

REFERENCE TITLE: public meetings; records; requirements; penalties

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2927

Introduced by
Representatives Carbone: Carter N, Way

AN ACT

AMENDING SECTIONS 38-431, 38-431.01, 38-431.02, 38-431.06, 39-121.01, 39-121.02 AND 39-171, ARIZONA REVISED STATUTES; RELATING TO PUBLIC MEETINGS AND RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 38-431, Arizona Revised Statutes, is amended to
3 read:

4 38-431. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Advisory committee" or "subcommittee" means any entity, however
7 designated, that is officially established, on motion and order ~~OR AT THE~~
8 ~~DIRECTION~~ of a public body or by the presiding officer of the public body,
9 and whose members have been appointed for the specific purpose of making a
10 recommendation concerning a decision to be made or considered or a course
11 of conduct to be taken or considered by the public body.

12 2. "Executive session" means a gathering of a quorum of members of
13 a public body from which the public is excluded for one or more of the
14 reasons prescribed in section 38-431.03. In addition to the members of
15 the public body, officers, appointees and employees as provided in section
16 38-431.03 and the auditor general as provided in section 41-1279.04, only
17 individuals whose presence is reasonably necessary in order for the public
18 body to carry out its executive session responsibilities may attend the
19 executive session.

20 3. "Legal action" means a collective decision, commitment or
21 promise made by a public body pursuant to the constitution, the public
22 body's charter, bylaws or specified scope of appointment and the laws of
23 this state.

24 4. "Meeting":

25 (a) Means the gathering, in person or through technological
26 devices, of a quorum of the members of a public body at which ~~they~~ ~~THE~~
27 ~~MEMBERS~~ discuss, propose or take legal action, including any deliberations
28 by a quorum with respect to that action.

29 (b) Includes:

30 (i) A one-way electronic communication by one member of a public
31 body that is sent to a quorum of the members of a public body and that
32 proposes legal action.

33 (ii) An exchange of electronic communications among a quorum of the
34 members of a public body that involves a discussion, deliberation or the
35 taking of legal action by the public body concerning a matter likely to
36 come before the public body for action.

37 5. "Political subdivision" means all political subdivisions of this
38 state, including without limitation all counties, cities and towns, school
39 districts and special districts.

40 6. "Public body" means the legislature, all boards and commissions
41 of this state or political subdivisions, all multimember governing bodies
42 of departments, agencies, institutions and instrumentalities of this state
43 or political subdivisions, including without limitation all corporations
44 and other instrumentalities whose boards of directors are appointed or
45 elected by this state or a political subdivision. Public body includes

1 all quasi-judicial bodies and all standing, special or advisory committees
2 or subcommittees of, or appointed by, the public body. Public body
3 includes all commissions and other public entities established by the
4 Arizona Constitution or by way of ballot initiative, including the
5 independent redistricting commission, and this article applies except and
6 only to the extent that specific constitutional provisions supersede this
7 article.

8 7. "Quasi-judicial body" means a public body, other than a court of
9 law, possessing the power to hold hearings on disputed matters between a
10 private person and a public agency and to make decisions in the general
11 manner of a court regarding such disputed claims.

12 Sec. 2. Section 38-431.01, Arizona Revised Statutes, is amended to
13 read:

14 38-431.01. Public bodies: open meetings required: seating:
15 minutes; posting; recordings; open calls

16 A. All meetings of any public body shall be public meetings and all
17 persons so desiring shall be allowed to attend and listen to the
18 deliberations and proceedings. All legal action of public bodies shall
19 occur during a public meeting.

20 B. Schools, school boards, executive boards and municipalities
21 shall provide for an amount of seating sufficient to accommodate the
22 reasonably anticipated attendance of all persons desiring to attend the
23 deliberations and proceedings, when feasible. This section does not
24 require a public body to relocate a meeting outside of the largest regular
25 meeting room.

26 C. All public bodies shall provide for the taking of written
27 minutes or a recording of all their meetings, including executive
28 sessions. For meetings other than executive sessions, the minutes or
29 recording shall include:

30 1. The date, time and place of the meeting.

31 2. The members of the public body recorded as either present or
32 absent.

33 3. A general description of the matters considered.

34 4. An accurate description of all legal actions proposed, discussed
35 or taken, including a record of how each member voted. The minutes shall
36 also include the names of the members who propose each motion and the
37 names of the persons, as given, who make statements or present material to
38 the public body and a reference to the legal action about which they made
39 statements or presented material.

40 D. Minutes of executive sessions shall include items set forth in
41 subsection C, paragraphs 1, 2 and 3 of this section, an accurate
42 description of all instructions given pursuant to section 38-431.03,
43 subsection A, paragraphs 4, 5 and 7 and other matters as may be deemed
44 appropriate by the public body.

1 E. EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED BY THIS ARTICLE, the
2 minutes or a recording of a meeting shall:

3 1. Be available ONLINE for public inspection WITHIN three working
4 days after the meeting ~~except as otherwise specifically provided by this~~
5 ~~article.~~

6 2. REMAIN AVAILABLE ONLINE FOR PUBLIC INSPECTION FOR AT LEAST FIVE
7 YEARS AFTER BEING POSTED.

8 F. A public body of a city or town with a population of more than
9 two thousand five hundred persons shall:

10 1. Within three working days after a meeting, except for
11 subcommittees and advisory committees, post on its website, if applicable,
12 either:

13 (a) A statement describing the legal actions taken by the public
14 body of the city or town during the meeting.

15 (b) Any recording of the meeting.

16 2. Within two working days following approval of the minutes, post
17 approved minutes of city or town council meetings on its website, if
18 applicable, except as otherwise specifically provided by this article.

19 3. Within ten working days after a subcommittee or advisory
20 committee meeting, post on its website, if applicable, either:

21 (a) A statement describing legal action, if any.

22 (b) A recording of the meeting.

23 G. All or any part of a public meeting of a public body may be
24 recorded by any person in attendance by means of a tape recorder or camera
25 or any other means of sonic reproduction, provided that there is no active
26 interference with the conduct of the meeting.

27 H. The secretary of state for state public bodies, the city or town
28 clerk for municipal public bodies and the county clerk for all other local
29 public bodies shall conspicuously post open meeting law materials prepared
30 and approved by the attorney general on their website. A person elected
31 or appointed to a public body shall review the open meeting law materials
32 at least one day before the day that person takes office.

33 I. ~~A~~ DURING ANY MONTHS THAT A PUBLIC BODY REGULARLY MEETS, AT
34 LEAST ONCE DURING THE MONTH, THE public body ~~may~~ SHALL make an open call
35 to the public during a public meeting, subject to reasonable time, place
36 and manner restrictions, to allow individuals to address the public body
37 on any issue within the jurisdiction of the public body. THE OPEN CALL TO
38 THE PUBLIC MUST OCCUR WITHIN THE FIRST THIRTY MINUTES AFTER THE START OF
39 THE MEETING AND MUST STAY OPEN FOR AT LEAST THIRTY MINUTES UNLESS EACH
40 PERSON WHO NOTIFIED THE PUBLIC BODY OF THE PERSON'S DESIRE TO SPEAK AT THE
41 OPEN CALL HAS FINISHED ADDRESSING THE PUBLIC BODY IN LESS THAN THIRTY
42 MINUTES. At the conclusion of an open call to the public, individual
43 members of the public body may respond to criticism made by those who have
44 addressed the public body, may ask staff to review a matter or may ask
45 that a matter be put on a future agenda. However, members of the public

1 body shall not discuss or take legal action on matters raised during an
2 open call to the public unless the matters are properly noticed for
3 discussion and legal action.

4 J. A member of a public body shall not knowingly direct any staff
5 member to communicate in violation of this article.

6 K. Any posting required by subsection F of this section must remain
7 on the applicable website for at least one year after the date of the
8 posting.

9 Sec. 3. Section 38-431.02, Arizona Revised Statutes, is amended to
10 read:

11 38-431.02. Public notice of meetings; executive sessions;
12 technological devices

13 A. Public notice of all meetings of public bodies shall be given as
14 follows:

15 1. The public bodies of this state, including governing bodies of
16 charter schools, shall:

17 (a) Conspicuously post a statement on their website stating where
18 all public notices of their meetings will be posted, including the
19 physical and electronic locations, and shall give additional public notice
20 as is reasonable and practicable as to all meetings.

21 (b) Post all public meeting notices on their website and give
22 additional public notice as is reasonable and practicable as to all
23 meetings. A technological problem or failure that either prevents posting
24 public notices on a website or that temporarily or permanently prevents
25 using all or part of the website does not preclude holding the meeting for
26 which the notice was posted if the public body complies with all other
27 public notice requirements required by this section.

28 2. The public bodies of the counties and school districts shall:

29 (a) Conspicuously post a statement on their website stating where
30 all public notices of their meetings will be posted, including the
31 physical and electronic locations, and shall give additional public notice
32 as is reasonable and practicable as to all meetings.

33 (b) Post all public meeting notices on their website and give
34 additional public notice as is reasonable and practicable as to all
35 meetings. A technological problem or failure that either prevents posting
36 public notices on a website or that temporarily or permanently prevents
37 using all or part of the website does not preclude holding the meeting for
38 which the notice was posted if the public body complies with all other
39 public notice requirements required by this section.

40 3. Special districts that are formed pursuant to title 48:

41 (a) May conspicuously post a statement on their website stating
42 where all public notices of their meetings will be posted, including the
43 physical and electronic locations, and shall give additional public notice
44 as is reasonable and practicable as to all meetings.

(b) May post all public meeting notices on their website and shall give additional public notice as is reasonable and practicable as to all meetings. A technological problem or failure that either prevents posting public notices on a website or that temporarily or permanently prevents using all or part of the website does not preclude holding the meeting for which the notice was posted if the public body complies with all other public notice requirements required by this section.

(c) If a statement or notice is not posted pursuant to subdivision (a) or (b) of this paragraph, shall file a statement with the clerk of the board of supervisors stating where all public notices of their meetings will be posted and shall give additional public notice as is reasonable and practicable as to all meetings.

4. The public bodies of the cities and towns shall:

(a) Conspicuously post a statement on their website or on a website of an association of cities and towns stating where all public notices of their meetings will be posted, including the physical and electronic locations, and shall give additional public notice as is reasonable and practicable as to all meetings.

(b) Post all public meeting notices on their website or on a website of an association of cities and towns and give additional public notice as is reasonable and practicable as to all meetings. A technological problem or failure that either prevents posting public notices on a website or that temporarily or permanently prevents using all or part of the website does not preclude holding the meeting for which the notice was posted if the public body complies with all other public notice requirements required by this section.

B. If an executive session is scheduled, a notice of the executive session shall state the provision of law authorizing the executive session, and the notice shall be provided to the:

1. Members of the public body.
2. General public.

C. Except as provided in subsections D and E of this section, meetings shall not be held without at least twenty-four hours' notice to the members of the public body and to the general public. The twenty-four-hour period includes Saturdays if the public has access to the physical posted location in addition to any website posting, but excludes Sundays and other holidays prescribed in section 1-301.

D. In case of an actual emergency, a meeting, including an executive session, may be held on such notice as is appropriate to the circumstances. If this subsection is used for conduct of an emergency session or the consideration of an emergency measure at a previously scheduled meeting the public body must post a public notice within twenty-four hours declaring that an emergency session has been held and setting forth the information required in subsections H and I of this section.

1 E. A meeting may be recessed and resumed with less than twenty-four
2 hours' notice if public notice of the initial session of the meeting is
3 given as required in subsection A of this section, and if, before
4 recessing, notice is publicly given as to the time and place of the
5 resumption of the meeting or the method by which notice shall be publicly
6 given.

7 F. A public body that intends to meet for a specified calendar
8 period, on a regular day, date or event during the calendar period, and at
9 a regular place and time, may post public notice of the meetings at the
10 beginning of the period. The notice shall specify the period for which
11 notice is applicable. THIS SUBSECTION DOES NOT APPLY TO A NOTICE OF
12 EXECUTIVE SESSION UNLESS THE PUBLIC BODY COMPLIES WITH THE OTHER NOTICE
13 REQUIREMENTS FOR EXECUTIVE SESSIONS REQUIRED BY THIS SECTION.

14 G. Notice required under this section shall include an agenda of
15 the matters to be discussed or decided at the meeting or information on
16 how the public may obtain a copy of such an agenda. The agenda must be
17 available to the public at least twenty-four hours before the meeting,
18 except in the case of an actual emergency under subsection D of this
19 section. The twenty-four-hour period includes Saturdays if the public has
20 access to the physical posted location in addition to any website posting,
21 but excludes Sundays and other holidays prescribed in section 1-301.

22 H. Agendas required under this section shall list the specific
23 matters to be discussed, considered or decided at the meeting. ~~Except for~~
24 ~~a meeting through technological devices,~~ The agenda shall also include
25 notice of the time that the public will have physical access to the
26 meeting place. The public body may discuss, consider or make decisions
27 only on matters listed on the agenda and other matters related thereto.

28 I. Notwithstanding the other provisions of this section, notice of
29 executive sessions shall be required to include only a general description
30 of the matters to be considered. The agenda shall provide more than just
31 a recital of the statutory provisions authorizing the executive session,
32 but need not contain information that would defeat the purpose of the
33 executive session, compromise the legitimate privacy interests of a public
34 officer, appointee or employee or compromise the attorney-client
35 privilege.

36 J. Notwithstanding subsections H and I of this section, in the case
37 of an actual emergency a matter may be discussed and considered and, at
38 public meetings, decided, if the matter was not listed on the agenda and a
39 statement setting forth the reasons necessitating the discussion,
40 consideration or decision is placed in the minutes of the meeting and is
41 publicly announced at the public meeting. In the case of an executive
42 session, the reason for consideration of the emergency measure shall be
43 announced publicly immediately before the executive session.

K. Notwithstanding subsection H of this section, the chief administrator, presiding officer or a member of a public body may present a brief summary of current events without listing in the agenda the specific matters to be summarized, if:

1. The summary is listed on the agenda.
2. The public body does not propose, discuss, deliberate or take legal action at that meeting on any matter in the summary unless the specific matter is properly noticed for legal action.

L. IF THE PUBLIC BODY MEETS THROUGH TECHNOLOGICAL DEVICES, THE PUBLIC BODY SHALL PROVIDE ACCESS TO THE PUBLIC BOTH THROUGH THE TECHNOLOGICAL DEVICE AND AT A PHYSICAL LOCATION WHERE THE PUBLIC CAN VIEW THE MEETING AND PARTICIPATE IN THE MEETING CONSISTENT WITH THE PUBLIC BODY'S PUBLIC PARTICIPATION POLICIES.

Sec. 4. Section 38-431.06, Arizona Revised Statutes, is amended to read:

38-431.06. Investigations; written investigative demands; required response

A. On receipt of a written complaint signed by a complainant alleging a violation of this article or on ~~their own~~, THE initiative OF EITHER the attorney general or the county attorney for the county in which the alleged violation occurred, THE ATTORNEY GENERAL OR COUNTY ATTORNEY may begin an investigation. THE ATTORNEY GENERAL OR COUNTY ATTORNEY SHALL RESPOND TO EACH WRITTEN COMPLAINT THAT IS RECEIVED PURSUANT TO THIS SECTION WITHIN ONE HUNDRED TWENTY DAYS AFTER RECEIPT OF THE COMPLAINT. A COPY OF EACH RESPONSE SHALL BE POSTED ON THE ATTORNEY GENERAL'S OR COUNTY ATTORNEY'S WEBSITE.

B. In addition to other powers conferred by this article, in order to carry out the duties prescribed in this article, the attorney general or the county attorney for the county in which the alleged violation occurred, or their designees, may:

1. Issue written investigative demands to any person.
2. Administer an oath or affirmation to any person for testimony.
3. Examine under oath any person in connection with the investigation of the alleged violation of this article.
4. Examine by means of inspecting, studying or copying any account, book, computer, document, minutes, paper, recording or record.
5. Require any person to file on prescribed forms a statement or report in writing and under oath of all the facts and circumstances requested by the attorney general or county attorney.

C. The written investigative demand shall:

1. Be served on the person in the manner required for service of process in this state or by certified mail, return receipt requested.
2. Describe the class or classes of documents or objects with sufficient definiteness to permit them to be fairly identified.

3. Prescribe a reasonable time at which the person shall appear to testify and within which the document or object shall be produced and advise the person that objections to or reasons for not complying with the demand may be filed with the attorney general or county attorney on or before that time.

4. Specify a place for the taking of testimony or for production of a document or object and designate a person who shall be the custodian of the document or object.

D. If a person objects to or otherwise fails to comply with the written investigation demand served on the person pursuant to subsection C OF THIS SECTION, the attorney general or county attorney may file an action in the superior court for an order to enforce the demand. Venue for the action to enforce the demand shall be in Maricopa county or in the county in which the alleged violation occurred. Notice of hearing the action to enforce the demand and a copy of the action shall be served on the person in the same manner as that prescribed in the Arizona rules of civil procedure. If a court finds that the demand is proper, including that the compliance will not violate a privilege and that there is not a conflict of interest on the part of the attorney general or county attorney, that there is reasonable cause to believe there may have been a violation of this article and that the information sought or document or object demanded is relevant to the violation, the court shall order the person to comply with the demand, subject to modifications the court may prescribe. If the person fails to comply with the court's order, the court may issue any of the following orders until the person complies with the order:

1. Adjudging the person in contempt of court.

2. Granting injunctive relief against the person to whom the demand is issued to restrain the conduct that is the subject of the investigation.

3. Granting other relief the court deems proper.

Sec. 5. Section 39-121.01, Arizona Revised Statutes, is amended to read:

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

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

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

2. "Public body" means this state, any county, city, town, school district, political subdivision or tax-supported district in this state, any branch, department, board, bureau, commission, council or committee of the foregoing, and any public organization or agency, THAT IS supported

1 in whole or in part by monies from this state or any political subdivision
2 of this state, ~~or expending~~ THAT SPENDS monies provided by this state or
3 any political subdivision of this state.

4 B. All officers and public bodies shall maintain all records,
5 including records as defined in section 41-151, THAT ARE reasonably
6 necessary or appropriate to maintain an accurate knowledge of their
7 official activities and of any of their activities that are supported by
8 monies from this state or any political subdivision of this state.

9 C. Each public body shall be responsible for the preservation,
10 maintenance and care of that body's public records, and each officer shall
11 be responsible for the preservation, maintenance and care of that
12 officer's public records. It shall be the duty of each such body to
13 carefully secure, protect and preserve public records from deterioration,
14 mutilation, loss or destruction, unless THE PUBLIC RECORD IS disposed of
15 pursuant to sections 41-151.15 and 41-151.19.

16 D. Subject to section 39-121.03:

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

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

40 3. If the custodian of a public record does not have facilities for
41 making copies, printouts or photographs of a public record that a person
42 has a right to inspect, the person shall be granted access to the public
43 record for the purpose of making copies, printouts or photographs. The
44 copies, printouts or photographs shall be made while the public record is

1 in the possession, custody and control of the custodian of the public
2 record and shall be subject to the supervision of the custodian.

3 4. ELECTRONIC COPIES OF RECORDS SHALL BE PROVIDED ON REQUEST, AND
4 ANY CHARGE FOR AN ELECTRONIC COPY SHALL BE BASED ON MATERIAL COSTS ONLY.

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

10 Sec. 6. Section 39-121.02, Arizona Revised Statutes, is amended to
11 read:

12 39-121.02. Action on denial of access; costs and attorney
13 fees; damages; standard of review

14 A. Any person who has requested to examine or copy public records
15 pursuant to this article, ~~and who has been denied access to or the right~~
16 ~~to copy such records,~~ may appeal the denial through a special action in
17 the superior court, ~~pursuant to the rules of procedure for special~~
18 ~~actions against the officer or public body.~~

19 B. The court may award attorney fees and other legal costs that are
20 reasonably incurred in any action under this article if the person seeking
21 public records has substantially prevailed. ~~Nothing in~~ This subsection
22 ~~shall~~ DOES NOT limit the rights of any party to recover attorney fees,
23 expenses and double damages pursuant to section 12-349.

24 C. Any person who is wrongfully denied access to public records
25 pursuant to this article has a cause of action against the officer or
26 public body for any damages resulting from the denial.

27 D. THE COURT SHALL REVIEW DE NOVO ANY QUESTION OF LAW THAT ARISES
28 UNDER THIS CHAPTER, INCLUDING WHEN AN OFFICER OR PUBLIC BODY MAKES A
29 WITHHOLDING OR REDACTION DECISION BASED ON THE APPLICATION OF AN EXCEPTION
30 TO THE DISCLOSURE.

31 Sec. 7. Section 39-171, Arizona Revised Statutes, is amended to
32 read:

33 39-171. Public records; requests; point of contact; notice;
34 civil penalty; completion date notification

35 A. Any entity that is subject to a public records request pursuant
36 to this chapter shall provide the name, telephone number and email address
37 of an employee or department that is authorized and able to provide the
38 information requested or able to forward the request to an employee or
39 department that is authorized and able to provide the information
40 requested. This information shall be made available to the public on the
41 website maintained by the entity.

42 B. Except if the entity maintains a centralized online portal for
43 submission of public records requests that provides A receipt on
44 submission of a request, an employee or department that is authorized and
45 able to provide information requested pursuant to subsection A of this

1 section shall reply WITH ALL OF THE FOLLOWING INFORMATION within five
2 business days ~~acknowledging receipt of~~ AFTER the request IS RECEIVED:

3 1. THE DATE THE REQUEST WAS RECEIVED.

4 2. THE CONTACT INFORMATION THAT IS REQUIRED BY SUBSECTION A OF THIS
5 SECTION.

6 3. THE EXPECTED DATE THAT THE REQUEST WILL BE PROCESSED.

7 C. THIS SECTION DOES NOT PROHIBIT AN ENTITY FROM SUBSEQUENTLY
8 NOTIFYING THE REQUESTOR OF THE PUBLIC RECORD THAT THE REQUEST IS DENIED OR
9 DELAYED.

10 D. AN ENTITY THAT WILFULLY OR INTENTIONALLY REFUSES TO COMPLY WITH
11 THIS SECTION OR THAT ACTS IN BAD FAITH IS LIABLE FOR A CIVIL PENALTY OF AT
12 LEAST \$500 BUT NOT MORE THAN \$5,000 FOR EACH OCCURRENCE. IN ASSESSING THE
13 AMOUNT OF CIVIL PENALTY, THE AGGRAVATION OR MITIGATION OF THE ENTITY AND
14 WHETHER THE ENTITY HAS PREVIOUSLY BEEN ASSESSED A PENALTY FOR A VIOLATION
15 OF THIS SECTION SHALL BE CONSIDERED. A CIVIL PENALTY THAT IS AWARDED
16 PURSUANT TO THIS SECTION DOES NOT EXCLUDE ANY OTHER AWARD OR ANY OTHER
17 PENALTY AND COSTS, INCLUDING ATTORNEY FEES AND OTHER LEGAL COSTS PURSUANT
18 TO SECTION 39-121.02. A CIVIL PENALTY ASSESSED PURSUANT TO THIS SECTION
19 SHALL BE PAID TO THE REQUESTOR OF THE PUBLIC RECORD.

20 E. IF AN ENTITY HAS NOT FULFILLED A PUBLIC RECORD REQUEST WITHIN
21 FIFTEEN BUSINESS DAYS AFTER RECEIPT OF THE REQUEST, THE ENTITY SHALL
22 PROVIDE AN ESTIMATED DATE THAT THE REQUEST WILL BE COMPLETED.