



**Arizona Revised Statutes
Applying to State Library, Archives and Public Records
A Division of the Secretary of State**

The following is a compilation of Arizona Revised Statutes that apply to records management and archives. They were downloaded from The Arizona Legislature's website <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp> in November 2011. They are provided for your reference. Please check the Legislature's websites for updates.

This is not an all inclusive list. There are many titles that have statutes that refer to records.

If you have any questions in applying these statutes or other statutes to your program, please call the Arizona State History and Archives Division (602.926.3720), Records Management Division (602.926.3815), State Library – State Documents (602.926.3935).

For questions regarding this document, please call Linda Reib, History and Archives Division (602.926.3720) or email: lreib@lib.az.us.

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Title 9 - Cities and Towns

9-253. Recording of maps and plats; preservation of originals

A. The county recorder shall record the plats in a book to be kept for that purpose, and, when necessary, may reduce the scale of the plat, and upon each record in the book, shall endorse his certificate that the plat is recorded from the original plat filed in his office.

B. The original plat shall be preserved by the county recorder, and the clerk of the city or town, among the records of their offices respectively.

Title 11 - Counties

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

- A. The board of supervisors may establish a central records center for the preservation, storage and handling of all records required by law to be kept by county officers and justices of the peace.
- B. In any county having a central records center, all county officers and justices of the peace shall deliver to the board of supervisors public records in their custody that are:
1. Required by law to be kept.
 2. Of legal, administrative, historical or other value as determined pursuant to section 41-151.19.
 3. Required to be delivered by the rules adopted by the director of the Arizona state library, archives and public records.
- C. County officers and justices of the peace may make and retain copies of records necessary for those officers to perform the duties of their office.
- D. Public records in a central records center shall be open to public inspection and be preserved in the manner prescribed by law.

11-475.01. Document storage and retrieval conversion and maintenance fund; purpose

- A. A document storage and retrieval conversion and maintenance fund is established in each county consisting of monies received pursuant to subsection C.
- B. The board of supervisors shall administer the fund and, in cooperation with the county recorder, expend monies in the fund in order to defray the cost of converting the county recorder's document storage and retrieval system to micrographics or computer automation. Monies in the fund may only be used for purchasing hardware and software, training employees to operate the system, maintaining the system, purchasing equipment maintenance agreements and updating the system hardware or software for the county recorder's office. Monies in the fund shall not be expended for expenses other than for the support of the county recorder's automation system. If the expenditures are determined by the auditor general to be improper and inconsistent with this section, the county general fund shall reimburse the document storage and retrieval conversion and maintenance fund for all improper and inconsistent expenditures.
- C. In addition to any other fee charged pursuant to this article, the board of supervisors may assess a special recording surcharge of not to exceed four dollars for each instrument, paper or notice filed with the county recorder. All monies received pursuant to this subsection shall be transmitted to the county treasurer and placed in the document storage and retrieval conversion and maintenance fund.
- D. The county recorder shall annually submit to the board of supervisors the amount of projected revenues to be raised for the document storage and retrieval conversion and maintenance fund pursuant to this section. If projected revenues of the fund are deemed insufficient to pay for conversion costs, fund monies may accumulate until sufficient monies are available in the fund.

11-479. Destruction of records; requirements; exception

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

1. The record, paper or document is photographed or reproduced by any other method under the direction and control of the county recorder on electronic media or film of a type approved for permanent record by the Arizona state library, archives and public records.
2. The device used to reproduce the record, paper or document on film or electronic media is one which accurately and legibly reproduces the original in all details.
3. The photographs or other reproductions on film or electronic media are made as accessible for public reference as the book records were.
4. A true copy of archival quality of such film or electronic media reproduction is kept in a safe and separate place for security purposes.

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

11-487.01. Definitions

In this chapter, unless the context otherwise requires:

1. "Document" means information that is both of the following:
 - (a) Inscribed on a tangible medium or stored in an electronic or other medium, and retrievable in perceivable form.
 - (b) Eligible to be recorded in the land records maintained by a county recorder.
2. "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.
3. "Electronic document" means a document that is received by a county recorder in an electronic form.
4. "Electronic signature" means an electronic sound, symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.
5. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality or any other legal or commercial entity.
6. "State" means a state of the United States, the District of Columbia, the commonwealth of Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

11-487.02. Validity of electronic documents

A. If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium or be in writing, the requirement is satisfied by an electronic document satisfying this article.

B. If a law requires, as a condition for recording, that a document be signed, the requirement is satisfied by an electronic signature.

C. A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression or seal need not accompany an electronic signature.

11-487.03. Recording of documents; definition

A. A county recorder:

1. Who implements any of the functions listed in this section shall do so in compliance with adopted standards.

2. May receive, index, store, archive and transmit electronic documents.

3. May provide for access to, and for search and retrieval of, documents and information by electronic means.

4. Who accepts electronic documents for recording shall continue to accept paper documents as authorized by state law and shall place entries for both types of documents in the same index.

5. May convert paper documents accepted for recording into electronic form.

6. May convert into electronic form information recorded before the county recorder began to record electronic documents.

7. May accept electronically any fee that the county recorder is authorized to collect.

8. May agree with other officials of a state or a political subdivision of a state or of the United States, on procedures or processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees.

B. For the purposes of this section, "paper document" means a document that is received by a county recorder in a form that is not electronic.

11-1135. Transmitting affidavit or data to county assessor, Arizona state library, archives and public records and department of revenue

A. The county recorder shall:

1. Place the fee or recording number of the deed and the date of recording on the original affidavit.

2. Scan the affidavit and transmit an electronic copy to the department and the Arizona state library, archives and public records, and transmit either the original or an electronic copy of the original to the county assessor.

B. The county assessor shall transmit the data contained within the affidavit to the department.

C. The county shall transmit the original affidavit, when no longer in active use, to the Arizona state library, archives and public records.

Title 12 - Courts and Civil Proceedings

12-202.01. Preservation and destruction of records

A. The clerk of the supreme court may destroy or provide for the destruction of all documents, records, instruments, books, papers, depositions, exhibits and transcripts in any action or proceeding in the supreme court, or otherwise filed or deposited in the clerk's custody pursuant to rules adopted by the supreme court.

B. A photographic or electronic reproduction or image of any of the records described in this section, which has been certified by the person in charge of such reproduction as being an exact replica of the original, shall be received in evidence in all courts, and in hearings before any officer, board or commission having jurisdiction or authority to conduct such hearings, in like manner as the original.

C. The clerk shall notify the director of the Arizona state library, archives and public records of records designated for destruction pursuant to court rules. The state library, during the time prescribed by court rule, may review and inspect these records. During this time period, the state library may remove any of these records for storage and retrieval.

12-120.09. Duties of clerk; records; certified copies

A. The clerk of each division shall:

1. Issue writs and processes of the court.

2. Enter, under the direction of the court, all orders, judgments and decrees required to be entered, the title of each action, the date of filing it in the court of appeals, and a memorandum of all subsequent proceedings, with the date and the fees charged.

3. Keep such other books of record and perform such other duties as required by law or the court.

B. The clerk shall furnish a certified copy of any record or proceeding of the court upon receiving the fee for the copy, except that no fee shall be required from state or other public officers whose duties require such certified copy.

C. The clerk of each division of the court of appeals may destroy or provide for the destruction of all documents, records, instruments, books, papers, depositions, exhibits and transcripts in any action or proceeding in the court of appeals, or otherwise filed or deposited in the clerk's custody pursuant to rules established by the supreme court.

D. A photographic or electronic reproduction or image of any of the records described in this section, which has been certified by the person in charge of such reproduction as being an exact replica of the original, shall be received in evidence in all courts, and in hearings before any officer, board or commission having jurisdiction or authority to conduct such hearings, in like manner as the original.

E. The clerk shall notify the director of the Arizona state library, archives and public records of records designated for destruction pursuant to court rules. The state library, during the time prescribed by court rule, may review and inspect these records. During this time period, the state library may remove any of these records for storage and retrieval.

12-284.01. Document storage and retrieval conversion fund; purpose

A. A document storage and retrieval conversion fund for the clerk of the superior court is established consisting of monies received pursuant to subsection C of this section.

B. Except as provided in section 12-284.02, the clerk of the superior court shall administer the fund. The clerk, in coordination with the presiding judge, shall expend monies in the fund, subject to approval by the county board of supervisors, in order to defray the cost of converting and maintaining the clerk's document storage and retrieval system to micrographics or computer automation. The monies collected pursuant to section 12-284.02, subsection B shall be used to improve access to court records.

C. In addition to the filing or appearance fee charged pursuant to chapter 3, article 2 of this title or section 12-1705, the presiding judge of the superior court may assess each person required to pay a filing or appearance fee under such article or sections an additional fee of not to exceed fifteen dollars. All monies received from the additional fee pursuant to this subsection shall be transmitted to the county treasurer and placed in the document storage and retrieval conversion fund for the clerk of the superior court.

D. The clerk shall annually submit to the presiding judge the amount of projected revenues to be raised for the document storage and retrieval conversion fund pursuant to this section. If projected revenues of the fund are deemed insufficient to pay for conversion costs, fund monies may accumulate until sufficient monies are available in the fund.

Title 13 - Criminal Code

13-607. Judgment of guilt and sentence document; fingerprint; contents of document; recitations

A. At the time of sentencing a person convicted of a felony offense or a violation of section 13-1802, 13-1805, 28-1381 or 28-1382, the court shall execute a judgment of guilt and sentence document or minute order as prescribed by this section.

B. The court or a person appointed by the court shall at the time of sentencing and in open court permanently affix the defendant's right index fingerprint to the document or order.

C. The document or order shall recite all of the following in addition to any information deemed appropriate by the court:

1. The defendant's full name and date of birth.
2. The name of the counsel for the defendant or, if counsel was waived, the fact that the defendant knowingly, voluntarily and intelligently waived the defendant's right to counsel after having been fully apprised of the defendant's right to counsel.
3. The name, statutory citation and classification of the offense.
4. Whether there was a finding by the trier of fact that the offense was of a dangerous or repetitive nature pursuant to section 13-703, 13-704 or 13-708.
5. Whether the basis of the finding of guilt was by trial to a jury or to the court, or by plea of guilty or no contest.
6. That there was a knowing, voluntary and intelligent waiver of the right to a jury trial if the finding of guilt was based on a trial to the court.
7. That there was a knowing, voluntary and intelligent waiver of all pertinent rights if the finding of guilt was based on a plea of guilty or no contest.
8. A certification by the court or the clerk of the court that at the time of sentencing and in open court the defendant's right index fingerprint was permanently affixed to the document or order.

D. The document or order shall be made a permanent part of the public records of the court, and the recitations contained in the document or order are prima facie evidence of the facts stated in the recitations.

E. If the supreme court has authorized the clerk of the court to maintain an electronic court record, the clerk may maintain only an electronic reproduction or image of the original document or order.

Title 15 – Education

15-341. General powers and duties; immunity; delegation

41. Maintain and store permanent public records of the school district as required by law. Notwithstanding section 39-101, the standards adopted by the Arizona state library, archives and public records for the maintenance and storage of school district public records shall allow school districts to elect to satisfy the requirements of this paragraph by maintaining and storing these records either on paper or in an electronic format, or a combination of a paper and electronic format.

15-874. Records; reporting requirements

A. Each pupil's immunizations shall be recorded on the school immunization record. The school immunization record shall be a standardized form developed by the department of health services in conjunction with the department of education and provided by the department of health services and shall be a part of the mandatory permanent student record. The records are open to inspection by the department of health services and the local health department.

B. Each immunization record shall contain at least the following information:

1. The pupil's name and birth date.
2. The date of the pupil's admission to the school.
3. The type of immunizing agents administered to the pupil.
4. The date each dose of immunizing agent is administered to the pupil.
5. The established schedule for completion of immunizations if the pupil is admitted to or allowed to continue to attend a school pursuant to section 15-872, subsection E.
6. Laboratory evidence of immunity if this evidence is presented as part of a pupil's documentary proof.
7. If an exemption from immunization as provided in section 15-873 is submitted to the school administrator, the date the exemption is submitted and the reason for the exemption.
8. Additional information prescribed by the director of the department of health services by rule.

C. A school shall transfer an immunization record with the mandatory permanent student record and provide at no charge, on request, a copy of the immunization record to the parent or guardian of the pupil.

D. By November 30 of each school year, each school district and private school shall complete and file a report with the local health department and the department of health services, using forms provided by the department of health services. The report shall state the number of pupils attending who have completed required immunizations or who have submitted laboratory evidence of immunity, the number of pupils attending with uncompleted required immunizations and the number of pupils attending with an exemption from immunization pursuant to section 15-873.

Title 16 - Elections and Electors

16-162. Retention of registration forms and record of cancellation

The county recorder shall provide a means of retaining registration forms and records of cancellation of registration. The records shall be retained as prescribed by sections 41-151.15 and 41-151.19.

16-163. Assignment of registrations to general county register; exception; notification to elector; electronic storage of registration forms

A. The county recorder, on receipt of a registration in proper form, shall assign the registration record to its proper precinct and alphabetical arrangement in the general county register. The general county register shall be preserved permanently to reflect the registration as of each general election. After the general county register is revised to reflect the valid registrations for the general election, the county recorder shall provide the Arizona state library, archives and public records with a copy of the revised county register.

B. After placing the record of registration in the county general register, the county recorder shall notify the elector within thirty days in writing that the elector's name appears in the general register.

C. If the notice that is sent is returned undeliverable, the county recorder may send an additional notice as prescribed by section 16-166, subsection A and that notice shall indicate that the elector must respond no later than thirty-five days after the mailing of the notice.

D. Images of original registration forms shall be stored electronically in the voter registration database. All original registration forms that are canceled, and all original applications for cancellation of registration received since the preceding general election also shall be maintained in the voter registration database. Computer output microfilm, listings or other electronic format media containing the information from the general county register after each general election shall be provided to the Arizona state library, archives and public records and shall serve to fulfill the requirements of this section and section 16-164, subsection A.

16-171. Preservation of signature rosters as permanent records

The signature roster of a precinct register shall be retained permanently, and transfer shall be pursuant to sections 41-151.15 and 41-151.19. Signature rosters may be retained pursuant to this section in an electronic format.

16-646. Statement, contents and mailing of official canvass

A. When the result of the canvass is determined, a statement, known and designated as the official canvass, shall be entered on the official record of the election district which shall show:

1. The number of ballots cast in each precinct and in the county.
2. The number of ballots rejected in each precinct and in the county.
3. The titles of the offices voted for and the names of the persons, together with the party designation, if any, of each person voted for to fill the offices.
4. The number of votes by precincts and county received by each candidate.
5. The numbers and a brief title of each proposed constitutional amendment and each initiated or referred measure voted upon.
6. The number of votes by precincts and county for and against such proposed amendment or measure.

B. The certified permanent copy of the official canvass for all offices and ballot measures, except offices and ballot measures in a city or town election and nonpartisan election returns, shall be mailed immediately to the secretary of state who shall maintain and preserve them as a permanent public record.

C. The board of supervisors shall deliver a copy of the official canvass for all offices and ballot measures in the primary and general elections to the secretary of state in a uniform electronic computer media format that shall be agreed upon between the secretary of state and all county election officials. The uniform format shall be designed to facilitate the computer analysis of election results for offices and ballot measures that are statewide or are common to more than one county.

D. The certified permanent copy of the official canvass for all offices and ballot measures in a city or town election shall be filed with the appropriate city or town clerk, or in a special district election with the clerk of the board of supervisors, who shall maintain and preserve them as a permanent public record.

Title 28 – Transportation

28-451. Maintaining records

A. If pursuant to this title an application or record is required to be filed, an index is required to be maintained or a record is required to be compiled and if the director adopts rules to provide that the filing, indexing or compilation be accomplished by use of a computer so that on inquiry to the computer it is capable of disclosing and reproducing all information required by law, the director is not required to file, compile or index records other than by the use of a computer.

B. If a computer is used, the director shall preserve applications or records from which the information was obtained for as long as required by law or until a new application is filed by an applicant or a new record is received and the application or record is no longer needed to carry out the provisions of this title.

C. The director is not required to store signatures on applications or on records.

Title 35 - Public Finances

35-103. Annual financial reports; notification; payments

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

B. State officers, boards, commissions or agencies shall deliver five copies of their annual reports to the Arizona state library, archives and public records or its agent to satisfy the requirements of the state documents program or arrangements or agreements entered into pursuant to section 41-151.05, subsection A, paragraph 5.

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

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

1. Notify the Arizona state library, archives and public records if the reports subject to this section are posted on an internet website.
2. Pay the Arizona state library, archives and public records the fee charged pursuant to section 41-151.12 if the governmental unit refuses the state library's request to deliver, and the state library incurs any expenses in obtaining, the copies that are required to be delivered pursuant to this section.

Title 36 - Public Health and Safety

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

A. The director shall provide safe, secure and permanent preservation of vital records. The director shall comply with preservation requirements, including the resolution necessary for authentic reproduction, established by the Arizona state library, archives and public records pursuant to section 39-101.

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

1. Registered birth certificate seventy-five years after the person's birth.
2. Registered death certificate fifty years after the person's death.

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

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

E. The director of the Arizona state library, archives and public records is entitled to receive records, including sealed records, within one hundred and twenty days on receipt or creation by the department. These electronic records shall be used only for archival or preservation purposes and may not be released or copied for other purposes.

Title 38 - Public Officers and Employees

38-421. Stealing, destroying, altering or secreting public record; classification

A. An officer having custody of any record, map or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his hands for any purpose, who steals, or knowingly and without lawful authority destroys, mutilates, defaces, alters, falsifies, removes or secretes the whole or any part thereof, or who permits any other person so to do, is guilty of a class 4 felony.

B. A person not an officer who is guilty of the conduct specified in subsection A of this section is guilty of a class 6 felony.

Title 39 - Public Records, Printing and Notices

39-101. Permanent public records; quality; storage; violation; classification

A. Permanent public records of the state, a county, city or town, or other political subdivision of the state, shall be transcribed or kept on paper or other material which is of durable or permanent quality and which conforms to standards established by the director of the Arizona state library, archives and public records.

B. Permanent public records transcribed or kept as provided in subsection A shall be stored and maintained according to standards for the storage of permanent public records established by the director of the Arizona state library, archives and public records.

C. A public officer charged with transcribing or keeping such public records who violates this section is guilty of a class 2 misdemeanor.

39-102. Annual report; copies

Unless otherwise specifically required by law, each agency, board, commission and department which prepares an annual report of its activities shall prepare and distribute as provided by law copies of such annual report on twenty pound bond paper printed with black ink except that the cover and back pages may be of sixty-five pound or less cover paper.

39-103. Size of public records; exemptions

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

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

39-121. Inspection of public records

Public records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours.

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

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

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

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

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

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

D. Subject to section 39-121.03:

1. Any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours or may request that the custodian mail a copy of any public record not otherwise available on the public body's website to the requesting person.

The custodian may require any person requesting that the custodian mail a copy of any public record to pay in advance for any copying and postage charges. The custodian of such records shall promptly furnish such copies, printouts or photographs and may charge a fee if the facilities are available, except that public records for purposes listed in section 39-122 or 39-127 shall be furnished without charge.

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

3. If the custodian of a public record does not have facilities for making copies, printouts or photographs of a public record which a person has a right to inspect, such person shall be granted access to the public record for the purpose of making copies, printouts or photographs. The copies, printouts or photographs shall be made while the public record is in the possession, custody and control of the custodian of the public record and shall be subject to the supervision of such custodian.

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

39-121.02. Action on denial of access; costs and attorney fees; damages

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

B. The court may award attorney fees and other legal costs that are reasonably incurred in any action under this article if the person seeking public records has substantially prevailed. Nothing in this paragraph shall limit the rights of any party to recover attorney fees pursuant to section 12-341.01, subsection C, or attorney fees, expenses and double damages pursuant to section 12-349.

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

39-121.03. Request for copies, printouts or photographs; statement of purpose; commercial purpose as abuse of public record; determination by governor; civil penalty; definition

A. When a person requests copies, printouts or photographs of public records for a commercial purpose, the person shall provide a statement setting forth the commercial purpose for which the copies, printouts or photographs will be used. Upon being furnished the statement the custodian of such records may furnish reproductions, the charge for which shall include the following:

1. A portion of the cost to the public body for obtaining the original or copies of the documents, printouts or photographs.
2. A reasonable fee for the cost of time, materials, equipment and personnel in producing such reproduction.
3. The value of the reproduction on the commercial market as best determined by the public body.

B. If the custodian of a public record determines that the commercial purpose stated in the statement is a misuse of public records or is an abuse of the right to receive public records, the custodian may apply to the governor requesting that the governor by executive order prohibit the furnishing of copies, printouts or photographs for such commercial purpose. The governor, upon application from a custodian of public records, shall determine whether the commercial purpose is a misuse or an abuse of the public record. If the governor determines that the public

record shall not be provided for such commercial purpose the governor shall issue an executive order prohibiting the providing of such public records for such commercial purpose. If no order is issued within thirty days of the date of application, the custodian of public records shall provide such copies, printouts or photographs upon being paid the fee determined pursuant to subsection A.

C. A person who obtains a public record for a commercial purpose without indicating the commercial purpose or who obtains a public record for a noncommercial purpose and uses or knowingly allows the use of such public record for a commercial purpose or who obtains a public record for a commercial purpose and uses or knowingly allows the use of such public record for a different commercial purpose or who obtains a public record from anyone other than the custodian of such records and uses it for a commercial purpose shall in addition to other penalties be liable to the state or the political subdivision from which the public record was obtained for damages in the amount of three times the amount which would have been charged for the public record had the commercial purpose been stated plus costs and reasonable attorney fees or shall be liable to the state or the political subdivision for the amount of three times the actual damages if it can be shown that the public record would not have been provided had the commercial purpose of actual use been stated at the time of obtaining the records.

D. For the purposes of this section, "commercial purpose" means the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or the sale of names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record. Commercial purpose does not mean the use of a public record as evidence or as research for evidence in an action in any judicial or quasi-judicial body.

39-122. Free searches for and copies of public records to be used in claims against United States; liability for noncompliance

A. No state, county or city, or any officer or board thereof shall demand or receive a fee or compensation for issuing certified copies of public records or for making search for them, when they are to be used in connection with a claim for a pension, allotment, allowance, compensation, insurance or other benefits which is to be presented to the United States or a bureau or department thereof.

B. Notaries public shall not charge for an acknowledgment to a document which is to be so filed or presented.

C. The services specified in subsections A and B shall be rendered on request of an official of the United States, a claimant, his guardian or attorney. For each failure or refusal so to do, the officer so failing shall be liable on his official bond.

39-123. Information identifying eligible persons; confidentiality; definitions

A. Nothing in this chapter requires disclosure from a personnel file by a law enforcement agency or employing state or local governmental entity of the home address or home telephone number of eligible persons.

B. The agency or governmental entity may release the information in subsection A of this section only if either:

1. The person consents in writing to the release.
2. The custodian of records of the agency or governmental entity determines that release of the information does not create a reasonable risk of physical injury to the person or the person's immediate family or damage to the property of the person or the person's immediate family.

C. A law enforcement agency may release a photograph of a peace officer if either:

1. The peace officer has been arrested or has been formally charged by complaint, information or indictment for a misdemeanor or a felony offense.
2. The photograph is requested by a representative of a newspaper for a specific newsworthy event unless:

(a) The peace officer is serving in an undercover capacity or is scheduled to be serving in an undercover capacity within sixty days.

(b) The release of the photograph is not in the best interest of this state after taking into consideration the privacy, confidentiality and safety of the peace officer.

(c) An order pursuant to section 28-454 is in effect.

D. This section does not prohibit the use of a peace officer's photograph that is either:

1. Used by a law enforcement agency to assist a person who has a complaint against an officer to identify the officer.
2. Obtained from a source other than the law enforcement agency.

E. This section does not apply to a certified peace officer or code enforcement officer who is no longer employed as a peace officer or code enforcement officer by a state or local government entity.

F. For the purposes of this section:

1. "Code enforcement officer" means a person who is employed by a state or local government and whose duties include performing field inspections of buildings, structures or property to ensure compliance with and enforce national, state and local laws, ordinances and codes.
2. "Commissioner" means a commissioner of the superior court.
3. "Corrections support staff member" means an adult or juvenile corrections employee who has direct contact with inmates.
4. "Eligible person" means a peace officer, border patrol agent, justice, judge, commissioner, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment, firefighter who is assigned to the Arizona counterterrorism center in the department of public safety or victim of domestic violence or stalking who is protected under an order of protection or injunction against harassment.

5. "Judge" means a judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the Arizona court of appeals, the superior court or a municipal court.
6. "Justice" means a justice of the United States or Arizona supreme court or a justice of the peace.
7. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.
8. "Peace officer" has the same meaning prescribed in section 13-105.
9. "Prosecutor" means a county attorney, a municipal prosecutor, the attorney general or a United States attorney and includes an assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.
10. "Public defender" means a federal public defender, county public defender, county legal defender or county contract indigent defense counsel and includes an assistant or deputy federal public defender, county public defender or county legal defender.

39-124. Releasing information identifying an eligible person; violations; classification; definitions

- A. Any person who is employed by a state or local government entity and who, in violation of section 39-123, knowingly releases the home address or home telephone number of an eligible person with the intent to hinder an investigation, cause physical injury to an eligible person or the eligible person's immediate family or cause damage to the property of an eligible person or the eligible person's immediate family is guilty of a class 6 felony.
- B. Any person who is employed by a state or local government entity and who, in violation of section 39-123, knowingly releases a photograph of a peace officer with the intent to hinder an investigation, cause physical injury to a peace officer or the peace officer's immediate family or cause damage to the property of a peace officer or the peace officer's immediate family is guilty of a class 6 felony.
- C. For the purposes of this section:
 1. "Code enforcement officer" means a person who is employed by a state or local government and whose duties include performing field inspections of buildings, structures or property to ensure compliance with and enforce national, state and local laws, ordinances and codes.
 2. "Commissioner" means a commissioner of the superior court.
 3. "Corrections support staff member" means an adult or juvenile corrections employee who has direct contact with inmates.
 4. "Eligible person" means a peace officer, border patrol agent, justice, judge, commissioner, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment, firefighter who is assigned to the Arizona counterterrorism

center in the department of public safety or victim of domestic violence or stalking who is protected under an order of protection or injunction against harassment.

5. "Judge" means a judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the Arizona court of appeals, the superior court or a municipal court.

6. "Justice" means a justice of the United States or Arizona supreme court or a justice of the peace.

7. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.

8. "Peace officer" has the same meaning prescribed in section 13-105.

9. "Prosecutor" means a county attorney, a municipal prosecutor, the attorney general or a United States attorney and includes an assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

10. "Public defender" means a federal public defender, county public defender, county legal defender or county contract indigent defense counsel and includes an assistant or deputy federal public defender, county public defender or county legal defender.

39-125. Information relating to location of archaeological discoveries and places or objects included or eligible for inclusion on the Arizona register of historic places; confidentiality

Nothing in this chapter requires the disclosure of public records or other matters in the office of any officer that relate to the location of archaeological discoveries as described in section 41-841 or 41-844 or places or objects that are included on or may qualify for inclusion on the Arizona register of historic places as described in section 41-511.04, subsection A, paragraph 9. An officer may decline to release this information if the officer determines that the release of the information creates a reasonable risk of vandalism, theft or other damage to the archaeological discoveries or the places or objects that are included on or may qualify for inclusion on the register. In making a decision to disclose public records pursuant to this section, an officer may consult with the director of the Arizona state museum or the state historic preservation officer.

39-126. Federal risk assessments of infrastructure; confidentiality

Nothing in this chapter requires the disclosure of a risk assessment that is performed by or on behalf of a federal agency to evaluate critical energy, water or telecommunications infrastructure to determine its vulnerability to sabotage or attack.

39-127. Free copies of police reports and transcripts for crime victims; definitions

A. A victim of a criminal offense that is a part I crime under the statewide uniform crime reporting program or an immediate family member of the victim if the victim is killed or incapacitated has the right to receive one copy of the police report from the investigating law enforcement agency at no charge and, on request of the victim, the court or the clerk of the court shall provide, at no charge, the minute entry or portion of the record of any proceeding in

the case that arises out of the offense committed against the victim and that is reasonably necessary for the purpose of pursuing a claimed victim's right.

B. For the purposes of this section, "criminal offense", "immediate family" and "victim" have the same meanings prescribed in section 13-4401.

39-128. Disciplinary records of public officers and employees; disclosure; exceptions

A. A public body shall maintain all records that are reasonably necessary or appropriate to maintain an accurate knowledge of disciplinary actions, including the employee responses to all disciplinary actions, involving public officers or employees of the public body. The records shall be open to inspection and copying pursuant to this article, unless inspection or disclosure of the records or information in the records is contrary to law.

B. This section does not:

1. Require disclosure of the home address, home telephone number or photograph of any person who is protected pursuant to sections 39-123 and 39-124.
2. Limit the duty of a public body or officer to make public records open to inspection and copying pursuant to this article.

39-141. Proof of certain lost or destroyed documents or instruments

Any deed, bond, bill of sale, mortgage, deed of trust, power of attorney or conveyance which is required or permitted by law to be acknowledged or recorded which has been so acknowledged or recorded, or any judgment, order or decree of a court of record in this state or the record or minute containing such judgment, which is lost or destroyed, may be supplied by parol proof of its contents.

39-142. Action for restoration and substitution of lost or destroyed documents

Upon loss or destruction of an instrument as indicated in section 39-141, a person interested therein may bring an action in the superior court of the county where the loss or destruction occurred for restoration and substitution of such instrument against the grantor in a deed, or the parties interested in the instrument, or the parties who were interested adversely to plaintiff at the time of the rendition of judgment, or who are then adversely interested, or the heirs and legal representatives of such parties.

39-143. Judgment of restoration; recording of judgment; judgment as substitute for original instrument

A. If upon the trial of the action provided for in section 39-142, the court finds that such instrument existed, and has been lost or destroyed and determines the contents thereof, it shall enter a judgment containing the finding and a description of the lost instrument and contents thereof.

B. A certified copy of the judgment may be recorded, and shall be substituted for and have the same force and effect as the original instrument.

39-144. Recording of certified copies of lost or destroyed records or records of a former county
Certified copies from a record of a county, the record of which has been lost or destroyed, and certified copies from records of the county from which a new county was created, may be recorded in such county when the loss of the original has been first established.

39-145. Re-recording of original papers when record destroyed
When the original papers have been preserved but the record thereof has been lost or destroyed, they may again be recorded within four years from the loss or destruction of such record. The last registration shall have force and effect from the date of the original registration.

39-161. Presentment of false instrument for filing; classification
A person who acknowledges, certifies, notarizes, procures or offers to be filed, registered or recorded in a public office in this state an instrument he knows to be false or forged, which, if genuine, could be filed, registered or recorded under any law of this state or the United States, or in compliance with established procedure is guilty of a class 6 felony. As used in this section "instrument" includes a written instrument as defined in section 13-2001.

Title 41 - State Government

41-151. Definitions

In this article, unless the context otherwise requires:

1. "Director" means the director of the state library.
2. "State library" means the Arizona state library, archives and public records.

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

A. The Arizona state library, archives and public records is established in the office of the secretary of state.

B. The state library shall:

1. Acquire and provide access to materials relating to the following in print, in an electronic format or in any other format:

- (a) Law.
- (b) Political science.
- (c) Economics.
- (d) Sociology.
- (e) Subjects pertaining to the theory and practice of government.
- (f) Genealogy.
- (g) Arizona history.

2. Provide the following:

- (a) A general and legal reference service.
- (b) A records management and archives program.
- (c) A state and federal government documents depository program.
- (d) A library development service.
- (e) Museums for educational purposes as approved by the secretary of state.
- (f) A service, including materials, for persons who are visually or physically unable to use traditional print materials.

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

A. An advisory board of the Arizona state library, archives and public records is established consisting of the president of the senate or the president's designee, the speaker of the house of representatives or the speaker's designee, one member of the senate who is appointed by the president of the senate and who is a member of a different political party than the president, one member of the house of representatives who is appointed by the speaker of the house of representatives and who is a member of a different political party than the speaker and seven members who are appointed by the secretary of state.

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

C. Members who are appointed by the secretary of state shall serve three year staggered terms beginning on July 1. If there is a vacancy, the secretary of state shall appoint another person to serve the remainder of the term. The secretary of state may appoint members to succeeding

terms. The secretary of state may remove a member for good and sufficient cause. Members of the advisory board who are appointed by the secretary of state are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

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

41-151.05. Powers and duties of director

A. The director shall:

1. Adopt rules for the use of books or other materials in the custody of the state library and for the removal of books from the library, including assessment of reasonable penalties for failure to return books or other materials when due. The proceeds from the assessment of reasonable penalties shall be deposited, pursuant to sections 35-146 and 35-147, in the state library fund established by section 41-151.06. The monies shall be used only for the purchase of other books or materials.
2. Sell or exchange undesired duplicate copies of books or other materials, or books or other materials not of value for the purposes of the library, or photographic reproductions of state library holdings, and deposit, pursuant to sections 35-146 and 35-147, the proceeds in the state library fund established by section 41-151.06. The monies shall be used for the purchase of other books or materials.
3. Bring actions for the recovery of books or other materials, or for three times the value of the books or other materials, against any person who has them in the person's possession or who is responsible for the books or other materials, and who has failed or refused to return them on demand. If a book or other material is one of a set the value of the book or other material may be deemed the value of the entire set. Monies recovered pursuant to this paragraph shall be transmitted to the state treasurer for credit to the state library fund established by section 41-151.06.
4. Certify copies from books, documents or other archival or public records which have been deposited in the custody of the state library. The fee for certification shall be the same as prescribed for the certification of records by the secretary of state. These fees shall be transmitted to the state treasurer for credit to the state library fund established by section 41-151.06. These certificates have the same force and effect as if made by the officer originally in charge of the record.
5. As the director deems necessary:
 - (a) Arrange with the federal government, other states and foreign countries for a system of exchange of official state reports and publications, session laws, statutes, legislative journals and supreme court reports.
 - (b) Enter into agreements to establish a depository system and an exchange program with any municipal, county or regional public library, state college or state university library and out-of-state research libraries.
 - (c) Enter into agreements with libraries in this state for the state documents program described in section 41-151.08, subsection A, paragraph 2. Any library that enters into an agreement pursuant to this subdivision shall continue to contribute at least the same level of support to

the state documents program and shall not use any monies received pursuant to the agreement to supplant other monies available to the library.

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

7. After consultation with other agencies, adopt rules as provided by statute, including rules for the:

(a) Description of state publications in all formats.

(b) Supervision of county free libraries pursuant to section 11-910.

(c) Certification of signs, plaques and markings pursuant to sections 28-7051 and 41-151.10.

(d) Enforcement of section 34-502.

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

9. As part of the secretary of state's annual report to the governor, report on the condition of the state library, its activities and the disposition of monies spent for its maintenance.

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

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

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

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

1. Notify the state library if the reports, documents and publications subject to this section are posted on an internet website.

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

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

A. The state library shall contain:

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

2. Copies of current official reports, public documents and publications of state, county and municipal officers, departments, boards, commissions, agencies and institutions, and public archives. To permit compliance with this paragraph it is the duty of all public officers required by law to make written reports to the governor, or to the governing officer or body of a county, city or town, to provide those reports, documents and publications to the state library for filing in the state library archives in the number that will satisfy the requirements of the state documents program or arrangements or agreements entered into pursuant to section 41-

151.05, subsection A, paragraph 5 except those reports, documents and publications that are confidential.

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

1. Notify the state library if the reports, documents and publications subject to this section are posted on an internet website.
2. Pay the state library the fee charged pursuant to section 41-151.12 if the governmental unit refuses the state library's request to provide, and the state library incurs any expenses in obtaining, the copies that are required to be provided pursuant to this section.

41-151.09. Depository of official archives

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

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

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

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

1. Birth records if seventy-five years have passed after the date of birth as recorded on the birth certificate.
2. Death records if fifty years have passed after the date of death.

41-151.10. Historical records

The state library shall:

1. Collect from the files of old newspapers, court records, church records, private collections and other sources, data pertaining to the history of the state.
2. Accept loans or gifts of rare volumes, manuscripts, maps, pictures and other articles or things of historical value.
3. Classify, edit, annotate and publish from time to time records considered of public interest.
4. Encourage the proper marking of points of historical importance.
5. Systematically stimulate historical research and encourage the study of Arizona history.

41-151.11. Access to public records

The director, in person or through a deputy, has the right of reasonable access to all nonconfidential public records in the state, or any public office of the state or any county, city, municipality, district or political subdivision of the state, because of the historical and research value of data contained in those records, with a view to securing their safety and determining their need for preservation or disposal.

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

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

1. Establish standards, procedures and techniques for effective management of records.
2. Make continuing surveys of record keeping operations and recommend improvements in current record management practices, including the use of space, equipment and supplies employed in creating, maintaining, storing and servicing records.
3. Establish standards and procedures for the preparation of schedules providing for the retention of records of continuing value and for the prompt and orderly disposal of records no longer possessing sufficient administrative, legal or fiscal value to warrant their further keeping.
4. Establish criteria for designation of essential records within the following general categories:
 - (a) Records containing information necessary to the operations of government in the emergency created by a disaster.
 - (b) Records containing information necessary to protect the rights and interests of persons or to establish and affirm the powers and duties of governments in the resumption of operations after a disaster.
5. Reproduce or cause to be reproduced essential records and prescribe the place and manner of their safekeeping.
6. Obtain such reports and documentation from agencies as are required for the administration of this program.
7. Request transmittal of the originals of records produced or reproduced by agencies of the state or its political subdivisions pursuant to section 41-151.16 or certified negatives, films or electronic media of such originals, or both, if in the director's judgment such records may be of historical or other value.
8. On request, assist and advise in the establishment of records management programs in the legislative and judicial branches of this state and provide program services similar to those available to the executive branch of state government pursuant to this article.
9. Establish a fee schedule to systematically charge state agencies, political subdivisions of this state and other governmental units of this state for services described in this section and section 41-151.13 and deposit monies received from fees in the records services fund established by subsection B of this section.
10. Subject to approval of the secretary of state, establish a fee schedule to charge state agencies, political subdivisions of this state and other governmental units of this state for services and expenses incurred by the state library in obtaining copies of those reports, documents and publications that are required to be delivered, supplied or provided pursuant to sections 35-103, 41-151.05 and 41-151.08 and deposit these monies in the records services fund established by subsection B of this section.

B. A records services fund is established consisting of monies deposited pursuant to subsection A, paragraphs 9 and 10 of this section. The director shall administer the fund for the purposes

provided in subsection A of this section. Monies in the fund are subject to legislative appropriation and are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

41-151.13. Records management officer; duties

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

B. The state library shall:

1. Through consultation and education, provide for an efficient and contemporary records management program using modern techniques to facilitate the efficient and economic creation, maintenance, control, retention and disposition of records as defined in section 41-151.18.
2. Operate a records management center for the maintenance and housing of inactive non-archival records. The records management center shall be the only inactive records center operated by a state agency. State agencies may use other facilities for inactive records storage with prior approval of the director.
3. Establish standards and procedures for records accepted for storage.
4. Operate a secure vault as part of the records management center for the housing and maintenance of micrographic, machine read and selected essential records.
5. Operate a preservation imaging function that is responsible for:
 - (a) The efficient and coordinated use of micrographics and digital imaging equipment, techniques and personnel to achieve optimum quality, effectiveness and economy in the production of source document micrographics and digital imaging.
 - (b) The processing and duplication of microfilm produced by the preservation imaging operation and film produced by other agencies of this state.

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

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

1. Establish and maintain an active, continuing program for the economical and efficient management of the public records of the agency.
2. Make and maintain records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency designed to furnish information to protect the rights of the state and of persons directly affected by the agency's activities.
3. Submit to the director, in accordance with established standards, schedules proposing the length of time each record series warrants retention for administrative, legal or fiscal purposes after it has been received by the agency.
4. Submit a list of public records in the agency's custody that are not needed in the transaction of current business and that are not considered to have sufficient administrative, legal or fiscal value to warrant their inclusion in established disposal schedules.
5. Once every five years submit to the director lists of all essential public records in the custody of the agency.

6. Cooperate with the director in the conduct of surveys.
7. Designate an individual within the agency to manage the records management program of the agency. The agency shall reconfirm the identity of this individual to the state library every other year. The designated individual:
 - (a) Must be at a level of management sufficient to direct the records management program in an efficient and effective manner.
 - (b) Shall act as coordinator and liaison for the agency with the state library.
8. Comply with rules, standards and procedures adopted by the director.
 - B. The governing body of each county, city, town or other political subdivision shall promote the principles of efficient record management for local public records. Such governing body, as far as practicable, shall follow the program established for the management of state records. The director, on request of the governing body, shall provide advice and assistance in the establishment of a local public records management program.
 - C. A head of a state or local agency who violates this section is guilty of a class 2 misdemeanor.
 - D. For the purposes of this section, "records management" means the creation and implementation of systematic controls for records and information activities from the point where they are created or received through final disposition or archival retention, including distribution, use, storage, retrieval, protection and preservation.

41-151.15. Preservation of public records

- A. All records made or received by public officials or employees of this state or the counties and incorporated cities and towns of this state in the course of their public duties are the property of this state. Except as provided in this article, the director and every other custodian of public records shall carefully protect and preserve the records from deterioration, mutilation, loss or destruction and, when advisable, shall cause them to be properly repaired and renovated. All paper, ink and other materials used in public offices for the purpose of permanent records shall be of durable quality and shall comply with the standards established pursuant to section 39-101. Additionally, the custodian of records that keeps photography, film, microfiche, digital imaging or other types of reproduction or electronic media pursuant to section 41-151.16, subsection A shall protect records from loss or destruction pursuant to standards that are established by the director.
- B. Records shall not be destroyed or otherwise disposed of by any agency of this state unless it is determined by the state library that the record has no further administrative, legal, fiscal, research or historical value. The original of any record produced or reproduced pursuant to section 41-151.16 may be determined by the state library to have no further administrative, legal, fiscal, research or historical value. A person who destroys or otherwise disposes of records without the specific authority of the state library is in violation of section 38-421.

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

- A. Each agency of this state or any of its political subdivisions may implement a program for the production or reproduction by photography or other method of reproduction on film, microfiche, digital imaging or other electronic media of records in its custody, whether obsolete

or current, and classify, catalogue and index such records for convenient reference. The agency, before the institution of any such program of production or reproduction, shall obtain approval from the director of the types of records to be produced or reproduced and of the methods of production, reproduction and storage and the equipment which the agency proposes to use in connection with the production, reproduction and storage. Approval pursuant to this subsection is necessary for digitizing programs but not for individual instances of digitization. On approval from the director, the source documents may be destroyed, but only after an administrative audit and after safeguards are in place to protect the public records pursuant to section 41-151.15, subsection A.

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

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

41-151.17. Duties relating to historical value

A. The state library shall:

1. Determine whether public records presented to it are of historical value.
2. Dispose of records determined to be of no historical value.
3. Accept those records deemed by a public officer having custody of the records to be unnecessary for the transaction of the business of the public officer's office and deemed to be of historical value.

B. All public records of any public office, upon the termination of the existence and functions of the office, shall be checked by the state library and either disposed of or transferred to the custody of the state library, in accordance with this article. If a public office is terminated or reduced by the transfer of its powers and duties to another office or to other offices, its appropriate public records shall pass with the powers and duties transferred.

41-151.18. Definition of records

In this article, unless the context otherwise requires, "records" means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to section 41-151.16, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained in the record, and includes records that are made confidential by statute. Library or museum material made or acquired solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference and stocks of publications or documents intended for sale or distribution to interested persons are not included within the definition of records as used in this article.

41-151.19. Determination of value; disposition

Every public officer who has public records in the public officer's custody shall consult periodically with the state library and the state library shall determine whether the records in question are of legal, administrative, historical or other value. Those records determined to be of legal, administrative, historical or other value shall be preserved. Those records determined to be of no legal, administrative, historical or other value shall be disposed of by such method as the state library may specify. A report of records destruction that includes a list of all records disposed of shall be filed at least annually with the state library on a form prescribed by the state library.

41-151.22. Privacy of user records; exceptions; violation; classification

A. Except as provided in subsection B, a library or library system supported by public monies shall not allow disclosure of any record or other information which identifies a user of library services as requesting or obtaining specific materials or services or as otherwise using the library.

B. Records may be disclosed:

1. If necessary for the reasonable operation of the library.
2. On written consent of the user.
3. On receipt of a court order.
4. If required by law.

C. Any person who knowingly discloses any record or other information in violation of this section is guilty of a class 3 misdemeanor.

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

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

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

C. Subject to section 41-151.21, all equipment, furniture and supplies of the terminated agency shall be transferred to the department of administration to be stored or disposed of pursuant to law.

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

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

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

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

41-4153. Agency reports; availability on line

A. An agency that maintains an agency web site shall post on the agency web site a copy of any annual report of activities that the agency:

1. Is required by law to make.
2. Elects to make.

B. An agency that posts a copy of an annual report pursuant to subsection A of this section shall not distribute printed copies of the report except:

1. To the governor, the president of the senate and the speaker of the house of representatives.
2. The agency shall distribute a sufficient number of printed copies of the annual report to the Arizona state library, archives and public records. The agency shall include a notice on the agency web site that a copy of the annual report is available for interlibrary loan from the Arizona state library, archives and public records.
3. Pursuant to a request made pursuant to title 39.

C. An agency that posts a copy of an annual report pursuant to subsection A of this section:

1. Shall send an electronic or printed notification to the governor, each member of the house of representatives and the senate and the director of the Arizona state library, archives and public records that the annual report has been posted on the agency web site.
2. May send an electronic or printed notification to any person not specified in paragraph 1 of this subsection that the annual report has been posted on the agency web site.

D. The printed copies of an annual report distributed pursuant to subsection B of this section shall comply with the requirements of section 39-102.

Title 44 - Trade and Commerce

44-7002. Definitions

In this chapter, unless the context otherwise requires:

1. "Agreement" means the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations and procedures that are given the effect of agreements under laws otherwise applicable to a particular transaction.
2. "Automated transaction" means a transaction that is conducted or performed, in whole or in part, by electronic means or electronic records and in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course in forming a contract, performing under an existing contract or fulfilling an obligation that is required by the transaction.
3. "Computer program" means a set of statements or instructions to be used directly or indirectly in an information processing system in order to bring about a certain result.
4. "Contract" means the total legal obligation resulting from the parties' agreement as affected by this chapter and any other applicable law.
5. "Electronic" means relating to technology that has electrical, digital, magnetic, wireless, optical or electromagnetic capabilities or similar capabilities.
6. "Electronic agent" means a computer program or an electronic or other automated means that is used independently to initiate an action or respond to electronic records or performances, in whole or in part, without review or action by an individual.
7. "Electronic record" means a record that is created, generated, sent, communicated, received or stored by electronic means.
8. "Electronic signature" means an electronic sound, symbol or process that is attached to or logically associated with a record and that is executed or adopted by an individual with the intent to sign the record.
9. "Governmental agency" means an executive, legislative or judicial agency, department, board, commission, authority, institution or instrumentality of the federal government or a state or of a county or municipality or other political subdivision of a state.
10. "Information" means data, text, images, sounds, codes, computer programs, software or databases or similar items.
11. "Information processing system" means an electronic system for creating, generating, sending, receiving, storing, displaying or processing information.
12. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency or public corporation or any other legal or commercial entity.
13. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and that is retrievable in perceivable form.
14. "Security procedure" means a procedure that is employed to verify that an electronic signature, record or performance is that of a specific person or to detect changes or errors in the information in an electronic record. Security procedure includes a procedure that requires the use of algorithms or other codes, identifying words or numbers or encryption, callback or other acknowledgment procedures.

15. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. State includes an Indian tribe or band or Alaskan native village that is recognized by federal law or formally acknowledged by another state.

16. "State agency" means any department, commission, board, institution or other agency of the state that receives, expends or disburses state funds or incurs obligations of the state, including the Arizona board of regents but excluding the universities under the jurisdiction of the Arizona board of regents, the community college districts and the legislative or judicial branches.

17. "Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial or governmental affairs.

44-7007. Legal recognition of electronic records, signatures and contracts

A. A record or signature in electronic form cannot be denied legal effect and enforceability solely because the record or signature is in electronic form.

B. A contract formed by an electronic record cannot be denied legal effect and enforceability solely because an electronic record was used in its formation.

C. An electronic record satisfies any law that requires a record to be in writing.

D. An electronic signature satisfies any law that requires a signature.

44-7012. Electronic records retention; originals

A. If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record that:

1. Accurately reflects the information prescribed in the record after the record was first generated in its final form as an electronic record or otherwise.

2. Remains accessible for later reference.

B. Subsection A does not apply to any information whose sole purpose is to enable the record to be sent, communicated or received.

C. A person may satisfy subsection A by using the services of another person to satisfy subsection A.

D. If a law requires:

1. A record to be presented or retained in its original form, or provides consequences if the record is not presented or retained in its original form, that law is satisfied by an electronic record retained according to subsection A.

2. Retention of a check, that requirement is satisfied by retention of an electronic record of the information on the front and back of the check according to subsection A.

E. A record retained as an electronic record pursuant to subsection A satisfies a law that requires a person to retain a record for evidentiary, audit or like purposes, unless a law that is enacted after the effective date of this chapter prohibits the use of an electronic record for the specified purpose.

F. This section does not prohibit a governmental agency from adopting additional requirements for the retention of a record that is subject to that agency's jurisdiction.

44-7013. Admissibility in evidence

In any proceeding, evidence of a record or signature may not be excluded solely because it is in electronic form.

44-7016. Transferable records; definition

A. A person has control of a transferable record if a system employed for evidencing the transfer of interests in the transferable record reliably establishes that person as the person to which the transferable record was issued or transferred.

B. A system complies with subsection A and a person has control of a transferable record if the transferable record is created, stored and assigned in such a manner that all of the following are true:

1. A single authoritative copy of the transferable record exists that is unique, identifiable and, except as otherwise provided in paragraphs 4, 5 and 6 of this subsection, unalterable.

2. The authoritative copy identifies the person asserting control as either:

(a) The person to which the transferable record was issued.

(b) If the authoritative copy indicates that the transferable record has been transferred, the person to which the transferable record was most recently transferred.

3. The authoritative copy is communicated to and maintained by the person asserting control or the person's designated custodian.

4. Copies or revisions that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control.

5. Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy.

6. Any revision of the authoritative copy is readily identifiable as authorized or unauthorized.

C. Except as otherwise agreed, a person that has control of a transferable record is the holder as defined in section 47-1201 of the transferable record and has the same rights and defenses as a holder of an equivalent record or writing pursuant to title 47 including, if the applicable requirements under section 47-3302, subsection A or section 47-7501 or 47-9308 are satisfied, the rights and defenses of a holder in due course, a holder to which a negotiable document of title has been duly negotiated or a purchaser, respectively. Delivery, possession and indorsement are not required to obtain or exercise any of the rights under this subsection.

D. Except as otherwise agreed, an obligor under a transferable record has the same rights and defenses as an equivalent obligor under equivalent records or writings under title 47.

E. If requested by a person against which enforcement is sought, the person seeking to enforce the transferable record shall provide reasonable proof that the person is in control of the transferable record. Proof may include access to the authoritative copy of the transferable record and related business records that are sufficient to review the terms of the transferable record and to establish the identity of the person that has control of the transferable record.

F. For the purposes of this section, "transferable record" means an electronic record that both:

1. Would be a note pursuant to title 47, chapter 3 or a document pursuant to title 47, chapter 7 if the electronic record were in writing.

2. The issuer has expressly agreed the electronic record is a transferable record.

44-7033. Presumptions

- A. There is a rebuttable presumption that a secure electronic record has not been altered since the specific time to which the secure status relates.
- B. There is a rebuttable presumption that the secure electronic signature is the electronic signature of the party to whom it relates.
- C. In the absence of a secure electronic record or a secure electronic signature, this chapter does not create any presumption regarding the authenticity and integrity of an electronic record or an electronic signature.

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

- A. Each governmental agency shall determine if, and the extent to which, the governmental agency will create and retain electronic records and convert written records to electronic records. Any governmental agency that is subject to the management, preservation, determination of value and disposition of records requirements prescribed in sections 41-151.12, 41-151.13, 41-151.14, 41-151.15, 41-151.16, 41-151.17, 41-151.18 and 41-151.19 and the permanent public records requirements prescribed in section 39-101 shall comply with those requirements.
- B. State agencies shall comply with the standards adopted by the department of administration pursuant to title 41, chapter 32.
- C. All governmental agencies shall comply with the policies that are established by the secretary of state pursuant to section 41-132 and that apply to the use of electronic signatures.

44-7042. Sending and accepting electronic records

- A. Except as otherwise provided in section 44-7012, subsection E, each governmental agency shall determine if, and the extent to which, the governmental agency will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use and rely on electronic records and electronic signatures. State agencies shall comply with the appropriate standards and policies adopted or established by the department of administration pursuant to title 41, chapter 32 and the secretary of state pursuant to section 41-132.
- B. To the extent that a governmental agency uses electronic records and electronic signatures pursuant to subsection A of this section, the governmental agency after giving due consideration to security may specify:
 - 1. The manner and format in which the electronic records must be created, generated, sent, communicated, received and stored and the systems established for those purposes.
 - 2. If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record and the identity of or criteria that must be met by any third party used by a person filing a document to facilitate the process.
 - 3. Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality and ability to perform audits of electronic records.

4. Any other required attributes for electronic records that are specified for corresponding nonelectronic records or that are reasonably necessary under the circumstances.
- C. Except as otherwise provided in section 44-7012, subsection E, this chapter does not require a governmental agency to use or allow the use of electronic records or electronic signatures.

44-7601. Discarding and disposing of records containing personal identifying information; civil penalty; enforcement; definition

A. An entity shall not knowingly discard or dispose of records or documents without redacting the information or destroying the records or documents if the records or documents contain an individual's first and last name or first initial and last name in combination with a corresponding complete:

1. Social security number.
2. Credit card, charge card or debit card number.
3. Retirement account number.
4. Savings, checking or securities entitlement account number.
5. Driver license number or nonoperating identification license number.

B. This section may be enforced by either of the following:

1. A county attorney in the county in which the records or documents were wrongfully discarded or disposed. If a violation occurs by the same entity in multiple counties, a county attorney in a county in which records or documents were not properly discarded or disposed of, after filing a notice of intent to enforce this section, may send a copy of the notice to the county attorney in each county in which records or documents were not properly discarded or disposed of and may request that the actions be consolidated.
2. The attorney general.

C. A civil penalty shall be imposed for each violation of subsection A arising out of one incident. The civil penalty shall not exceed:

1. Five hundred dollars for a first violation.
2. One thousand dollars for a second violation.
3. Five thousand dollars for a third or subsequent violation.

D. An entity that maintains and complies with the entity's own procedures for the discarding or disposing of records or documents containing the information listed in subsection A that is consistent with the requirements of this section shall be deemed to be in compliance with this section.

E. This section does not apply to any of the following:

1. An entity subject to title V of the Gramm-Leach-Bliley act of 1999 (P.L. 106-102; 113 Stat. 1338; 15 United States Code sections 6801 through 6809).
2. Covered entities as defined under regulations implementing the health insurance portability and accountability act, 45 Code of Federal Regulations section 160.103 (1996).
3. An entity subject to the federal fair credit reporting act, 15 United States Code section 1681x.

F. This section only applies to paper records and paper documents.

G. For the purposes of this section, "entity" includes a corporation, foreign corporation, not for profit corporation, profit and not for profit unincorporated association, nonprofit corporation, sole proprietorship, close corporation, corporation sole or limited liability company, a

professional corporation, association or limited liability company, a business trust, estate, partnership, registered limited liability partnership, trust or joint venture, government, governmental subdivision or agency or any other legal or commercial entity.

Title 48 - Special Taxing Districts

48-853. District board; powers and duties; intergovernmental agreements; contract; administration; definition

A. A fire district formed pursuant to this article, through its board shall:

1. Hold public meetings as necessary to carry out its powers and duties but at least once every ninety days.
2. Prepare an annual budget that contains detailed estimated expenditures for each fiscal year and that clearly shows expenses of the district. The budget shall be posted in three public places and published in a newspaper of general circulation in the district twenty days before a public hearing at a meeting called by the board to adopt the budget. The budget shall be posted in a prominent location on the official website no later than seven business days after the estimates of revenues and expenses are tentatively adopted. A complete copy of the approved estimates of revenues and expenses shall be posted in a prominent location on the official website no later than seven business days after final adoption. Copies of the budget shall also be available to members of the public on written request to the district. Following the public hearing, the district board shall adopt a budget. Both the tentatively adopted estimates of revenues and expenses and the budget finally adopted under this section shall be retained and accessible in a prominent location on the official website for at least sixty months.
3. The district shall maintain a website for the purpose of providing access to public records. The district shall post permanent public records to its website.
4. The district shall maintain and store all permanent public records in an electronic media or digital imaging format according to standards for the storage of permanent public records established by the director of the Arizona state library, archives and public records. The director of the Arizona state library, archives and public records shall approve an acceptable electronic media or digital imaging format for the district. The county in which the district is located shall maintain an official copy of the permanent public records of the district. The copy of the permanent public records shall be provided to the county by the district annually no later than ninety days after the end of the fiscal year.