1. "BOARD" MEANS THE STATE BOARD ON GEOGRAPHIC AND HISTORIC NAMES.

13 2. "GEOGRAPHIC FEATURES" MEANS MOUNTAINS, CANYONS, GULCHES,
14 STREAMS, STREAMBEDS OR CHANNELS WHETHER FLOWING OR DRY, NATURAL BRIDGES,
15 NATURAL LAKES, NATURAL MONUMENTS, MESAS, DESERTS, FORESTS, SPRINGS, WATER
16 HOLES, CLIFFS, CHASMS AND OTHER SIMILAR NATURAL OBJECTS, PLACES OR THINGS.

17 3. "HISTORIC ROAD" MEANS A HIGHWAY, STREET, ROAD OR ROUTE THAT IS
18 OF HISTORICAL OR CULTURAL SIGNIFICANCE IN THE SETTLEMENT AND DEVELOPMENT
19 OF THIS STATE AND THAT IS ESTABLISHED OR DESIGNATED AS A HISTORIC ROAD BY
20 THE BOARD.

21 4. "PARKWAY" MEANS AN AREA ALONG EITHER OR BOTH SIDES OF A HIGHWAY,
22 STREET, ROAD OR ROUTE THAT IS ACQUIRED IN FEE OR BY EASEMENT BY THE
23 GOVERNMENTAL BODY HAVING JURISDICTION OVER THE HIGHWAY, STREET, ROAD OR
24 ROUTE FOR THE PROTECTION OF GEOGRAPHIC, NATURAL FLORA OR SCENIC VALUES AND
25 THAT IS ESTABLISHED OR DESIGNATED AS A PARKWAY BY THE BOARD.

26 5. "PLACES OF HISTORICAL SIGNIFICANCE" OR "HISTORIC PLACE" MEANS
27 OBJECTS, PLACES OR THINGS THAT ARE ASSOCIATED WITH OR NAMED AFTER PEOPLE,
28 PLACES OR EVENTS OF HISTORICAL SIGNIFICANCE, INCLUDING HISTORIC ROADS,
29 SCENIC ROADS, PARKWAYS, ARTIFICIAL BRIDGES, DAMS, ARTIFICIAL LAKES, PARKS,
30 MINING DISTRICTS, ARTIFICIAL MONUMENTS, ROADS, TRAILS OR OTHER SIMILAR
31 ARTIFICIAL OBJECTS, PLACES OR THINGS.

32 6. "SCENIC ROAD" MEANS A HIGHWAY, STREET, ROAD OR ROUTE THROUGH A
33 SCENIC AREA THAT IS ESTABLISHED OR DESIGNATED AS A SCENIC ROAD BY THE
34 BOARD.

35 41-835.02. State board on geographic and historic names;
36 membership; expenses; quorum; staff support;
37 chairperson

38 A. THE STATE BOARD ON GEOGRAPHIC AND HISTORIC NAMES IS ESTABLISHED
39 CONSISTING OF:

40 1. ONE MEMBER WHO IS APPOINTED BY THE HEAD OF EACH OF THE FOLLOWING
41 AGENCIES OR ORGANIZATIONS:

42 (a) THE DEPARTMENT OF TRANSPORTATION.

43 (b) THE STATE LAND DEPARTMENT.

44 (c) THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

45 (d) THE ARIZONA HISTORICAL SOCIETY.

- 1 (e) THE ARIZONA COMMERCE AUTHORITY.
- 2 (f) THE DEPARTMENT OF ECONOMIC SECURITY.
- 3 (g) A GEOGRAPHY DEPARTMENT OF AN ARIZONA UNIVERSITY.

4 2. THREE MEMBERS OF THE PUBLIC WHO ARE APPOINTED BY THE GOVERNOR,
5 AT LEAST ONE OF WHOM IS AN ENROLLED MEMBER OF A RECOGNIZED TRIBE OR INDIAN
6 COMMUNITY LOCATED IN ARIZONA.

7 B. MEMBERS SHALL SERVE STAGGERED FIVE-YEAR TERMS TO BEGIN AND END
8 ON THE THIRD MONDAY IN JANUARY, EXCEPT THAT THE MEMBER APPOINTED PURSUANT
9 TO SUBSECTION A, PARAGRAPH 1, SUBDIVISION (g) OF THIS SECTION SHALL SERVE
10 A TWO-YEAR TERM. THE INITIAL APPOINTMENT OF THE MEMBER APPOINTED IN
11 SUBSECTION A, PARAGRAPH 1, SUBDIVISION (g) OF THIS SECTION SHALL BE MADE
12 BY ARIZONA STATE UNIVERSITY. ON THE EXPIRATION OF THE INITIAL TERM OF THE
13 MEMBER APPOINTED IN SUBSECTION A, PARAGRAPH 1, SUBDIVISION (g) OF THIS
14 SECTION, THE POSITION SHALL BE APPOINTED BY THE UNIVERSITY OF ARIZONA, AND
15 ON THE EXPIRATION OF THAT TERM NORTHERN ARIZONA UNIVERSITY SHALL APPOINT
16 THE MEMBER. THE THREE STATE UNIVERSITIES SHALL CONTINUE TO ROTATE THE
17 APPOINTMENT OF THIS MEMBER ON THE BOARD.

18 C. MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION BUT ARE
19 ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER 4,
20 ARTICLE 2.

21 D. THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS SHALL
22 PROVIDE STAFF SUPPORT TO THE BOARD.

23 E. A MAJORITY OF THE MEMBERS CONSTITUTES A QUORUM.

24 F. THE BOARD SHALL ANNUALLY ELECT A CHAIRPERSON AND VICE
25 CHAIRPERSON FROM AMONG ITS MEMBERS.

26 41-835.03. Powers and duties

27 A. THE BOARD SHALL:

28 1. RECEIVE AND EVALUATE ALL PROPOSALS FOR CHANGES IN OR ADDITIONS
29 TO NAMES OF GEOGRAPHIC FEATURES AND PLACES OF HISTORICAL SIGNIFICANCE IN
30 THIS STATE AND AFTER THIS EVALUATION DESIGNATE THE MOST APPROPRIATE AND
31 ACCEPTABLE NAMES AND SPELLING OF THESE NAMES FOR USE IN MAPS AND OTHER
32 OFFICIAL GOVERNMENTAL DOCUMENTS.

33 2. RECEIVE AND EVALUATE ALL PROPOSALS FOR NAMING GEOGRAPHIC
34 FEATURES IN THIS STATE FOR WHICH NO GENERALLY ACCEPTED NAME IS OR HAS BEEN
35 IN USE AND AFTER THIS EVALUATION DESIGNATE A NAME FOR USE IN MAPS AND
36 OTHER OFFICIAL GOVERNMENTAL DOCUMENTS.

37 3. COOPERATE WITH POLITICAL SUBDIVISIONS OF THIS STATE TO ELIMINATE
38 THE DUPLICATION OF THE NAMES OF GEOGRAPHIC FEATURES THAT ARE NOT OF
39 HISTORICAL SIGNIFICANCE.

40 4. ASSIST AND COOPERATE WITH THE UNITED STATES BOARD OF GEOGRAPHIC
41 NAMES IN MATTERS RELATING TO NAMES OF GEOGRAPHIC FEATURES AND PLACES IN
42 THIS STATE.

43 5. MAINTAIN A LIST OF ADVISERS WHO HAVE EXPERTISE IN THIS STATE'S
44 HISTORY, GEOGRAPHY OR CULTURE AND CONSULT WITH THOSE ADVISERS IN
45 EVALUATING PROPOSALS.

1 6. DESIGNATE ONE OR MORE MEMBERS TO ACT AS THE STATE REPRESENTATIVE
2 TO THE WESTERN STATES GEOGRAPHIC NAMES COUNCIL.

3 7. RECEIVE AND EVALUATE ALL PROPOSALS TO ESTABLISH OR DESIGNATE A
4 HIGHWAY OR AREA AS A PARKWAY, HISTORIC ROAD OR SCENIC ROAD THAT IS OF
5 GEOGRAPHIC OR HISTORICAL SIGNIFICANCE IN THIS STATE AND AFTER THIS
6 EVALUATION DESIGNATE THE MOST APPROPRIATE AND ACCEPTABLE NAMES AND
7 SPELLING OF THESE NAMES FOR USE IN MAPS AND OTHER OFFICIAL GOVERNMENTAL
8 DOCUMENTS. IF THE PARKWAY, HISTORIC ROAD OR SCENIC ROAD TO BE ESTABLISHED
9 OR DESIGNATED IS NOT A STATE HIGHWAY OR ROUTE, THE ESTABLISHMENT OR
10 DESIGNATION IS NOT EFFECTIVE UNLESS THE STATE BOARD ON GEOGRAPHIC AND
11 HISTORIC NAMES OR GOVERNMENTAL BODY HAVING JURISDICTION OVER THE PARKWAY,
12 HISTORIC ROAD OR SCENIC ROAD AGREES TO THE ESTABLISHMENT OR DESIGNATION.
13 THE STATE BOARD ON GEOGRAPHIC AND HISTORIC NAMES SHALL NOTIFY THE DIRECTOR
14 OF THE DEPARTMENT OF TRANSPORTATION AND THE STATE TRANSPORTATION BOARD
15 WHEN A PARKWAY, HISTORIC ROAD OR SCENIC ROAD IS GIVEN A HISTORIC
16 DESIGNATION PURSUANT TO THIS SECTION.

17 B. THE BOARD MAY:

18 1. ADOPT RULES FOR THE ORDERLY CONDUCT OF BUSINESS.

19 2. INITIATE PROPOSALS FOR CHANGES IN OR ADDITIONS TO GEOGRAPHIC OR
20 HISTORIC NAMES IN THIS STATE. ANY PROPOSAL INITIATED BY THE BOARD SHALL
21 BE EVALUATED IN ACCORDANCE WITH THE PROCEDURES PRESCRIBED UNDER SECTION
22 41-835.04.

23 C. NOTWITHSTANDING ANY OTHER LAW, THE BOARD MAY NOT:

24 1. CHANGE STREET AND ROAD NAMES FOR THE PURPOSE OF UNIFORMITY.

25 2. DESIGNATE A NAME FOR A GEOGRAPHIC FEATURE THAT COMMEMORATES ANY
26 PERSON UNTIL THAT PERSON HAS BEEN DECEASED AT LEAST FIVE YEARS.

27 41-835.04. Changes in or additions of geographic features or
28 places of historical significance; submission of
29 proposal; consideration; action; notice

30 A. A PERSON, A GROUP OR AN AGENCY OF FEDERAL, STATE OR LOCAL
31 GOVERNMENT MAY PROPOSE A CHANGE IN OR THE ADDITION OF ANY GEOGRAPHIC
32 FEATURE OR PLACE OF HISTORICAL SIGNIFICANCE WITHIN THIS STATE BY
33 SUBMITTING A PROPOSAL AND SUPPORTING INFORMATION TO THE BOARD FOR
34 EVALUATION AND RECOMMENDATION.

35 B. ON RECEIPT OF A PROPOSAL, TOGETHER WITH SUFFICIENT SUPPORTING
36 INFORMATION, THE BOARD SHALL:

37 1. PLACE THE PROPOSAL ON THE AGENDA FOR CONSIDERATION AT ITS NEXT
38 MEETING.

39 2. GIVE APPROPRIATE NOTICE TO PERSONS AND GROUPS THAT ARE AFFECTED
40 BY THE PROPOSAL OR MIGHT HAVE AN INTEREST IN IT.

41 3. PROVIDE OPPORTUNITIES FOR PUBLIC COMMENT.

42 4. CONDUCT RESEARCH AND FIELD INVESTIGATIONS AS IT DEEMS NECESSARY.

43 C. WHEN THE BOARD TAKES ACTION ON A PROPOSAL, THE BOARD SHALL
44 NOTIFY THE PERSON, GROUP OR AGENCY THAT SUBMITTED THE PROPOSAL AND SHALL
45 TRANSMIT THE OFFICIAL RECOMMENDATION OF GEOGRAPHIC NAMES TO THE UNITED

1 STATES BOARD OF GEOGRAPHIC NAMES. THE NAMES APPROVED BY THE BOARD SHALL
2 BE FILED WITH THE SECRETARY OF STATE AND THE CLERK OF THE BOARD OF
3 SUPERVISORS IN THE APPROPRIATE COUNTY.

4 41-835.05. Use of names chosen

5 WHEN THE BOARD DESIGNATES A NAME FOR A GEOGRAPHIC FEATURE OR PLACE
6 OF HISTORICAL SIGNIFICANCE WITHIN THIS STATE, THE NAME IS THE OFFICIAL
7 NAME FOR THE GEOGRAPHIC FEATURE OR HISTORIC PLACE AND SHALL BE USED IN AND
8 ON ALL MAPS, RECORDS, DOCUMENTS AND OTHER PUBLICATIONS ISSUED BY THIS
9 STATE OR ITS DEPARTMENTS AND POLITICAL SUBDIVISIONS.

10 41-835.06. Advertising or publishing a name without approval

11 A PERSON MAY NOT ATTEMPT TO MODIFY LOCAL USAGE OR NAME AN UNNAMED
12 GEOGRAPHIC FEATURE IN AN ADVERTISEMENT OR PUBLICATION WITHOUT FIRST
13 OBTAINING THE APPROVAL OF THE BOARD. IF A PERSON VIOLATES THIS SECTION,
14 THE BOARD SHALL PROMPTLY ACT TO CURTAIL SUCH ACTIVITY AND SHALL ADOPT AN
15 OFFICIAL NAME FOR THE FEATURE IF NO RECOGNIZED NAME IS OF RECORD.

16 41-836. Restriction on changing historical name

17 IT IS UNLAWFUL FOR A PUBLIC OFFICER, DEPARTMENT, AGENCY OR EMPLOYEE
18 TO CHANGE AND RECORD IN WRITING OR OTHERWISE IN ANY PUBLIC RECORDS,
19 DOCUMENTS OR PAPERS OF THIS STATE THE NAME OF A PLACE OF HISTORICAL
20 SIGNIFICANCE OR MOUNTAIN, CANYON, GULCH, STREAM, STREAMBED OR CHANNEL,
21 WHETHER FLOWING OR DRY, MESA, DESERT, FOREST, SPRING, WATER HOLE, BRIDGE,
22 EITHER NATURAL OR ARTIFICIAL, CLIFF, CHASM, DAM, LAKE, EITHER NATURAL OR
23 ARTIFICIAL, PARK, MINING DISTRICT, MONUMENT, EITHER NATURAL OR ARTIFICIAL,
24 ROAD, TRAIL OR OTHER NATURAL OR ARTIFICIAL GEOGRAPHIC FEATURE IN THIS
25 STATE UNLESS THE CHANGE HAS FIRST BEEN APPROVED BY THE BOARD.

26 41-837. Hoover dam

27 A. NOTWITHSTANDING THIS ARTICLE, THE DAM LOCATED ON THE COLORADO
28 RIVER IN MOHAVE COUNTY, FORMERLY KNOWN AS BOULDER DAM, IS DESIGNATED AND
29 SHALL BE KNOWN AS "HOOVER DAM".

30 B. ALL OFFICIAL ACTS, STATE RECORDS, DOCUMENTS AND PAPERS RELATING
31 THERETO EXECUTED AFTER JUNE 30, 1953 SHALL BEAR THE DESIGNATION "HOOVER
32 DAM".

33 41-837.01. Mogollon Rim

34 A. NOTWITHSTANDING THIS ARTICLE, THE CLIFF-LIKE ESCARPMENT LOCATED
35 IN NORTHERN ARIZONA WHICH SEPARATES THE COLORADO PLATEAU AND THE CENTRAL
36 HIGHLANDS AND FORMS, IN PART, THE DIVIDE BETWEEN THE LITTLE COLORADO RIVER
37 AND SALT RIVER DRAINAGE AREAS, ALSO FORMING A PORTION OF THE BOUNDARIES OF
38 COCONINO AND GILA COUNTIES, IS DESIGNATED AND SHALL BE KNOWN AS THE
39 "MOGOLLON RIM". THE ESCARPMENT BEGINS AT APPROXIMATELY 34° 25' 10" NORTH
40 111° 33' 00" WEST AND CONTINUES THROUGH APPROXIMATELY 34° 18' 00" NORTH
41 110° 54' 15" WEST THEN CONTINUES THROUGH APPROXIMATELY 34° 14' 00" NORTH
42 110° 18' 9" WEST AND ENDS AT APPROXIMATELY 34° 7' 15" NORTH 109° 58' 30"
43 WEST, SUCH POINT BEING APPROXIMATELY TWO MILES SOUTH OF PINETOP-LAKESIDE
44 AT THE HEAD OF PETRIFIED CREEK.

1 B. ALL OFFICIAL ACTS, STATE RECORDS, DOCUMENTS AND PAPERS RELATING
2 TO THE ESCARPMENT DESCRIBED IN SUBSECTION A OF THIS SECTION AFTER APRIL 4,
3 1984 SHALL BEAR THE DESIGNATION "MOGOLLON RIM".

4 C. THE FIRST LETTER OF BOTH WORDS OF THE DESIGNATION "MOGOLLON RIM"
5 SHALL BE CAPITALIZED IN ACCORDANCE WITH STANDARD PRACTICE FOR GEOGRAPHIC
6 NAMES.

7 41-838. Violation; classification

8 A PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE OR WHO DIRECTS A
9 VIOLATION OF THIS ARTICLE IS GUILTY OF A CLASS 2 MISDEMEANOR.

10 Sec. 7. Repeal

11 Sections 41-3020.04, 41-3020.05 and 41-3020.08, Arizona Revised
12 Statutes, are repealed.

13 Sec. 8. Title 41, chapter 27, article 2, Arizona Revised Statutes,
14 is amended by adding sections 41-3029.01, 41-3029.02 and 41-3029.03, to
15 read:

16 41-3029.01. Arizona state library, archives and public
17 records; termination July 1, 2029

18 A. THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS
19 TERMINATES ON JULY 1, 2029.

20 B. TITLE 41, CHAPTER 1, ARTICLE 2.1 AND THIS SECTION ARE REPEALED
21 ON JANUARY 1, 2030.

22 41-3029.02. State board on geographic and historic names;
23 termination July 1, 2029

24 A. THE STATE BOARD ON GEOGRAPHIC AND HISTORIC NAMES TERMINATES ON
25 JULY 1, 2029.

26 B. TITLE 41, CHAPTER 4.1, ARTICLE 3 AND THIS SECTION ARE REPEALED
27 ON JANUARY 1, 2030.

28 41-3029.03. Board of library examiners; termination July 1,
29 2029

30 A. THE BOARD OF LIBRARY EXAMINERS TERMINATES ON JULY 1, 2029.

31 B. SECTION 11-906 AND THIS SECTION ARE REPEALED ON JANUARY 1, 2030.

32 Sec. 9. Section 44-7041, Arizona Revised Statutes, is amended to
33 read:

34 44-7041. Creation; retention; conversion of written records

35 A. Each governmental agency shall determine if, and the extent to
36 which, the governmental agency will create and retain electronic records
37 and convert written records to electronic records. Any governmental
38 agency that is subject to the management, preservation, determination of
39 value and disposition of records requirements prescribed in sections
40 41-151, 41-151.12, 41-151.13, 41-151.14, 41-151.15, 41-151.16,
41 41-151.17, ~~41-151.18~~ and 41-151.19 and the permanent public records
42 requirements prescribed in section 39-101 shall comply with those
43 requirements.

44 B. State agencies shall comply with the standards adopted by the
45 department of administration pursuant to title 18, chapter 1.

1 C. All governmental agencies shall comply with the policies that
2 are established pursuant to section 18-106 and that apply to the use of
3 electronic signatures.

4 Sec. 10. Purpose

5 Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,
6 the legislature establishes the Arizona state library, archives and public
7 records to provide library, archives and public records services to the
8 public.

9 Sec. 11. Purpose

10 Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,
11 the legislature establishes the state board on geographic and historic
12 names to ensure that the historical record of this state is protected and
13 preserved.

14 Sec. 12. Purpose

15 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
16 the legislature continues the board of library examiners to pass on the
17 qualifications of persons desiring to become county librarians.

18 Sec. 13. Emergency

19 This act is an emergency measure that is necessary to preserve the
20 public peace, health or safety and is operative immediately as provided by
21 law.