

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

# SENATE BILL 1128

## AN ACT

AMENDING SECTIONS 11-479, 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 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-1306 AND 41-1307; REPEALING SECTION 41-3020.04, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3029.01; AMENDING SECTION 44-7041, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO THE SECRETARY OF STATE.

(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. ~~Not~~ 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. Section 28-440, Arizona Revised Statutes, is amended to  
29 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  
34 request. Bulk records does not include retrieving one record at a time  
35 from a single request.

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

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

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

40 (c) Mechanical or electronic rerecording.

41 (d) Chemical reproduction.

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

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

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

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

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

11           7. "Medical or disability information" means a restriction or  
12 medical code placed on a person's motor vehicle record pursuant to section  
13 28-3159, subsection A, paragraph 1 or section 28-3167.

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

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

23           10. "Original":

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

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

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

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

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

39           13. "Records" has the same meaning prescribed in section ~~41-151.18~~  
40 41-151.

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

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

3           39-121.01. Definitions; maintenance of records; copies,  
4           printouts or photographs of public records;  
5           examination by mail; index

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

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

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

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

24           C. Each public body shall be responsible for the preservation,  
25 maintenance and care of that body's public records, and each officer shall  
26 be responsible for the preservation, maintenance and care of that  
27 officer's public records. It shall be the duty of each such body to  
28 carefully secure, protect and preserve public records from deterioration,  
29 mutilation, loss or destruction, unless disposed of pursuant to sections  
30 41-151.15 and 41-151.19.

31           D. Subject to section 39-121.03:

32           1. Any person may request to examine or be furnished copies,  
33 printouts or photographs of any public record during regular office hours  
34 or may request that the custodian mail a copy of any public record not  
35 otherwise available on the public body's website to the requesting person.  
36 The custodian may require any person requesting that the custodian mail a  
37 copy of any public record to pay in advance for any copying and postage  
38 charges. The custodian of such records shall promptly furnish such  
39 copies, printouts or photographs and may charge a fee if the facilities  
40 are available, except that public records for purposes listed in section  
41 39-122 or 39-127 shall be furnished without charge.

42           2. If requested, the custodian of the records of an agency shall  
43 also furnish an index of records or categories of records that have been  
44 withheld and the reasons the records or categories of records have been  
45 withheld from the requesting person. The custodian shall not include in

1 the index information that is expressly made privileged or confidential in  
2 statute or a court order. This paragraph shall not be construed by an  
3 administrative tribunal or a court of competent jurisdiction to prevent or  
4 require an order compelling a public body other than an agency to furnish  
5 an index. For the purposes of this paragraph, "agency" has the same  
6 meaning prescribed in section 41-1001,~~—~~ but does not include the  
7 department of public safety, the department of transportation motor  
8 vehicle division, the department of juvenile corrections and the state  
9 department of corrections.

10 3. If the custodian of a public record does not have facilities for  
11 making copies, printouts or photographs of a public record ~~which~~ THAT a  
12 person has a right to inspect, ~~such~~ THE person shall be granted access to  
13 the public record for the purpose of making copies, printouts or  
14 photographs. The copies, printouts or photographs shall be made while the  
15 public record is in the possession, custody and control of the custodian  
16 of the public record and shall be subject to the supervision of ~~such~~ THE  
17 custodian.

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

23 Sec. 4. Title 41, chapter 1, Arizona Revised Statutes, is amended  
24 by adding article 2.1, to read:

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

27 41-151. Definitions

28 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

30 2. "RECORDS":

31 (a) MEANS ALL BOOKS, PAPERS, MAPS, PHOTOGRAPHS OR OTHER DOCUMENTARY  
32 MATERIALS, REGARDLESS OF PHYSICAL FORM OR CHARACTERISTICS, INCLUDING  
33 PRINTS OR COPIES OF SUCH ITEMS PRODUCED OR REPRODUCED ON FILM OR  
34 ELECTRONIC MEDIA PURSUANT TO SECTION 41-151.16, MADE OR RECEIVED BY ANY  
35 GOVERNMENTAL AGENCY IN PURSUANCE OF LAW OR IN CONNECTION WITH THE  
36 TRANSACTION OF PUBLIC BUSINESS AND PRESERVED OR APPROPRIATE FOR  
37 PRESERVATION BY THE AGENCY OR ITS LEGITIMATE SUCCESSOR AS EVIDENCE OF THE  
38 ORGANIZATION, FUNCTIONS, POLICIES, DECISIONS, PROCEDURES, OPERATIONS OR  
39 OTHER ACTIVITIES OF THE GOVERNMENT, OR BECAUSE OF THE INFORMATIONAL AND  
40 HISTORICAL VALUE OF DATA CONTAINED IN THE RECORD.

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

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

1           3. "STATE LIBRARY" MEANS THE ARIZONA STATE LIBRARY, ARCHIVES AND  
2 PUBLIC RECORDS.

3           41-151.01. Arizona state library, archives and public records

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

6           B. THE STATE LIBRARY SHALL:

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

- 9           (a) LAW.
- 10           (b) POLITICAL SCIENCE.
- 11           (c) ECONOMICS.
- 12           (d) SOCIOLOGY.
- 13           (e) SUBJECTS PERTAINING TO THE THEORY AND PRACTICE OF GOVERNMENT.
- 14           (f) GENEALOGY.
- 15           (g) ARIZONA HISTORY.

16           2. PROVIDE THE FOLLOWING:

- 17           (a) A GENERAL AND LEGAL REFERENCE SERVICE.
- 18           (b) A RECORDS MANAGEMENT AND ARCHIVES PROGRAM.
- 19           (c) A STATE AND FEDERAL GOVERNMENT DOCUMENTS DEPOSITORY PROGRAM.
- 20           (d) A LIBRARY DEVELOPMENT SERVICE.
- 21           (e) MUSEUMS FOR EDUCATIONAL PURPOSES AS APPROVED BY THE SECRETARY  
22 OF STATE.
- 23           (f) A SERVICE, INCLUDING MATERIALS, FOR PERSONS WHO ARE VISUALLY OR  
24 PHYSICALLY UNABLE TO USE TRADITIONAL PRINT MATERIALS.

25           41-151.02. Electronic records repository fund; exemption

26           A. THE ELECTRONIC RECORDS REPOSITORY FUND IS ESTABLISHED CONSISTING  
27 OF LEGISLATIVE APPROPRIATIONS, GIFTS, NONFEDERAL GRANTS, FEES, DONATIONS  
28 AND OTHER MONIES. THE DIRECTOR SHALL ADMINISTER THE FUND. MONIES IN THE  
29 FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION. THE DIRECTOR SHALL USE THE  
30 MONIES IN THE FUND FOR OPERATING EXPENSES FOR THE TRUSTED ELECTRONIC  
31 RECORDS REPOSITORY ESTABLISHED PURSUANT TO SECTION 41-151.15.

32           B. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION  
33 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

34           41-151.03. Director of the state library; qualifications

35           A. THE STATE LIBRARY IS UNDER THE CHARGE AND CONTROL OF A DIRECTOR,  
36 SUBJECT TO SUPERVISION OF THE SECRETARY OF STATE. THE SECRETARY OF STATE  
37 SHALL APPOINT THE DIRECTOR OF THE STATE LIBRARY. THE DIRECTOR SHALL SERVE  
38 AT THE PLEASURE OF THE SECRETARY OF STATE.

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

43           41-151.04. Compensation of director

44           THE SECRETARY OF STATE SHALL DETERMINE THE COMPENSATION OF THE  
45 DIRECTOR PURSUANT TO SECTION 38-611.

1           41-151.05. Powers and duties of director

2           A. THE DIRECTOR SHALL:

3           1. ADOPT RULES FOR THE USE OF BOOKS OR OTHER MATERIALS IN THE  
4 CUSTODY OF THE STATE LIBRARY AND FOR THE REMOVAL OF BOOKS FROM THE  
5 LIBRARY, INCLUDING ASSESSING REASONABLE PENALTIES FOR FAILURE TO RETURN  
6 BOOKS OR OTHER MATERIALS WHEN DUE. THE PROCEEDS FROM THE ASSESSMENT OF  
7 REASONABLE PENALTIES SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND  
8 35-147, IN THE STATE LIBRARY FUND ESTABLISHED BY SECTION 41-151.06. THE  
9 MONIES SHALL BE USED ONLY FOR THE PURCHASE OF OTHER BOOKS OR MATERIALS.

10          2. SELL OR EXCHANGE UNDESIRE D UPLICATE COPIES OF BOOKS OR OTHER  
11 MATERIALS, OR BOOKS OR OTHER MATERIALS NOT OF VALUE FOR THE PURPOSES OF  
12 THE LIBRARY, OR PHOTOGRAPHIC REPRODUCTIONS OF STATE LIBRARY HOLDINGS, AND  
13 DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, THE PROCEEDS IN THE STATE  
14 LIBRARY FUND ESTABLISHED BY SECTION 41-151.06. THE MONIES SHALL BE USED  
15 FOR THE PURCHASE OF OTHER BOOKS OR MATERIALS.

16          3. BRING ACTIONS FOR THE RECOVERY OF BOOKS OR OTHER MATERIALS, OR  
17 FOR THREE TIMES THE VALUE OF THE BOOKS OR OTHER MATERIALS, AGAINST ANY  
18 PERSON WHO HAS THEM IN THE PERSON'S POSSESSION OR WHO IS RESPONSIBLE FOR  
19 THE BOOKS OR OTHER MATERIALS, AND WHO HAS FAILED OR REFUSED TO RETURN THEM  
20 ON DEMAND. IF A BOOK OR OTHER MATERIAL IS ONE OF A SET, THE VALUE OF THE  
21 BOOK OR OTHER MATERIAL MAY BE DEEMED THE VALUE OF THE ENTIRE SET. THE  
22 DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, MONIES  
23 RECOVERED PURSUANT TO THIS PARAGRAPH IN THE STATE LIBRARY FUND ESTABLISHED  
24 BY SECTION 41-151.06.

25          4. CERTIFY COPIES FROM BOOKS, DOCUMENTS OR OTHER ARCHIVAL OR PUBLIC  
26 RECORDS THAT HAVE BEEN DEPOSITED IN THE CUSTODY OF THE STATE LIBRARY. THE  
27 FEE FOR CERTIFICATION SHALL BE THE SAME AS PRESCRIBED FOR THE  
28 CERTIFICATION OF RECORDS BY THE SECRETARY OF STATE. THE DIRECTOR SHALL  
29 DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, THESE FEES IN THE STATE  
30 LIBRARY FUND ESTABLISHED BY SECTION 41-151.06. THESE CERTIFICATES HAVE  
31 THE SAME FORCE AND EFFECT AS IF MADE BY THE OFFICER ORIGINALLY IN CHARGE  
32 OF THE RECORD.

33          5. AS THE DIRECTOR DEEMS NECESSARY:

34          (a) ARRANGE WITH THE FEDERAL GOVERNMENT, OTHER STATES AND FOREIGN  
35 COUNTRIES FOR A SYSTEM OF EXCHANGE OF OFFICIAL STATE REPORTS AND  
36 PUBLICATIONS, SESSION LAWS, STATUTES, LEGISLATIVE JOURNALS AND SUPREME  
37 COURT REPORTS.

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

42          (c) ENTER INTO AGREEMENTS WITH LIBRARIES IN THIS STATE FOR THE  
43 STATE DOCUMENTS PROGRAM DESCRIBED IN SECTION 41-151.08, SUBSECTION A,  
44 PARAGRAPH 2. ANY LIBRARY THAT ENTERS INTO AN AGREEMENT PURSUANT TO THIS  
45 SUBDIVISION SHALL CONTINUE TO CONTRIBUTE AT LEAST THE SAME LEVEL OF

1 SUPPORT TO THE STATE DOCUMENTS PROGRAM AND MAY NOT USE ANY MONIES RECEIVED  
2 PURSUANT TO THE AGREEMENT TO SUPPLANT OTHER MONIES AVAILABLE TO THE  
3 LIBRARY.

4 6. ADOPT RULES FOR THE ACQUISITION, MAINTENANCE, ACCESS AND  
5 PRESERVATION OF STATE PUBLICATIONS.

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

8 (a) DESCRIBING STATE PUBLICATIONS IN ALL FORMATS.

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

10 (c) CERTIFYING SIGNS, PLAQUES AND MARKINGS PURSUANT TO SECTIONS  
11 28-7051 AND 41-151.10.

12 (d) ENFORCING SECTION 34-502.

13 8. PROVIDE ACCESS TO AN OFFICIAL COMPILATION OR REVISION OF THE  
14 LAWS OF THIS STATE TO EACH PUBLIC OR COURT LIBRARY IN THIS STATE THAT  
15 APPLIES FOR ACCESS. THE DIRECTOR MAY PROVIDE THE ACCESS ELECTRONICALLY.  
16 ON REQUEST, THE DIRECTOR MAY PROVIDE A CERTIFIED COPY OF A LAW PURSUANT TO  
17 PARAGRAPH 4 OF THIS SUBSECTION.

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

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

24 11. COOPERATE WITH THE LEGISLATIVE COUNCIL IN CARRYING OUT SECTION  
25 41-1304, SUBSECTION B.

26 B. THE GOVERNOR, THE SECRETARY OF STATE, THE PRESIDENT OF THE  
27 SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE HEADS OF  
28 DEPARTMENTS AND ALL OFFICERS AND AGENTS OF THIS STATE SHALL SUPPLY AT NO  
29 COST THE NUMBER OF COPIES OF OFFICIAL REPORTS, PUBLIC DOCUMENTS AND  
30 PUBLICATIONS REQUIRED FOR THE STATE LIBRARY OR ITS AGENTS TO SATISFY THE  
31 REQUIREMENTS OF THE STATE DOCUMENTS PROGRAM OR ARRANGEMENTS OR AGREEMENTS  
32 ENTERED INTO PURSUANT TO SUBSECTION A, PARAGRAPH 5 OF THIS SECTION.

33 C. THE GOVERNMENTAL UNITS DESCRIBED IN SUBSECTION B OF THIS SECTION  
34 SHALL:

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

37 2. PAY THE STATE LIBRARY THE FEE CHARGED PURSUANT TO SECTION  
38 41-151.12 IF THE GOVERNMENTAL UNIT REFUSES THE STATE LIBRARY'S REQUEST TO  
39 SUPPLY, AND THE STATE LIBRARY INCURS ANY EXPENSES IN OBTAINING, THE COPIES  
40 THAT ARE REQUIRED TO BE SUPPLIED PURSUANT TO THIS SECTION.

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

43 A. THE STATE LIBRARY IS THE STATE LIBRARY ADMINISTRATIVE AGENCY,  
44 AND THE DIRECTOR MAY ACCEPT, ON BEHALF OF THE STATE, ANY ALLOCATION OF  
45 MONIES OR MATERIALS MADE BY THE FEDERAL GOVERNMENT FOR STATE LIBRARY



1 PURPOSES, ANY APPROPRIATION OF STATE MONIES FOR THE PURPOSES OF THIS  
2 ARTICLE OR ANY BEQUEST, GRANT OR GIFT TO THE STATE LIBRARY, AND  
3 ADMINISTER ALL OF THEM UNDER RULES ADOPTED BY THE DIRECTOR, UNLESS  
4 OTHERWISE PROVIDED BY LAW. THE ADMINISTRATION MAY NOT BE INCONSISTENT  
5 WITH THE CONDITIONS OF THE ALLOCATION, APPROPRIATION, BEQUEST, GRANT OR  
6 GIFT.

7 B. THE STATE LIBRARY FUND IS ESTABLISHED. ALL MONIES RECEIVED  
8 PURSUANT TO THIS SECTION AND SECTION 41-151.05, EXCEPT FOR FEDERAL  
9 MONIES, SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN  
10 THE FUND AND ACCOUNTED FOR SEPARATELY. MONIES IN THE ACCOUNTS ARE  
11 CONTINUOUSLY APPROPRIATED TO THE STATE LIBRARY FOR THE PURPOSES PROVIDED  
12 FOR IN THE FUND SOURCES, AND MONIES IN THE FUND ARE EXEMPT FROM THE  
13 PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS. ON  
14 NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND DIVEST  
15 MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED FROM  
16 INVESTMENT SHALL BE CREDITED TO THE FUND.

17 C. ALL FEDERAL MONIES RECEIVED AS PROVIDED BY THIS SECTION SHALL  
18 BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN A SEPARATE  
19 ACCOUNT OF THE FUND AND DISBURSED IN THE MANNER PRESCRIBED FOR THE  
20 DISBURSEMENT OF STATE FUNDS, BUT ARE NOT SUBJECT TO SECTION 35-190  
21 RELATING TO LAPSING OF APPROPRIATIONS.

22 41-151.07. Library development services

23 THE STATE LIBRARY SHALL:

- 24 1. DIRECT AND COORDINATE STATEWIDE PUBLIC LIBRARY SERVICES.
- 25 2. ENCOURAGE AND ASSIST THE DEVELOPMENT OF LIBRARY SERVICES IN  
26 STATE AND LOCAL INSTITUTIONS AND GOVERNMENTAL UNITS.
- 27 3. COMPILE AND DISSEMINATE STATISTICS AND OTHER DATA RELATING TO  
28 LIBRARIES AND LIBRARY SERVICES.
- 29 4. GIVE PROFESSIONAL ADVICE AND ASSISTANCE IN THE ESTABLISHMENT AND  
30 OPERATION OF COUNTY FREE LIBRARIES, MUNICIPAL OR OTHER LIBRARIES, OR ANY  
31 COMBINATIONS OF COUNTY FREE AND MUNICIPAL OR OTHER LIBRARIES, AND TO JOINT  
32 VENTURES OF PUBLIC AND PRIVATE OR NONPROFIT LIBRARIES IN THIS STATE THAT  
33 MAKE LIBRARY INFORMATION AVAILABLE TO THE PUBLIC AND THAT REQUEST SUCH  
34 PROFESSIONAL ADVICE AND ASSISTANCE.
- 35 5. DEVELOP LIBRARY SERVICES FOR THE BLIND AND PERSONS WITH PHYSICAL  
36 DISABILITIES REGARDLESS OF THE TYPE OF TECHNOLOGY USED.
- 37 6. PERFORM ALL OTHER DUTIES NECESSARY OR APPROPRIATE TO THE  
38 DEVELOPMENT OF STATEWIDE LIBRARY SERVICES.

39 41-151.08. Archives and history services; recovery of costs

40 A. THE STATE LIBRARY SHALL CONTAIN:

- 41 1. ALL AVAILABLE WORKS, BOOKS, NEWSPAPER FILES, PAMPHLETS, PAPERS,  
42 MANUSCRIPTS, DOCUMENTS, MAGAZINES AND NEWSPAPER ARTICLES, MAPS, PICTURES,  
43 ITEMS AND MATERIALS PERTAINING TO OR BEARING ON THE HISTORY OF THIS STATE.
- 44 2. COPIES OF CURRENT OFFICIAL REPORTS, PUBLIC DOCUMENTS AND  
45 PUBLICATIONS OF STATE, COUNTY AND MUNICIPAL OFFICERS, DEPARTMENTS, BOARDS,

1 COMMISSIONS, AGENCIES AND INSTITUTIONS, AND PUBLIC ARCHIVES. TO ALLOW  
2 COMPLIANCE WITH THIS PARAGRAPH, ALL PUBLIC OFFICERS REQUIRED BY LAW SHALL  
3 REPORT IN WRITING TO THE GOVERNOR, OR TO THE GOVERNING OFFICER OR BODY OF  
4 A COUNTY, CITY OR TOWN, TO PROVIDE THOSE REPORTS, DOCUMENTS AND  
5 PUBLICATIONS TO THE STATE LIBRARY FOR FILING IN THE STATE LIBRARY ARCHIVES  
6 IN THE NUMBER THAT WILL SATISFY THE REQUIREMENTS OF THE STATE DOCUMENTS  
7 PROGRAM OR ARRANGEMENTS OR AGREEMENTS ENTERED INTO PURSUANT TO SECTION  
8 41-151.05, SUBSECTION A, PARAGRAPH 5 EXCEPT THOSE REPORTS, DOCUMENTS AND  
9 PUBLICATIONS THAT ARE CONFIDENTIAL.

10 B. THE GOVERNMENTAL UNITS DESCRIBED IN SUBSECTION A OF THIS SECTION  
11 SHALL:

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

14 2. PAY THE STATE LIBRARY THE FEE CHARGED PURSUANT TO SECTION  
15 41-151.12 IF THE GOVERNMENTAL UNIT REFUSES THE STATE LIBRARY'S REQUEST TO  
16 PROVIDE, AND THE STATE LIBRARY INCURS ANY EXPENSES IN OBTAINING, THE  
17 COPIES THAT ARE REQUIRED TO BE PROVIDED PURSUANT TO THIS SECTION.

18 41-151.09. Depository of official archives

19 A. THE STATE LIBRARY IS THE CENTRAL DEPOSITORY OF ALL OFFICIAL  
20 BOOKS, RECORDS AND DOCUMENTS, INCLUDING ELECTRONIC RECORDS, NOT IN CURRENT  
21 USE OF THE VARIOUS STATE OFFICERS AND DEPARTMENTS OF THIS STATE AND THE  
22 COUNTIES, CITIES AND TOWNS. THESE MATERIALS CONSTITUTE THE STATE  
23 ARCHIVES. THE STATE ARCHIVES SHALL BE CAREFULLY KEPT AND PRESERVED,  
24 CLASSIFIED, CATALOGUED AND MADE AVAILABLE FOR INSPECTION UNDER RULES THE  
25 DIRECTOR ADOPTS.

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

28 C. ANY COUNTY, MUNICIPAL OR OTHER PUBLIC OFFICIAL SHALL RETAIN OR  
29 DEPOSIT WITH THE STATE LIBRARY FOR PERMANENT PRESERVATION PURSUANT TO  
30 SECTION 39-101 OFFICIAL BOOKS, RECORDS, DOCUMENTS AND ORIGINAL PAPERS NOT  
31 IN CURRENT USE. THE CLERK OF THE SUPERIOR COURT SHALL DEPOSIT AND THE  
32 STATE LIBRARY SHALL PRESERVE ALL PERMANENT SUPERIOR COURT CASE FILES  
33 PURSUANT TO COURT RULES.

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

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

38 2. DEATH RECORDS IF FIFTY YEARS HAVE PASSED AFTER THE DATE OF  
39 DEATH.

40 41-151.10. Historical records

41 THE STATE LIBRARY SHALL:

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

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

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

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

6           5. SYSTEMATICALLY STIMULATE HISTORICAL RESEARCH AND ENCOURAGE THE  
7 STUDY OF ARIZONA HISTORY.

8           41-151.11. Access to public records

9           THE DIRECTOR, IN PERSON OR THROUGH A DEPUTY, HAS THE RIGHT OF  
10 REASONABLE ACCESS TO ALL NONCONFIDENTIAL PUBLIC RECORDS IN THIS STATE, OR  
11 ANY PUBLIC OFFICE OF THIS STATE OR ANY COUNTY, CITY, DISTRICT OR POLITICAL  
12 SUBDIVISION OF THIS STATE, BECAUSE OF THE HISTORICAL AND RESEARCH VALUE OF  
13 DATA CONTAINED IN THOSE RECORDS, WITH A VIEW TO SECURING THEIR SAFETY AND  
14 DETERMINING THEIR NEED FOR PRESERVATION OR DISPOSAL.

15           41-151.12. Records; records management; powers and duties of  
16 director; fees; records services fund

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

19           1. ESTABLISH STANDARDS, PROCEDURES AND TECHNIQUES FOR EFFECTIVE  
20 MANAGEMENT OF RECORDS.

21           2. MAKE CONTINUING SURVEYS OF RECORDKEEPING OPERATIONS AND  
22 RECOMMEND IMPROVEMENTS IN CURRENT RECORD MANAGEMENT PRACTICES, INCLUDING  
23 THE USE OF SPACE, EQUIPMENT AND SUPPLIES EMPLOYED IN CREATING,  
24 MAINTAINING, STORING AND SERVICING RECORDS.

25           3. ESTABLISH STANDARDS AND PROCEDURES FOR PREPARING SCHEDULES THAT  
26 PROVIDE FOR RETAINING RECORDS OF CONTINUING VALUE AND FOR PROMPT AND  
27 ORDERLY DISPOSAL OF RECORDS NO LONGER POSSESSING SUFFICIENT  
28 ADMINISTRATIVE, LEGAL OR FISCAL VALUE TO WARRANT THEIR FURTHER KEEPING.

29           4. ESTABLISH CRITERIA FOR DESIGNATING ESSENTIAL RECORDS WITHIN THE  
30 FOLLOWING GENERAL CATEGORIES:

31           (a) RECORDS CONTAINING INFORMATION NECESSARY TO THE OPERATIONS OF  
32 GOVERNMENT IN AN EMERGENCY CREATED BY A DISASTER.

33           (b) RECORDS CONTAINING INFORMATION NECESSARY TO PROTECT THE RIGHTS  
34 AND INTERESTS OF PERSONS OR TO ESTABLISH AND AFFIRM THE POWERS AND DUTIES  
35 OF GOVERNMENTS IN THE RESUMPTION OF OPERATIONS AFTER A DISASTER.

36           5. REPRODUCE OR CAUSE TO BE REPRODUCED ESSENTIAL RECORDS AND  
37 PRESCRIBE THE PLACE AND MANNER OF THEIR SAFEKEEPING.

38           6. OBTAIN SUCH REPORTS AND DOCUMENTATION FROM AGENCIES AS ARE  
39 REQUIRED FOR ADMINISTERING THIS PROGRAM.

40           7. REQUEST TRANSMITTAL OF THE ORIGINALS OF RECORDS PRODUCED OR  
41 REPRODUCED BY AGENCIES OF THIS STATE OR ITS POLITICAL SUBDIVISIONS  
42 PURSUANT TO SECTION 41-151.16 OR CERTIFIED NEGATIVES, FILMS OR ELECTRONIC  
43 MEDIA OF SUCH ORIGINALS, OR BOTH, IF IN THE DIRECTOR'S JUDGMENT SUCH  
44 RECORDS MAY BE OF HISTORICAL OR OTHER VALUE.

1           8. ON REQUEST, ASSIST AND ADVISE IN THE ESTABLISHMENT OF RECORDS  
2 MANAGEMENT PROGRAMS IN THE LEGISLATIVE AND JUDICIAL BRANCHES OF THIS STATE  
3 AND PROVIDE PROGRAM SERVICES SIMILAR TO THOSE AVAILABLE TO THE EXECUTIVE  
4 BRANCH OF STATE GOVERNMENT PURSUANT TO THIS ARTICLE.

5           9. ESTABLISH A FEE SCHEDULE TO SYSTEMATICALLY CHARGE STATE  
6 AGENCIES, POLITICAL SUBDIVISIONS OF THIS STATE AND OTHER GOVERNMENTAL  
7 UNITS OF THIS STATE FOR SERVICES DESCRIBED IN THIS SECTION AND SECTION  
8 41-151.13 AND DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, MONIES  
9 RECEIVED FROM FEES IN THE RECORDS SERVICES FUND ESTABLISHED BY SUBSECTION  
10 B OF THIS SECTION.

11           10. SUBJECT TO APPROVAL OF THE SECRETARY OF STATE, ESTABLISH A FEE  
12 SCHEDULE TO CHARGE STATE AGENCIES, POLITICAL SUBDIVISIONS OF THIS STATE  
13 AND OTHER GOVERNMENTAL UNITS OF THIS STATE FOR SERVICES AND EXPENSES  
14 INCURRED BY THE STATE LIBRARY IN OBTAINING COPIES OF THOSE REPORTS,  
15 DOCUMENTS AND PUBLICATIONS THAT ARE REQUIRED TO BE DELIVERED, SUPPLIED OR  
16 PROVIDED PURSUANT TO SECTIONS 35-103, 41-151.05 AND 41-151.08 AND DEPOSIT,  
17 PURSUANT TO SECTIONS 35-146 AND 35-147, THESE MONIES IN THE RECORDS  
18 SERVICES FUND ESTABLISHED BY SUBSECTION B OF THIS SECTION.

19           B. THE RECORDS SERVICES FUND IS ESTABLISHED CONSISTING OF MONIES  
20 DEPOSITED PURSUANT TO SUBSECTION A, PARAGRAPHS 9 AND 10 OF THIS SECTION.  
21 THE DIRECTOR SHALL ADMINISTER THE FUND FOR THE PURPOSES PROVIDED IN  
22 SUBSECTION A OF THIS SECTION. MONIES IN THE FUND ARE SUBJECT TO  
23 LEGISLATIVE APPROPRIATION AND ARE EXEMPT FROM THE PROVISIONS OF SECTION  
24 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

25           41-151.13. Records management officer; duties

26           A. THE STATE LIBRARY SHALL EMPLOY A RECORDS MANAGEMENT OFFICER WHO  
27 IS RESPONSIBLE FOR THE DIRECTION AND CONTROL OF THE RECORDS MANAGEMENT  
28 PROGRAM. THE RECORDS MANAGEMENT OFFICER, AT THE DIRECTION OF THE  
29 DIRECTOR, SHALL ADMINISTER SECTION 41-151.12.

30           B. THE STATE LIBRARY SHALL:

31           1. THROUGH CONSULTATION AND EDUCATION, PROVIDE FOR AN EFFICIENT AND  
32 CONTEMPORARY RECORDS MANAGEMENT PROGRAM USING MODERN TECHNIQUES TO  
33 FACILITATE THE EFFICIENT AND ECONOMIC CREATION, MAINTENANCE, CONTROL,  
34 RETENTION AND DISPOSITION OF RECORDS.

35           2. OPERATE A RECORDS MANAGEMENT CENTER FOR MAINTAINING AND HOUSING  
36 INACTIVE NONARCHIVAL RECORDS. THE RECORDS MANAGEMENT CENTER IS THE ONLY  
37 INACTIVE RECORDS CENTER OPERATED BY A STATE AGENCY. STATE AGENCIES MAY  
38 USE OTHER FACILITIES FOR INACTIVE RECORDS STORAGE WITH PRIOR APPROVAL OF  
39 THE DIRECTOR.

40           3. ESTABLISH STANDARDS AND PROCEDURES FOR RECORDS ACCEPTED FOR  
41 STORAGE.

42           4. OPERATE A SECURE VAULT AS PART OF THE RECORDS MANAGEMENT CENTER  
43 FOR HOUSING AND MAINTAINING MICROGRAPHIC, MACHINE READ AND SELECTED  
44 ESSENTIAL RECORDS.

1           5. OPERATE A PRESERVATION IMAGING FUNCTION THAT IS RESPONSIBLE FOR:  
 2           (a) THE EFFICIENT AND COORDINATED USE OF MICROGRAPHICS AND DIGITAL  
 3 IMAGING EQUIPMENT, TECHNIQUES AND PERSONNEL TO ACHIEVE OPTIMUM QUALITY,  
 4 EFFECTIVENESS AND ECONOMY IN THE PRODUCTION OF SOURCE DOCUMENT  
 5 MICROGRAPHICS AND DIGITAL IMAGING.

6           (b) PROCESSING AND DUPLICATING MICROFILM PRODUCED BY THE  
 7 PRESERVATION IMAGING OPERATION AND FILM PRODUCED BY OTHER AGENCIES OF THIS  
 8 STATE.

9           41-151.14. State and local public records management;  
 10                                       violation; classification; definition

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

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

14           2. MAKE AND MAINTAIN RECORDS CONTAINING ADEQUATE AND PROPER  
 15 DOCUMENTATION OF THE ORGANIZATION, FUNCTIONS, POLICIES, DECISIONS,  
 16 PROCEDURES AND ESSENTIAL TRANSACTIONS OF THE AGENCY DESIGNED TO FURNISH  
 17 INFORMATION TO PROTECT THE RIGHTS OF THIS STATE AND OF PERSONS DIRECTLY  
 18 AFFECTED BY THE AGENCY'S ACTIVITIES.

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

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

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

26           6. DESIGNATE AN INDIVIDUAL WITHIN THE AGENCY TO MANAGE THE RECORDS  
 27 MANAGEMENT PROGRAM OF THE AGENCY. THE AGENCY SHALL RECONFIRM THE IDENTITY  
 28 OF THIS INDIVIDUAL TO THE STATE LIBRARY EVERY OTHER YEAR. THE DESIGNATED  
 29 INDIVIDUAL:

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

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

34           7. COMPLY WITH RULES, STANDARDS AND PROCEDURES ADOPTED BY THE  
 35 DIRECTOR.

36           B. THE GOVERNING BODY OF EACH COUNTY, CITY, TOWN OR OTHER POLITICAL  
 37 SUBDIVISION SHALL PROMOTE THE PRINCIPLES OF EFFICIENT RECORDS MANAGEMENT  
 38 FOR LOCAL PUBLIC RECORDS. THE GOVERNING BODY, AS FAR AS PRACTICABLE,  
 39 SHALL FOLLOW THE PROGRAM ESTABLISHED FOR MANAGING STATE RECORDS. THE  
 40 DIRECTOR, ON REQUEST OF THE GOVERNING BODY, SHALL PROVIDE ADVICE AND  
 41 ASSISTANCE IN ESTABLISHING A LOCAL PUBLIC RECORDS MANAGEMENT PROGRAM.

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

44           D. FOR THE PURPOSES OF THIS SECTION, "RECORDS MANAGEMENT" MEANS  
 45 CREATING AND IMPLEMENTING SYSTEMATIC CONTROLS FOR RECORDS AND INFORMATION

1 ACTIVITIES FROM THE POINT WHERE THEY ARE CREATED OR RECEIVED THROUGH FINAL  
2 DISPOSITION OR ARCHIVAL RETENTION, INCLUDING DISTRIBUTION, USE, STORAGE,  
3 RETRIEVAL, PROTECTION AND PRESERVATION.

4 41-151.15. Preservation of public records

5 A. ALL RECORDS MADE OR RECEIVED BY PUBLIC OFFICIALS OR EMPLOYEES OF  
6 THIS STATE OR THE COUNTIES, CITIES AND TOWNS OF THIS STATE IN THE COURSE  
7 OF THEIR PUBLIC DUTIES ARE THE PROPERTY OF THIS STATE. EXCEPT AS PROVIDED  
8 IN THIS ARTICLE, THE DIRECTOR AND EVERY OTHER CUSTODIAN OF PUBLIC RECORDS  
9 SHALL CAREFULLY PROTECT AND PRESERVE THE RECORDS FROM DETERIORATION,  
10 MUTILATION, LOSS OR DESTRUCTION AND, WHEN ADVISABLE, SHALL CAUSE THEM TO  
11 BE PROPERLY REPAIRED AND RENOVATED. ALL PAPER, INK AND OTHER MATERIALS  
12 USED IN PUBLIC OFFICES FOR THE PURPOSE OF PERMANENT RECORDS, INCLUDING  
13 ELECTRONIC RECORDS, SHALL BE OF DURABLE QUALITY AND SHALL COMPLY WITH THE  
14 STANDARDS ESTABLISHED PURSUANT TO SECTION 39-101. ADDITIONALLY, THE  
15 CUSTODIAN OF RECORDS THAT KEEPS PHOTOGRAPHY, FILM, MICROFICHE, DIGITAL  
16 IMAGING OR OTHER TYPES OF REPRODUCTION OR ELECTRONIC MEDIA PURSUANT TO  
17 SECTION 41-151.16, SUBSECTION A SHALL PROTECT RECORDS FROM LOSS OR  
18 DESTRUCTION PURSUANT TO STANDARDS THAT ARE ESTABLISHED BY THE DIRECTOR.

19 B. THE STATE LIBRARY SHALL ESTABLISH, OPERATE AND MAINTAIN A  
20 TRUSTED ELECTRONIC RECORDS REPOSITORY TO KEEP, PRESERVE, SECURE AND MAKE  
21 AVAILABLE THE ELECTRONIC AND DIGITIZED RECORDS OF THE STATE ARCHIVES AND  
22 THE STATE DOCUMENTS PROGRAM AND OF ANY DOCUMENTS AND PUBLIC RECORDS  
23 RECEIVED, SUBJECT TO LEGISLATIVE APPROPRIATION.

24 C. RECORDS MAY NOT BE DESTROYED OR OTHERWISE DISPOSED OF BY ANY  
25 AGENCY OF THIS STATE UNLESS IT IS DETERMINED BY THE STATE LIBRARY THAT THE  
26 RECORD HAS NO FURTHER ADMINISTRATIVE, LEGAL, FISCAL, RESEARCH OR  
27 HISTORICAL VALUE. THE ORIGINAL OF ANY RECORD PRODUCED OR REPRODUCED  
28 PURSUANT TO SECTION 41-151.16 MAY BE DETERMINED BY THE STATE LIBRARY TO  
29 HAVE NO FURTHER ADMINISTRATIVE, LEGAL, FISCAL, RESEARCH OR HISTORICAL  
30 VALUE. A PERSON WHO DESTROYS OR OTHERWISE DISPOSES OF RECORDS WITHOUT THE  
31 SPECIFIC AUTHORITY OF THE STATE LIBRARY IS IN VIOLATION OF SECTION 38-421.

32 41-151.16. Production and reproduction of records by agencies  
33 of the state and political subdivisions;  
34 admissibility; violation; classification

35 A. EACH AGENCY OF THIS STATE OR OF ANY POLITICAL SUBDIVISION OF  
36 THIS STATE MAY IMPLEMENT A PROGRAM FOR THE PRODUCTION OR REPRODUCTION BY  
37 PHOTOGRAPHY OR OTHER METHOD OF REPRODUCTION ON FILM, MICROFICHE, DIGITAL  
38 IMAGING OR OTHER ELECTRONIC MEDIA OF RECORDS IN ITS CUSTODY, WHETHER  
39 OBSOLETE OR CURRENT, AND CLASSIFY, CATALOGUE AND INDEX SUCH RECORDS FOR  
40 CONVENIENT REFERENCE. THE AGENCY, BEFORE THE INSTITUTION OF ANY SUCH  
41 PROGRAM OF PRODUCTION OR REPRODUCTION, SHALL OBTAIN APPROVAL FROM THE  
42 DIRECTOR OF THE TYPES OF RECORDS TO BE PRODUCED OR REPRODUCED AND OF THE  
43 METHODS OF PRODUCTION, REPRODUCTION AND STORAGE AND THE EQUIPMENT WHICH  
44 THE AGENCY PROPOSES TO USE IN CONNECTION WITH THE PRODUCTION, REPRODUCTION  
45 AND STORAGE. APPROVAL PURSUANT TO THIS SUBSECTION IS NECESSARY FOR

1 DIGITIZING PROGRAMS BUT NOT FOR INDIVIDUAL INSTANCES OF DIGITIZATION. ON  
2 APPROVAL FROM THE DIRECTOR, THE SOURCE DOCUMENTS MAY BE DESTROYED, BUT  
3 ONLY AFTER AN ADMINISTRATIVE AUDIT AND AFTER SAFEGUARDS ARE IN PLACE TO  
4 PROTECT THE PUBLIC RECORDS PURSUANT TO SECTION 41-151.15, SUBSECTION A.

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

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

9 41-151.17. Duties relating to historical value

10 A. THE STATE LIBRARY SHALL:

11 1. DETERMINE WHETHER PUBLIC RECORDS PRESENTED TO IT ARE OF  
12 HISTORICAL VALUE.

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

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

17 B. THE STATE LIBRARY SHALL CHECK ALL PUBLIC RECORDS OF ANY PUBLIC  
18 OFFICE, ON THE TERMINATION OF THE EXISTENCE AND FUNCTIONS OF THE OFFICE,  
19 AND EITHER DISPOSE OF OR TRANSFER THE RECORDS TO THE CUSTODY OF THE STATE  
20 LIBRARY, IN ACCORDANCE WITH THIS ARTICLE. IF A PUBLIC OFFICE IS  
21 TERMINATED OR REDUCED BY THE TRANSFER OF ITS POWERS AND DUTIES TO ANOTHER  
22 OFFICE OR TO OTHER OFFICES, ITS APPROPRIATE PUBLIC RECORDS SHALL PASS WITH  
23 THE POWERS AND DUTIES TRANSFERRED.

24 41-151.18. Arizona uniform laws commission; membership;  
25 duties

26 A. THE ARIZONA UNIFORM LAWS COMMISSION IS ESTABLISHED CONSISTING OF  
27 FOUR MEMBERS WHO ARE MEMBERS OF A STATE BAR ASSOCIATION AND WHO ARE  
28 APPOINTED BY THE GOVERNOR. THESE MEMBERS ARE IN ADDITION TO THE MEMBERS  
29 WHO HAVE ATTAINED LIFE MEMBERSHIP IN THE NATIONAL CONFERENCE OF  
30 COMMISSIONERS ON UNIFORM STATE LAWS. THE TERM OF OFFICE OF THE MEMBERS IS  
31 SIX YEARS EXCEPT FOR LIFETIME MEMBERS. AN APPOINTMENT TO FILL A VACANCY  
32 CAUSED OTHER THAN BY EXPIRATION OF A TERM IS FOR THE REMAINDER OF THE  
33 UNEXPIRED TERM.

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

37 C. THE ARIZONA UNIFORM LAWS COMMISSION SHALL REVIEW EFFORTS  
38 NATIONALLY TO ENACT UNIFORM LAWS AND RECOMMEND TO THE GOVERNOR AND THE  
39 LEGISLATURE THE ADOPTION OF UNIFORM LEGISLATION THAT THE COMMISSION DEEMS  
40 DESIRABLE.

41 D. THE SECRETARY OF STATE MAY MAINTAIN MEMBERSHIP ON THE ARIZONA  
42 UNIFORM LAWS COMMISSION. ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE ARIZONA  
43 UNIFORM LAWS COMMISSION SHALL SUBMIT A LETTER TO EACH MEMBER OF THE  
44 LEGISLATURE THAT INCLUDES A WEBSITE LINK TO THE CURRENT LIST OF THE  
45 UNIFORM ACTS THAT IS PREPARED BY THE NATIONAL CONFERENCE OF COMMISSIONERS

1 ON UNIFORM STATE LAWS FOR THE PURPOSE OF INFORMING THE MEMBERS OF THE  
2 LEGISLATURE ABOUT CURRENT MODEL LEGISLATION THAT IS AVAILABLE TO THE  
3 LEGISLATORS.

4 41-151.19. Determination of value; disposition

5 EVERY PUBLIC OFFICER WHO HAS PUBLIC RECORDS IN THE PUBLIC OFFICER'S  
6 CUSTODY SHALL CONSULT PERIODICALLY WITH THE STATE LIBRARY AND THE STATE  
7 LIBRARY SHALL DETERMINE WHETHER THE RECORDS IN QUESTION ARE OF LEGAL,  
8 ADMINISTRATIVE, HISTORICAL OR OTHER VALUE. THOSE RECORDS DETERMINED TO BE  
9 OF LEGAL, ADMINISTRATIVE, HISTORICAL OR OTHER VALUE SHALL BE PRESERVED.  
10 THOSE RECORDS DETERMINED TO BE OF NO LEGAL, ADMINISTRATIVE, HISTORICAL OR  
11 OTHER VALUE SHALL BE DISPOSED OF BY SUCH A METHOD AS THE STATE LIBRARY MAY  
12 SPECIFY. A REPORT OF RECORDS DESTRUCTION THAT INCLUDES A LIST OF ALL  
13 RECORDS DISPOSED OF SHALL BE FILED AT LEAST ANNUALLY WITH THE STATE  
14 LIBRARY ON A FORM PRESCRIBED BY THE STATE LIBRARY.

15 41-151.20. Historical advisory commission; membership; terms;  
16 expenses; duties; historic sites review  
17 committee

18 A. THE HISTORICAL ADVISORY COMMISSION IS ESTABLISHED CONSISTING OF  
19 MEMBERS APPOINTED BY THE DIRECTOR FOR STAGGERED TERMS OF THREE YEARS  
20 ENDING ON JULY 1. THE COMMISSION MEMBERSHIP OF NOT LESS THAN TEN NOR MORE  
21 THAN TWENTY-FIVE MEMBERS SHALL CONSIST OF EXPERTS IN THE DISCIPLINES OF  
22 HISTORY, ARTS AND CULTURE, ARCHITECTURE AND ARCHAEOLOGY, PROFESSIONAL  
23 LIBRARIANS AND ARCHIVISTS OR PERSONS OTHERWISE ASSOCIATED WITH  
24 INTERPRETING, RESEARCHING, WRITING, PRESERVING OR TEACHING THIS STATE'S  
25 HERITAGE, INCLUDING THE INDIAN NATIONS' HISTORY AND HERITAGE, AND THE  
26 DIRECTOR OF THE ARIZONA HISTORICAL SOCIETY, THE DIRECTOR OF THE STATE  
27 MUSEUM, THE DIRECTOR OF THE ARIZONA STATE PARKS BOARD, THE DIRECTOR OF THE  
28 OFFICE OF TOURISM OR THE DIRECTOR'S DESIGNEE, THE SUPERINTENDENT OF PUBLIC  
29 INSTRUCTION OR THE SUPERINTENDENT'S DESIGNEE AND THE STATE HISTORIC  
30 PRESERVATION OFFICER.

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

36 C. THE COMMISSION SHALL:

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

39 2. RECOMMEND MEASURES TO THE LEGISLATURE AND STATE AGENCIES TO  
40 COORDINATE OR IMPROVE THE EFFECTIVENESS OF ACTIVITIES OF STATE AGENCIES  
41 AND AGENCIES OF THE POLITICAL SUBDIVISIONS OF THIS STATE AND OTHER PERSONS  
42 RELATING TO INTERPRETING, RESEARCHING, WRITING AND TEACHING THIS STATE'S  
43 HISTORY, HERITAGE AND HISTORIC PRESERVATION, INCLUDING THE INDIAN NATIONS'  
44 HISTORY, HERITAGE AND PRESERVATION.



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

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

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

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

13          D. THE HISTORIC SITES REVIEW COMMITTEE CONSISTING OF NINE MEMBERS  
14 IS ESTABLISHED TO SERVE AS A STANDING COMMITTEE OF THE HISTORICAL ADVISORY  
15 COMMISSION. THE STATE HISTORIC PRESERVATION OFFICER SHALL APPOINT  
16 COMMITTEE MEMBERS FOR STAGGERED TERMS OF THREE YEARS ENDING ON JULY 1.  
17 THE STATE HISTORIC PRESERVATION OFFICER MAY APPOINT PERSONS OTHER THAN  
18 COMMISSION MEMBERS TO SERVE ON THE COMMITTEE AND SHALL APPOINT AT LEAST  
19 FIVE PERSONS WHO ARE PROFESSIONALS QUALIFIED IN THE DISCIPLINES OF  
20 HISTORY, PREHISTORIC AND HISTORIC ARCHAEOLOGY, ARCHITECTURAL HISTORY OR  
21 ARCHITECTURE. THE COMMITTEE SHALL SELECT ANNUALLY AT THE FIRST MEETING A  
22 CHAIRPERSON WHO IS A COMMISSION MEMBER. THE CHAIRPERSON SHALL REPORT ON  
23 COMMITTEE ACTIVITIES AT COMMISSION MEETINGS. THE COMMITTEE SHALL ASSIST  
24 IN THE DUTIES PRESCRIBED IN THIS SECTION AND BY FEDERAL LAW, REVIEW  
25 NOMINATIONS TO THE NATIONAL AND STATE HISTORIC REGISTERS, PROVIDE GENERAL  
26 ADVICE AND GUIDANCE TO THE STATE HISTORIC PRESERVATION OFFICER AND PERFORM  
27 OTHER DUTIES AS ARE NECESSARY. ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE  
28 STATE HISTORIC PRESERVATION OFFICER SHALL SUBMIT A REPORT OF THE  
29 COMMITTEE'S ACTIVITIES TO THE GOVERNOR, THE PRESIDENT OF THE SENATE, THE  
30 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE DIRECTOR, INCLUDING  
31 INFORMATION PRESCRIBED IN SECTIONS 41-862 AND 41-881.

32          41-151.21. Review and transfer of certain historic property:  
33                                   exemption; definition

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

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

1 C. IF THE STATE LIBRARY DETERMINES THE PERSONAL PROPERTY SHOULD BE  
2 MADE AVAILABLE FOR DISPLAY PURPOSES, THE STATE LIBRARY SHALL PROVIDE  
3 WRITTEN NOTICE TO THE AGENCY REQUESTING PROMPT TRANSFER OF THE PERSONAL  
4 PROPERTY TO THE STATE LIBRARY.

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

8 1. THE LENGTH OF TIME THE AGENCY HAS USED THE PERSONAL PROPERTY.

9 2. WHY THE VALUE OF THE PERSONAL PROPERTY TO THE AGENCY IS GREATER  
10 THAN THE EDUCATIONAL AND HISTORIC VALUE IN DISPLAYING THE PERSONAL  
11 PROPERTY.

12 3. WHAT HARM THE AGENCY WOULD SUFFER IF THE PERSONAL PROPERTY IS  
13 TRANSFERRED TO THE STATE LIBRARY.

14 4. THAT THE USE OF FEDERAL MONIES IN THE INITIAL ACQUISITION OF THE  
15 PERSONAL PROPERTY LEGALLY PRECLUDES ITS TRANSFER TO THE STATE LIBRARY.

16 E. THE SECRETARY OF STATE SHALL GRANT AN EXEMPTION TO A REQUESTED  
17 PROPERTY TRANSFER IF THE SECRETARY OF STATE FINDS THAT THE TRANSFER OF THE  
18 PROPERTY WOULD RESULT IN SIGNIFICANT COST OR DISRUPTION TO THE AGENCY THAT  
19 WOULD OUTWEIGH THE EDUCATIONAL AND HISTORIC VALUE IN DISPLAYING THE  
20 PROPERTY.

21 F. FOR THE PURPOSES OF THIS SECTION, "AGENCY" MEANS ANY BRANCH,  
22 DEPARTMENT, COMMISSION, BOARD OR OTHER UNIT OF THE STATE ORGANIZATION THAT  
23 RECEIVES, DISBURSES OR SPENDS STATE MONIES OR INCURS OBLIGATIONS AGAINST  
24 THIS STATE.

25 41-151.22. Privacy of user records; violation;  
26 classification; definition

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

32 B. RECORDS MAY BE DISCLOSED:

33 1. IF NECESSARY, FOR THE REASONABLE OPERATION OF THE LIBRARY.

34 2. ON WRITTEN CONSENT OF THE USER.

35 3. ON RECEIPT OF A COURT ORDER.

36 4. IF REQUIRED BY LAW.

37 C. ANY PERSON WHO KNOWINGLY DISCLOSES ANY RECORD OR OTHER  
38 INFORMATION IN VIOLATION OF THIS SECTION IS GUILTY OF A CLASS 3  
39 MISDEMEANOR.

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

43 41-151.23. Arizona historical records advisory board

44 A. THE ARIZONA HISTORICAL RECORDS ADVISORY BOARD IS ESTABLISHED  
45 CONSISTING OF THE DIRECTOR AND AT LEAST SIX MEMBERS APPOINTED BY THE

1 DIRECTOR. THESE MEMBERS SHALL CONSIST OF RECOGNIZED EXPERTS IN  
2 ADMINISTERING GOVERNMENT RECORDS, HISTORICAL RECORDS OR ARCHIVES AND SHALL  
3 BE AS BROADLY REPRESENTATIVE AS POSSIBLE OF PUBLIC AND PRIVATE ARCHIVES,  
4 RECORDS OFFICES AND RESEARCH INSTITUTIONS AND ORGANIZATIONS IN THIS STATE.

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

10 C. THE ADVISORY BOARD SHALL ANNUALLY ELECT A CHAIRPERSON AND VICE  
11 CHAIRPERSON FROM AMONG ITS MEMBERS AT THE FIRST MEETING OF THE FISCAL  
12 YEAR. THE DIRECTOR SHALL SERVE AS SECRETARY OF THE ADVISORY BOARD AND  
13 SHALL MAINTAIN THE RECORDS OF THE ADVISORY BOARD.

14 D. THE DIRECTOR SHALL CALL QUARTERLY MEETINGS AND THE DIRECTOR OR  
15 CHAIRPERSON MAY CALL OTHER MEETINGS AS THE DIRECTOR OR CHAIRPERSON DEEMS  
16 NECESSARY. A MEMBER OF THE ADVISORY BOARD MAY SEND A DESIGNEE TO BE AN  
17 OBSERVER AT ADVISORY BOARD MEETINGS. THE DESIGNEE MAY NOT VOTE DIRECTLY  
18 OR AS A PROXY.

19 E. THE ADVISORY BOARD SHALL:

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

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

27 F. THE ADVISORY BOARD MAY:

28 1. SPONSOR AND PUBLISH SURVEYS OF THE CONDITIONS AND NEEDS OF  
29 HISTORICAL RECORDS IN THIS STATE.

30 2. SOLICIT OR DEVELOP PROPOSALS FOR PROJECTS TO BE CARRIED OUT IN  
31 THIS STATE WITH NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION  
32 GRANTS.

33 3. REVIEW PROPOSALS BY INSTITUTIONS IN THIS STATE AND MAKE  
34 RECOMMENDATIONS ABOUT THESE PROPOSALS TO THE NATIONAL HISTORICAL  
35 PUBLICATIONS AND RECORDS COMMISSION.

36 4. DEVELOP, REVISE AND SUBMIT TO THE NATIONAL HISTORICAL  
37 PUBLICATIONS AND RECORDS COMMISSION THIS STATE'S PRIORITIES FOR HISTORICAL  
38 RECORDS PROJECTS ACCORDING TO GUIDELINES DEVELOPED BY THE NATIONAL  
39 HISTORICAL PUBLICATIONS AND RECORDS COMMISSION.

40 5. PROMOTE AN UNDERSTANDING OF THE ROLE AND VALUE OF HISTORICAL  
41 RECORDS.

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

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

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

7           Sec. 5. Title 41, chapter 8, article 1, Arizona Revised Statutes,  
8 is amended by adding sections 41-1306 and 41-1307, to read:

9           41-1306. State capitol museum; legislative council

10           THE DIRECTOR OF THE ARIZONA LEGISLATIVE COUNCIL SHALL DIRECT AND  
11 MANAGE THE STATE CAPITOL MUSEUM.

12           41-1307. Museum gift shop revolving fund; exemption

13           A. THE MUSEUM GIFT SHOP REVOLVING FUND IS ESTABLISHED CONSISTING OF  
14 GIFT SHOP PROCEEDS RECEIVED FROM THE SALE OF GOODS, GIFTS, NONFEDERAL  
15 GRANTS AND DONATIONS. THE DIRECTOR OF THE ARIZONA LEGISLATIVE COUNCIL  
16 SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY  
17 APPROPRIATED. THE DIRECTOR SHALL USE THE MONIES IN THE FUND TO PROVIDE TO  
18 THE PUBLIC GOODS FOR SALE THAT ARE REFLECTIVE OF THE THEMES OF THE STATE  
19 CAPITOL MUSEUM AND THIS STATE.

20           B. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION  
21 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

22           Sec. 6. Repeal

23           Section 41-3020.04, Arizona Revised Statutes, is repealed.

24           Sec. 7. Title 41, chapter 27, article 2, Arizona Revised Statutes,  
25 is amended by adding section 41-3029.01, to read:

26           41-3029.01. Arizona state library, archives and public  
27 records; termination July 1, 2029

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

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

32           Sec. 8. 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, 41-151.17;  
41 ~~41-151.18~~ and 41-151.19 and the permanent public records requirements  
42 prescribed in section 39-101 shall comply with those requirements.

43           B. State agencies shall comply with the standards adopted by the  
44 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. 9. 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. 10. Succession

10 A. As provided by this act, the Arizona legislative council  
11 succeeds to the authority, powers, duties and responsibilities of the  
12 secretary of state regarding the state capitol museum.

13 B. This act does not alter the effect of any actions that were  
14 taken or impair the valid obligations of the secretary of state regarding  
15 the state capitol museum before the effective date of this act.

16 C. All administrative matters, contracts and judicial and  
17 quasi-judicial actions, whether completed, pending or in process, of the  
18 secretary of state regarding the state capitol museum on the effective  
19 date of this act are transferred to and retain the same status with the  
20 Arizona legislative council.

21 D. All certificates, licenses, registrations, permits and other  
22 indicia of qualification and authority that were issued by the secretary  
23 of state regarding the state capitol museum retain their validity for the  
24 duration of their terms of validity as provided by law.

25 E. All equipment, records, furnishings and other property, all data  
26 and investigative findings, all obligations and all appropriated monies  
27 that remain unexpended and unencumbered on the effective date of this act  
28 of the secretary of state regarding the state capitol museum are  
29 transferred to the Arizona legislative council.

30 F. All personnel who are under the state personnel system and  
31 employed by the secretary of state regarding the state capitol museum are  
32 transferred to comparable positions and pay classifications in the  
33 respective administrative units of the Arizona legislative council on the  
34 effective date of this act.

35 Sec. 11. Retroactivity

36 This act applies retroactively to from and after December 31, 2020.