

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HOUSE BILL 2110

AN ACT

AMENDING SECTIONS 3-161, 3-3303, 5-507, 5-601, 8-358, 8-514.03, 8-817, 11-251.03, 11-479, 11-910, 12-299.03, 12-885, 13-2314.01, 13-2314.03, 15-153, 16-162, 16-171, 20-153, 23-986, 28-440, 28-443, 32-702, 32-3058, 35-103, 36-351, 38-233, 39-103, 39-121.01 AND 41-121.02, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING TITLE 41, CHAPTER 8, ARTICLE 3, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 41, CHAPTER 1, ARIZONA REVISED STATUTES, AS ARTICLE 2.1; TRANSFERRING AND RENUMBERING SECTIONS 41-1330, 41-1331, 41-1332, 41-1333, 41-1334, 41-1335, 41-1336, 41-1337, 41-1338, 41-1339, 41-1340, 41-1343, 41-1345, 41-1345.01, 41-1346, 41-1347, 41-1348, 41-1349, 41-1350, 41-1351, 41-1352, 41-1353, 41-1354 AND 41-1355, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 41, CHAPTER 1, ARTICLE 2.1, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT, AS SECTIONS 41-151, 41-151.01, 41-151.02, 41-151.03, 41-151.04, 41-151.05, 41-151.06, 41-151.07, 41-151.08, 41-151.09, 41-151.10, 41-151.11, 41-151.12, 41-151.13, 41-151.14, 41-151.15, 41-151.16, 41-151.17, 41-151.18, 41-151.19, 41-151.20, 41-151.21, 41-151.22 AND 41-151.23, RESPECTIVELY; CHANGING THE DESIGNATION OF TITLE 41, CHAPTER 1, ARTICLE 2.1, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT, TO "ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS ESTABLISHED IN THE OFFICE OF THE SECRETARY OF STATE"; AMENDING SECTIONS 41-151.05, 41-151.06, 41-151.07, 41-151.08, 41-151.09, 41-151.12, 41-151.13, 41-151.14, 41-151.15, 41-151.16, 41-151.18 AND 41-151.20, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; AMENDING SECTIONS 41-734, 41-862, 41-881, 41-1177.03, 41-1304.05, 41-1361 AND 41-2956, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3010.04, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3020.04; AMENDING SECTIONS 42-1105 AND 44-7041, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 3-161. Definitions

5 In this article, unless the context otherwise requires:

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

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

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

10 3-3303. Arizona agricultural protection commission; report

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

13 1. The following members appointed by the governor:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 C. The commission shall:

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

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

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

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

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

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

19 D. The commission may:

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

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

25 Sec. 3. Section 5-507, Arizona Revised Statutes, is amended to read:

26 **5-507. Monthly reports; annual reports**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 Sec. 5. Section 8-358, Arizona Revised Statutes, is amended to read:
37 **8-358. Juvenile intensive probation guidelines; report**

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

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

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

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

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

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

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

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

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

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

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

42 1. Full foster care benefits, including payment if the kinship foster
43 care parent becomes a licensed foster care home.

44 2. Temporary assistance for needy families cash assistance payments
45 for a child only case and supplemental financial support.

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

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

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

- 12 1. Family assessment.
- 13 2. Case management.
- 14 3. Child day care.
- 15 4. Housing search and relocation.
- 16 5. Parenting skills training.
- 17 6. Supportive intervention and guidance counseling.
- 18 7. Transportation.
- 19 8. Emergency services.
- 20 9. Parent aid services.
- 21 10. Respite services.
- 22 11. Additional services that the department determines are necessary to
23 meet the needs of the child and family.

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

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

40 Sec. 7. Section 8-817, Arizona Revised Statutes, is amended to read:
41 **8-817. Initial screening and safety assessment and**
42 **investigation protocols**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 9. Procedures for dispute resolution.

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

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

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

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

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

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

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

17 1. Required by law to be kept.
18 2. Of legal, administrative, historical or other value as determined
19 pursuant to section ~~41-1351~~ 41-151.19.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 A. The supreme court shall:

29 1. Implement and administer the community punishment program.
30 2. Adopt necessary guidelines, rules, standards and policies to
31 implement this article.

32 3. Facilitate the development of local plans.

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

34 5. Review and approve plans and budgets.

35 6. Allocate funding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 The signature roster of a precinct register shall be retained for at
22 least six years from the date of the election and transfer or disposal shall
23 be pursuant to sections ~~41-1347 and 41-1351~~ **41-151.15 AND 41-151.19.**

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

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

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

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

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

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

44 C. If upon examination pursuant to section 20-156, or at any other
45 time, it is the opinion of the director of insurance that the state

1 compensation fund is not possessed of assets at least equal to all
2 liabilities and required reserves together with the minimum required basic
3 surplus and free surplus required of a mutual casualty insurer by title 20,
4 or that its condition is such as to render the continuance of its business
5 hazardous to the public or to the holders of its policies or certificates of
6 insurance, the director of insurance shall do both of the following:

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

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

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

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

20 1. Title 35.

21 ~~6-~~ 2. Title 38, chapter 4.

22 ~~2-~~ 3. Title 39, chapter 1, article 1.

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

24 5. Title 41, chapter 3.1.

25 ~~3-~~ 6. Title 41, chapter 4.

26 7. Title 41, chapter 39.

27 Sec. 20. Section 28-440, Arizona Revised Statutes, is amended to read:

28 ~~28-440.~~ Definitions

29 In this article, unless the context otherwise requires:

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

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

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

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

37 (c) Mechanical or electronic rerecording.

38 (d) Chemical reproduction.

39 (e) Any other equivalent technique that accurately reproduces the
40 original.

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

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

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

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

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

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

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

17 10. "Original":

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

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

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

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

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

32 13. "Records" has the same meaning prescribed in section ~~41-1350~~
33 ~~41-151.18~~.

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

38 Sec. 21. Section 28-443, Arizona Revised Statutes, is amended to read:
39 ~~28-443.~~ Records; management; destruction

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

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

1 Sec. 22. Section 32-702, Arizona Revised Statutes, is amended to read:

2 32-702. Arizona state board of accountancy; membership;
3 administrative duties; compensation

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

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

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

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

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

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

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

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

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

32 2. Records of its proceedings.

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

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

41 32-3058. Preservation of records

42 A. If a person who holds a private vocational program license or
43 license to grant degrees discontinues operation, the chief administrative
44 officer of the educational institution shall file with the board the original

1 or legible true copies of all educational records of the institution as
2 specified by the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 E. THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC
27 RECORDS IS ENTITLED TO RECEIVE ELECTRONIC RECORDS, INCLUDING SEALED RECORDS,
28 WITHIN NINETY DAYS OF RECEIPT OR CREATION BY THE DEPARTMENT. SEALED
29 ELECTRONIC RECORDS SHALL ONLY BE USED FOR ARCHIVAL OR PRESERVATION PURPOSES
30 AND MAY ONLY BE RELEASED PURSUANT TO LAW.

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

32 38-233. Filing oaths of record

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

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

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

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

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

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

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

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

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

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

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

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

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

43 2. "Public body" means ~~the~~ THIS state, any county, city, town, school
44 district, political subdivision or tax-supported district in ~~the~~ THIS state,
45 any branch, department, board, bureau, commission, council or committee of

1 the foregoing, and any public organization or agency, supported in whole or
2 in part by monies from ~~the~~ THIS state or any political subdivision of ~~the~~
3 THIS state, or expending monies provided by ~~the~~ THIS state or any political
4 subdivision of ~~the~~ THIS state.

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

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

17 D. Subject to section 39-121.03:

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

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

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

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

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

10 41-121.02. Department of state

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

13 B. The secretary of state shall have charge of and direct the
14 department of state.

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

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

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

22 Sec. 30. Transfer and renumber

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

35 Sec. 31. Heading change

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

41 Sec. 32. Section 41-151.05, Arizona Revised Statutes, as transferred
42 and renumbered by this act, is amended to read:

43 41-151.05. Powers and duties of director

44 A. The director shall:

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

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

14 3. Bring actions for the recovery of books, or for three times the
15 value of the books, against any person who has them in the person's
16 possession or who is responsible for the books, and who has failed or refused
17 to return them on demand. If a book is one of a set the value of the book
18 may be deemed the value of the entire set. Monies recovered pursuant to this
19 paragraph shall be transmitted to the state treasurer for credit to the state
20 library fund established by section ~~41-1336~~ 41-151.06.

21 4. Certify copies from books, documents or other archival or public
22 records which have been deposited in the custody of the state library. The
23 fee for certification shall be the same as prescribed for the certification
24 of records by the secretary of state. These fees shall be transmitted to the
25 state treasurer for credit to the state library fund established by section
26 ~~41-1336~~ 41-151.06. These certificates have the same force and effect as if
27 made by the officer originally in charge of the record.

28 5. As the director deems necessary:

29 (a) Arrange with the federal government, other states and foreign
30 countries for a system of exchange of official state reports and
31 publications, session laws, statutes, legislative journals and supreme court
32 reports.

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

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

42 6. Adopt rules for the acquisition, maintenance, access and
43 preservation of state publications.

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

- 1 (a) Description of state publications in all formats.
2 (b) SUPERVISION OF COUNTY FREE LIBRARIES PURSUANT TO SECTION 11-910.
3 (c) CERTIFICATION OF SIGNS, PLAQUES AND MARKINGS PURSUANT TO SECTIONS
4 28-7051 AND 41-151.10.
5 (d) ENFORCEMENT OF SECTION 34-502.
- 6 8. Provide access to an official compilation or revision of the laws
7 of this state to each public or court library in this state that applies for
8 access. The director may provide the access electronically. On request, the
9 director may provide a certified copy of a law pursuant to paragraph 4 of
10 this subsection.
- 11 9. ~~Annually submit a report to the legislature~~ AS PART OF THE
12 SECRETARY OF STATE'S ANNUAL REPORT TO THE GOVERNOR, REPORT on the condition
13 of the state library, its activities and the disposition of monies spent for
14 its maintenance ~~and transmit a copy of the report to the governor.~~
- 15 10. Appoint personnel, including security personnel, necessary to
16 perform the duties of the state library and assign their duties.
- 17 11. Cooperate with the legislative council in carrying out section
18 41-1304, subsection B.
- 19 B. The governor, the secretary of state, the president of the senate,
20 the speaker of the house of representatives, the heads of departments and all
21 officers and agents of this state shall supply at no cost the number of
22 copies of official reports, public documents and publications required for
23 the state library or its agents to satisfy the requirements of the state
24 documents program or arrangements or agreements entered into pursuant to
25 subsection A, paragraph 5 of this section.
- 26 C. The governmental units described in subsection B of this section
27 shall:
- 28 1. Notify the state library if the reports, documents and publications
29 subject to this section are posted on an internet ~~web site~~ WEBSITE.
- 30 2. Pay the state library the fee charged pursuant to section ~~41-1345~~
31 41-151.12 if the governmental unit refuses the state library's request to
32 supply, and the state library incurs any expenses in obtaining, the copies
33 that are required to be supplied pursuant to this section.
- 34 Sec. 33. Section 41-151.06, Arizona Revised Statutes, as transferred
35 and renumbered by this act, is amended to read:
- 36 41-151.06. State library administrative agency; state library
37 fund
- 38 A. The state library is the state library administrative agency,
39 and the director may accept, on behalf of the state, any allocation of
40 money or materials made by the federal government for state library
41 purposes, any appropriations of state monies for the purposes of this
42 article or any bequests, grants or gifts to the state library, and
43 administer all of them under rules adopted by the director, unless
44 otherwise provided by law. The administration shall not be inconsistent

1 with the conditions of the allocation, appropriation, bequest, grant or
2 gift.

3 B. A state library fund is established. All monies received
4 pursuant to this section and section ~~41-1335~~ 41-151.05, except for federal
5 monies, shall be deposited, pursuant to sections 35-146 and 35-147, in the
6 fund and accounted for separately. Monies in the accounts are
7 continuously appropriated to the state library for the purposes provided
8 for in the fund sources, and monies in the fund are exempt from the
9 provisions of section 35-190 relating to lapsing of appropriations. On
10 notice from the director, the state treasurer shall invest and divest
11 monies in the fund as provided by section 35-313, and monies earned from
12 investment shall be credited to the fund.

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

18 Sec. 34. Section 41-151.07, Arizona Revised Statutes, as transferred
19 and renumbered by this act, is amended to read:

20 41-151.07. Library development services

21 The state library shall:

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

25 2. Encourage and assist the development of library services in state
26 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 make
33 library information available to the public and that request such
34 professional advice and assistance.

35 5. Develop library ~~service~~ SERVICES for the blind and physically
36 disabled, including talking book machine services, ~~through state and regional~~
37 ~~centers.~~

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

40 Sec. 35. Section 41-151.08, Arizona Revised Statutes, as transferred
41 and renumbered by this act, is amended to read:

42 41-151.08. Archives and history services; recovery of costs

43 A. The state library shall contain:

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

4 2. Copies of current official reports, public documents and
5 publications of state, county and municipal officers, departments, boards,
6 commissions, agencies and institutions, and public archives. To permit
7 compliance with this paragraph it is the duty of all public officers required
8 by law to make written reports to the governor, or to the governing officer
9 or body of a county, city or town, to provide those reports, documents and
10 publications to the state library for filing in the state library archives in
11 the number that will satisfy the requirements of the state documents program
12 or arrangements or agreements entered into pursuant to section ~~41-1335~~
13 ~~41-151.05~~, subsection A, paragraph 5 except those reports, documents and
14 publications that are confidential.

15 B. The governmental units described in subsection A of this section
16 shall:

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

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

23 Sec. 36. Section 41-151.09, Arizona Revised Statutes, as transferred
24 and renumbered by this act, is amended to read:

25 41-151.09. Depository of official archives

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

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

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

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

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

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

1 Sec. 37. Section 41-151.12, Arizona Revised Statutes, as transferred
2 and renumbered by this act, is amended to read:

3 41-151.12. Records; records management; powers and duties of
4 director; fees; records services fund

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

7 1. Establish standards, procedures and techniques for effective
8 management of records.

9 2. Make continuing surveys of record keeping operations and recommend
10 improvements in current record management practices, including the use of
11 space, equipment and supplies employed in creating, maintaining, storing and
12 servicing records.

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

17 4. Establish criteria for designation of essential records within the
18 following general categories:

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

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

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

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

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

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

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

42 10. Subject to approval of the secretary of state, establish a fee
43 schedule to charge state agencies, political subdivisions of this state and
44 other governmental units of this state for services and expenses incurred by
45 the state library in obtaining copies of those reports, documents and

1 publications that are required to be delivered, supplied or provided pursuant
2 to sections 35-103, ~~41-1335~~ 41-151.05 and ~~41-1338~~ 41-151.08 and deposit these
3 monies in the records services fund established by subsection B of this
4 section.

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

11 Sec. 38. Section 41-151.13, Arizona Revised Statutes, as transferred
12 and renumbered by this act, is amended to read:

13 41-151.13. Records management officer; duties

14 A. The state library shall employ a records management officer who is
15 responsible for the direction and control of the records management program.
16 The records management officer shall at the direction of the director
17 administer the provisions of section ~~41-1345~~ 41-151.12.

18 B. The state library shall:

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

23 2. Operate a records management center for the maintenance and housing
24 of inactive non-archival records. The records management center shall be the
25 only inactive records center operated by a state agency. State agencies may
26 use other facilities for inactive records storage with prior approval of the
27 director.

28 3. Establish standards and procedures for records accepted for
29 storage.

30 4. Operate a secure vault as part of the records management center for
31 the housing and maintenance of micrographic, machine read and selected
32 essential records.

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

34 (a) The efficient and coordinated use of micrographics and digital
35 imaging equipment, techniques and personnel to achieve optimum quality,
36 effectiveness and economy in the production of source document micrographics
37 and digital imaging.

38 (b) The processing and duplication of microfilm produced by the
39 preservation imaging operation and film produced by other agencies of this
40 state.

1 Sec. 39. Section 41-151.14, Arizona Revised Statutes, as transferred
2 and renumbered by this act, is amended to read:

3 41-151.14. State and local public records management:
4 violation; classification; definition

5 A. The head of each state AGENCY and ~~local~~ THE HEAD OF EACH agency OF
6 A POLITICAL SUBDIVISION OF THIS STATE shall:

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

9 2. Make and maintain records containing adequate and proper
10 documentation of the organization, functions, policies, decisions, procedures
11 and essential transactions of the agency designed to furnish information to
12 protect the rights of the state and of persons directly affected by the
13 agency's activities.

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

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

22 5. ONCE EVERY FIVE YEARS submit to the director lists of all essential
23 public records in the custody of the agency.

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

25 7. Designate an individual within the agency to manage the records
26 management program of the agency. THE AGENCY SHALL RECONFIRM THE IDENTITY OF
27 THIS INDIVIDUAL TO THE STATE LIBRARY EVERY OTHER YEAR. The designated
28 individual:

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

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

33 8. Comply with rules, standards and procedures adopted by the
34 director.

35 B. The governing body of each county, city, town or other political
36 subdivision shall promote the principles of efficient record management for
37 local public records. Such governing body ~~shall~~, as far as practicable,
38 SHALL follow the program established for the management of state records.
39 The director ~~shall~~, ~~upon~~ ON request of the governing body, SHALL provide
40 advice and assistance in the establishment of a local public records
41 management program.

42 C. A head of a state AGENCY or ~~local~~ THE HEAD OF AN agency OF A
43 POLITICAL SUBDIVISION OF THIS STATE who violates this section is guilty of a
44 class 2 misdemeanor.

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

6 Sec. 40. Section 41-151.15, Arizona Revised Statutes, as transferred
7 and renumbered by this act, is amended to read:

8 41-151.15. Preservation of public records

9 A. All records made or received by public officials or employees of
10 this state OR A POLITICAL SUBDIVISION OF THIS STATE in the course of their
11 public duties are the property of this state. Except as provided in this
12 article, the director and every other custodian of public records shall
13 carefully protect and preserve the records from deterioration, mutilation,
14 loss or destruction and, when advisable, shall cause them to be properly
15 repaired and renovated. All paper, ink and other materials used in public
16 offices for the purpose of permanent records shall be of durable quality and
17 shall comply with the standards established pursuant to section 39-101.
18 Additionally, the custodian of records that keeps photography, film,
19 microfiche, digital imaging or other types of reproduction or electronic
20 media pursuant to section ~~41-1348~~ 41-151.16, subsection A shall protect
21 records from loss or destruction pursuant to standards that are established
22 by the director.

23 B. Records shall not be destroyed or otherwise disposed of by any
24 agency of this state unless it is determined by the state library that the
25 record has no further administrative, legal, fiscal, research or historical
26 value. The original of any record produced or reproduced pursuant to section
27 ~~41-1348~~ 41-151.16 may be determined by the state library to have no further
28 administrative, legal, fiscal, research or historical value. A person who
29 destroys or otherwise disposes of records without the specific authority of
30 the state library is in violation of section 38-421.

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

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

36 A. Each agency of this state or any of its political subdivisions may
37 implement a program for the production or reproduction by photography or
38 other method of reproduction on film, microfiche, digital imaging or other
39 electronic media of records in its custody, whether obsolete or current, and
40 classify, catalogue and index such records for convenient reference. The
41 agency, before the institution of any such program of production or
42 reproduction, shall obtain approval from the director of the types of records
43 to be produced or reproduced and of the methods of production, reproduction
44 and storage and the equipment which the agency proposes to use in connection
45 with the production, reproduction and storage. APPROVAL PURSUANT TO THIS

1 SUBSECTION IS NECESSARY FOR DIGITIZING PROGRAMS BUT NOT FOR INDIVIDUAL
2 INSTANCES OF DIGITIZATION. On approval from the director, the source
3 documents may be destroyed, but only after an administrative audit and after
4 safeguards are in place to protect the public records pursuant to section
5 ~~41-1347~~ 41-151.15, subsection A.

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

8 ~~C. The provisions of this section shall not be applicable to permit~~
9 ~~destruction of current original affidavits of registration as that term is~~
10 ~~used in section 16-163.~~

11 ~~D.~~ C. A head of an agency of this state or a political subdivision of
12 this state who violates this section is guilty of a class 2 misdemeanor.

13 Sec. 42. Section 41-151.18, Arizona Revised Statutes, as transferred
14 and renumbered by this act, is amended to read:

15 41-151.18. Definition of records

16 In this ~~chapter~~ ARTICLE, unless the context otherwise requires,
17 "records" means all books, papers, maps, photographs or other documentary
18 materials, regardless of physical form or characteristics, including prints
19 or copies of such items produced or reproduced on film or electronic media
20 pursuant to section ~~41-1348~~ 41-151.16, made or received by any governmental
21 agency in pursuance of law or in connection with the transaction of public
22 business and preserved or appropriate for preservation by the agency or its
23 legitimate successor as evidence of the organization, functions, policies,
24 decisions, procedures, operations or other activities of the government, or
25 because of the informational and historical value of data contained ~~therein~~
26 IN THE RECORD, AND INCLUDES RECORDS THAT ARE MADE CONFIDENTIAL BY STATUTE.
27 Library or museum material made or acquired solely for reference or
28 exhibition purposes, extra copies of documents preserved only for convenience
29 of reference and stocks of publications or documents intended for sale or
30 distribution to interested persons are not included within the definition of
31 records as used in this ~~chapter~~ ARTICLE.

32 Sec. 43. Section 41-151.20, Arizona Revised Statutes, as transferred
33 and renumbered by this act, is amended to read:

34 41-151.20. Historical advisory commission; membership; terms;
35 expenses; duties; historic sites review committee

36 A. A historical advisory commission is established consisting of
37 members appointed by the director for staggered terms of three years ending
38 on July 1. The commission membership of not less than ten nor more than
39 twenty-five members shall consist of experts in the disciplines of history,
40 arts and culture, architecture and archaeology, professional librarians and
41 archivists or persons otherwise associated with the interpretation, research,
42 writing, preservation or teaching of this state's heritage, including the
43 Indian nations' history and heritage, and the director of the Arizona
44 historical society, the director of the state museum, the director of the
45 Arizona state parks board, the director of the office of tourism or the

1 director's designee, the superintendent of public instruction or the
2 superintendent's designee and the state historic preservation officer.

3 B. Members shall serve without compensation but those employed by the
4 state shall be reimbursed for travel and subsistence by the department or
5 agency they represent and those who are not employed by the state are
6 eligible for reimbursement of expenses by the commission pursuant to title
7 38, chapter 4, article 2.

8 C. The commission shall:

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

11 2. Recommend measures to the legislature and state agencies to
12 coordinate or improve the effectiveness of activities of state agencies and
13 agencies of the political subdivisions of this state and other persons
14 relating to the interpretation, research, writing and teaching of this
15 state's history, heritage and historic preservation, including the Indian
16 nations' history, heritage and preservation.

17 3. Advise the legislature and state agencies on the dissemination of
18 information pertaining to activities relating to historic preservation as
19 provided in paragraph 2.

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

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

26 ~~5-~~ 6. Submit annually on September 30 a report of the commission's
27 activities to the director for inclusion in the annual report of the state
28 library.

29 D. A historic sites review committee consisting of nine members is
30 established to serve as a standing committee of the historical advisory
31 commission. The state historic preservation officer shall appoint committee
32 members for staggered terms of three years ending on July 1. The state
33 historic preservation officer may appoint persons other than commission
34 members to serve on the committee and shall appoint at least five persons who
35 are professionals qualified in the disciplines of history, prehistoric and
36 historic archaeology, architectural history or architecture. The committee
37 shall select annually at the first meeting a chairman who is a commission
38 member. The chairman shall report on committee activities at commission
39 meetings. The committee shall assist in the duties prescribed in this
40 section and by federal law, review nominations to the national and state
41 historic registers, provide general advice and guidance to the state historic
42 preservation officer and perform other duties as are necessary. On or before
43 September 1 of each year, the state historic preservation officer shall
44 submit a report of the committee's activities to the governor, the president

1 of the senate, the speaker of the house of representatives and the director,
2 including information prescribed in sections 41-862 and 41-881.

3 Sec. 44. Section 41-734, Arizona Revised Statutes, is amended to read:

4 ~~41-734.~~ Preservation of accounts; copies; fees

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

9 Sec. 45. Section 41-862, Arizona Revised Statutes, is amended to read:

10 ~~41-862.~~ Program

11 In cooperation with the state historic preservation officer, each state
12 agency shall establish a program to locate, inventory and nominate to the
13 Arizona register of historic places all properties that are under the
14 agency's ownership or control and that appear to meet the criteria for
15 inclusion on the register. Each state agency shall exercise caution to
16 assure that the property is not inadvertently transferred, sold, demolished,
17 substantially altered or allowed to deteriorate significantly. The state
18 historic preservation officer shall include the performance of state agencies
19 in initiating and satisfying the programmatic management of historic
20 properties in the annual report to the legislature and the governor as
21 provided in section ~~41-1352~~ 41-151.20.

22 Sec. 46. Section 41-881, Arizona Revised Statutes, is amended to read:

23 ~~41-881.~~ Historic property rehabilitation program;
24 administration; purposes; special projects; state
25 contribution; standards; protective covenant; report

26 A. A state historic property rehabilitation program is established to
27 be administered by the Arizona state parks board through the state historic
28 preservation officer. All decisions relating to the program by the state
29 historic preservation officer are subject to approval by the Arizona state
30 parks board. The state historic preservation officer may provide for the
31 staff necessary for the operation of the program.

32 B. Monies from appropriations may be allocated by the state historic
33 preservation officer for special project priorities established annually by
34 the state historic preservation officer.

35 C. Monies from appropriations for historic property rehabilitation
36 shall be used for the purpose of providing state monies up to an amount equal
37 to the amount of cash, materials and labor from any other source for the
38 rehabilitation of buildings, structures, archaeological sites and objects all
39 or part of which are publicly owned or owned by a nonprofit entity and which
40 are listed in the Arizona or national register of historic places including a
41 property listed individually or as a contributing property within a historic
42 district.

43 D. The state historic preservation officer shall establish guidelines
44 for application and selection of rehabilitation project sponsors. The state
45 historic preservation officer shall establish annually the amount of cash,

1 materials and labor committed by the sponsor for determination of the amount
2 of the state grant. The rehabilitation work shall meet the United States
3 secretary of the interior's standards for rehabilitating historic properties
4 or other appropriate rehabilitation or archaeological standards as determined
5 by the historical advisory commission. The project sponsor shall sign and
6 record a protective covenant on the property in accordance with terms and for
7 a period of time based on the amount of the state grant as determined by the
8 state historic preservation officer.

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

12 Sec. 47. Section 41-1177.03, Arizona Revised Statutes, is amended to
13 read:

14 41-1177.03. Distribution and sale of legislative journals and
15 session laws

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

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

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

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

28 Sec. 48. Section 41-1304.05, Arizona Revised Statutes, is amended to
29 read:

30 41-1304.05. State capitol building areas and other facilities:
31 jurisdiction; maintenance

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

34 1. The original 1898 statehouse area of the state capitol building
35 known as the state capitol museum.

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

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

39 ~~4.~~ 3. Any other facility acquired for legislative use and placed
40 under legislative council jurisdiction and the grounds adjacent to it.

41 ~~5.~~ 4. Except as provided in subsections B and C of this section, the
42 grounds adjacent to the state capitol museum, the legislative services wing,
43 the house of representatives wing and the senate wing and comprising the area
44 east of the state capitol executive tower with a northern boundary of west

1 Adams street, an eastern boundary of Seventeenth avenue and a southern
2 boundary of west Jefferson street in Phoenix, Arizona.

3 B. The speaker of the state house of representatives is responsible
4 for the following:

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

7 2. The allocation of space and control of the parking lot area
8 adjacent to the house of representatives wing, the parking lot area with a
9 southern boundary of west Adams street, an eastern boundary of Seventeenth
10 avenue and a northern boundary of west Monroe street in Phoenix, Arizona and
11 comprised of one hundred five parking spaces and the southeast portion of the
12 parking lot area with a southern boundary of west Monroe street and an
13 eastern boundary of Seventeenth avenue in Phoenix, Arizona and comprised of
14 fifty parking spaces.

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

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

18 2. The allocation of space and control of the parking lot area
19 adjacent to the senate wing and the southwest portion of the parking lot area
20 of the Wesley Bolin memorial plaza east of the state capitol building and
21 comprised of one hundred twenty parking spaces.

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

25 Sec. 49. Section 41-1361, Arizona Revised Statutes, is amended to
26 read:

27 41-1361. Governmental mall commission: members: terms:
28 compensation: definition

29 A. A legislative governmental mall commission is established
30 consisting of:

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

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

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

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

38 5. One member of the public appointed by the speaker of the house of
39 representatives.

40 6. The director of the department of administration or the director's
41 designee.

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

1 8. Two members appointed by the chairman of the Maricopa county board
2 of supervisors. One of these members shall have experience in county
3 planning.

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

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

7 C. Members of the commission are not eligible to receive compensation
8 but are eligible for reimbursement of expenses pursuant to title 38, chapter
9 4, article 2.

10 D. A member of the commission who is more than one hundred years of
11 age may vote by proxy as determined by the person who appointed the member,
12 or by any other method that is agreeable to both the member and the person
13 who appointed the member. If a member of the commission is more than one
14 hundred years of age, five other members of the commission constitute a
15 quorum.

16 E. For the purposes of this section, "advisory member" means a member
17 who gives advice to the other members of the legislative governmental mall
18 commission at meetings of the commission but who is not eligible to vote, is
19 not a member for purposes of determining whether a quorum is present, and is
20 not eligible to receive any compensation or reimbursement of expenses by the
21 commission.

22 Sec. 50. Section 41-2956, Arizona Revised Statutes, is amended to
23 read:

24 41-2956. Termination period for agencies; funds; equipment;
25 personnel; documents; bonds

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

31 B. Six months after the termination date of the agency, the
32 department of administration shall transfer all funds of that agency to
33 the state general fund. All debts of the agency shall be paid by the
34 department of administration from the agency's funds.

35 C. ~~SUBJECT TO SECTION 41-151.21~~, all equipment, furniture and
36 supplies of the terminated agency shall be transferred to the department
37 of administration to be stored or disposed of pursuant to law.

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

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

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

4 G. If title 28 is repealed pursuant to this chapter, as long as
5 there are any debts or other obligations payable from either the highway
6 user revenue fund or any regional area road fund and no provision has been
7 made for the payment or retirement of these debts or other obligations,
8 the provisions of title 28 relating to the highway user revenue fund and
9 any regional area road fund and the pledge of revenues from those funds
10 and the liens on those funds to pay the debts or other obligations remain
11 in full force and effect until the debts or other obligations have been
12 fully paid and satisfied or provisions have been made to pay or satisfy
13 the debts or obligations.

14 Sec. 51. Repeal

15 Section 41-3010.04, Arizona Revised Statutes, is repealed.

16 Sec. 52. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
17 amended by adding section 41-3020.04, to read:

18 41-3020.04. Arizona state library, archives and public records;
19 termination July 1, 2020

20 A. THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS TERMINATES
21 ON JULY 1, 2020.

22 B. TITLE 41, CHAPTER 1, ARTICLE 2.1 IS REPEALED ON JANUARY 1, 2021.

23 Sec. 53. Section 42-1105, Arizona Revised Statutes, is amended to
24 read:

25 42-1105. Taxpayer identification, verification and records;
26 retention

27 A. The federal taxpayer identification number, assigned pursuant to
28 section 6109 of the internal revenue code, is the taxpayer identifier for
29 purposes of the taxes administered pursuant to this article. Each person who
30 is required to make a return, statement or other document shall include the
31 identifier in order to secure the person's proper identification. If the
32 return, statement or other document is made, electronically or otherwise, by
33 another person on behalf of the taxpayer, the taxpayer shall furnish the
34 identifier to the other person, and the person shall furnish both the
35 taxpayer's identifier and his own identifier with the return, statement or
36 document.

37 B. The department may prescribe by administrative rule alternative
38 methods for signing, subscribing or verifying a return, statement or other
39 document required or authorized to be filed with the department that have the
40 same validity and consequence as the actual signature or written declaration
41 of the taxpayer or other person required to sign, subscribe or verify the
42 return, statement or other document. While the department is adopting a rule
43 prescribing alternative methods for signing, subscribing or verifying a
44 return, statement or other document, the director, by tax ruling, may waive
45 the requirement of a signature for a particular type or class of return,

1 statement or other document required to be filed with the department. For
2 purposes of this subsection, "tax ruling" has the same meaning prescribed in
3 section 42-2052.

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

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

16 E. Except as provided in section 42-3010, a return preparer or
17 electronic return preparer shall keep copies of the return, statement or
18 other document for six years for transaction privilege and use tax returns
19 and four years for all other returns, statements and other documents
20 following the date on which the return, statement or other document was due
21 to be filed or was presented to the taxpayer for signature, whichever is
22 later.

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

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

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

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

42 H. For at least the period of time prescribed by section 42-1104, the
43 department shall retain records pursuant to sections ~~41-1346 through 41-1349~~
44 ~~41-151.14, 41-151.15, 41-151.16, 41-151.17 and 41-1351~~ 41-151.19.

1 Sec. 54. Section 44-7041, Arizona Revised Statutes, is amended to
2 read:

3 44-7041. Creation; retention; conversion of written records

4 A. Each governmental agency shall determine if, and the extent to
5 which, the governmental agency will create and retain electronic records and
6 convert written records to electronic records. Any governmental agency that
7 is subject to the management, preservation, determination of value and
8 disposition of records requirements prescribed in sections ~~41-1345,~~
9 ~~41-1345.01 and 41-1346 through 41-1351~~ 41-151.12, 41-151.13, 41-151.14,
10 41-151.15, 41-151.16, 41-151.17, 41-151.18 AND 41-151.19 and the permanent
11 public records requirements prescribed in section 39-101 shall comply with
12 those requirements.

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

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

18 Sec. 55. State building stewardship pilot program; purpose;
19 transfer of monies; report; delayed repeal

20 A. The state building stewardship pilot program is established in the
21 office of the secretary of state. The purpose of the pilot program is to
22 provide a greater incentive to state agencies to care for and efficiently use
23 state buildings. In this program, the tenant is responsible for maintenance,
24 allocation of space, operation, alteration and renovation of the buildings,
25 excluding solar energy systems installed after the effective date of this act
26 and that are primarily paid for by federal monies.

27 B. The buildings that are subject to the pilot program are the Polly
28 Rosenbaum archives building, the records retention center and the braille and
29 talking book building. The secretary of state may contract with the
30 department of administration or any other entity to facilitate the pilot
31 program.

32 C. Notwithstanding any other law, any unencumbered monies associated
33 with previous appropriations to the department of administration and the
34 legislative council for the design, construction or maintenance of the Polly
35 Rosenbaum archives building are transferred to the secretary of state
36 building stewardship pilot program account in the records services fund
37 established by section 41-151.12, Arizona Revised Statutes. These monies
38 shall be used for maintenance and operation expenses for buildings in the
39 building stewardship pilot program.

40 D. On or before August 30, 2013, the secretary of state shall report
41 to the president of the senate, the speaker of the house of representatives
42 and the governor on the effectiveness of the state building stewardship pilot
43 program. The report, created in conjunction with the department of
44 administration, shall include an analysis of the historic costs that are
45 associated with the buildings in the program and determine whether having the

1 tenants responsible for the items listed in subsection A of this section
2 produced savings for this state.

3 E. The secretary of state and the director of the department of
4 administration can mutually agree to terminate this pilot program if they
5 each determine that the pilot program is not performing as intended.

6 F. This section is repealed from and after September 30, 2014.

7 Sec. 56. Polly Rosenbaum archives building; records retention
8 center; braille and talking book building; rent

9 Notwithstanding any other law, in fiscal years 2010-2011 through
10 2013-2014 the department of administration shall not charge the Arizona state
11 library, archives and public records rent for the space at the Polly
12 Rosenbaum archives building and rent, other than the remaining certificate of
13 participation payments, for the records retention center or Braille and
14 talking book building.

15 Sec. 57. Exemption from lapsing

16 The monies transferred by section 55 of this act to the building
17 stewardship pilot program account in the record services fund established by
18 section 41-151.12, Arizona Revised Statutes, are continuously appropriated
19 until September 30, 2014 and exempt from the provisions of section 35-190,
20 Arizona Revised Statutes, relating to the lapsing of appropriations.

21 Sec. 58. Purpose

22 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
23 the legislature continues the Arizona state library, archives and public
24 records to provide library, archives and public records services to the
25 public.

26 Sec. 59. Retroactivity

27 Sections 51 and 52 of this act are effective retroactively to July 1,
28 2010.