

REFERENCE TITLE: public records; storage

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

## **SB 1456**

Introduced by  
Senator Gould; Representative Groe

AN ACT

AMENDING SECTIONS 39-101, 39-103, 41-1347 AND 41-1348, ARIZONA REVISED  
STATUTES; RELATING TO PUBLIC RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 39-101, Arizona Revised Statutes, is amended to  
3 read:

4 39-101. Permanent public records; quality; storage; violation;  
5 classification

6 A. Permanent public records of ~~the~~ THIS state, a county, city or town,  
7 or other political subdivision of ~~the~~ THIS state, shall be transcribed or  
8 kept on paper or other material which is of durable or permanent quality and  
9 which conforms to standards established by the director of the Arizona state  
10 library, archives and public records. IN ADDITION, RECORDS MAY BE KEPT  
11 EXCLUSIVELY ON PHOTOGRAPHY, FILM, MICROFICHE, DIGITAL IMAGING OR OTHER TYPES  
12 OF REPRODUCTIONS OR ELECTRONIC MEDIA IF THE REQUIREMENTS OF SECTION 41-1348,  
13 SUBSECTION A ARE SATISFIED.

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

18 C. A public officer WHO IS charged with transcribing or keeping such  
19 public records AND who violates this section is guilty of a class 2  
20 misdemeanor.

21 Sec. 2. Section 39-103, Arizona Revised Statutes, is amended to read:

22 39-103. Size of public records; exemptions

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

27 B. This section does not apply to public records smaller than eight  
28 and one-half inches by eleven inches, public records otherwise required by  
29 law to be of a different size, engineering drawings, architectural drawings,  
30 maps, computer generated printout, output from test measurement and  
31 diagnostic equipment, machine generated paper tapes and public records  
32 otherwise exempt by law. ADDITIONALLY, RECORDS KEPT EXCLUSIVELY ON  
33 PHOTOGRAPHY, FILM, MICROFICHE, DIGITAL IMAGING OR OTHER TYPE OF REPRODUCTION  
34 OR ELECTRONIC MEDIA AS PROVIDED IN SECTION 39-101 AND SECTION 41-1348,  
35 SUBSECTION A ARE EXEMPT FROM THE SIZE RESTRICTIONS OF THIS SECTION. ~~Upon~~ ON  
36 written application the director of the Arizona state library, archives and  
37 public records may approve additional exemptions from this section if based  
38 ~~upon~~ ON such application the director finds that the cost of producing a  
39 particular type of public record in accordance with subsection A OF THIS  
40 SECTION is so great as to not be in the best interests of this state.

41 Sec. 3. Section 41-1347, Arizona Revised Statutes, is amended to read:

42 41-1347. Preservation of public records

43 A. All records made or received by public officials or employees of  
44 this state in the course of their public duties are the property of ~~the~~ THIS  
45 state. Except as provided in this article, the director and every other

1 custodian of public records shall carefully protect and preserve the records  
2 from deterioration, mutilation, loss or destruction and, when advisable,  
3 shall cause them to be properly repaired and renovated. All paper, ink and  
4 other materials used in public offices for the purpose of permanent records  
5 shall be of durable quality and shall comply with the standards established  
6 pursuant to section 39-101. **ADDITIONALLY, THE CUSTODIAN OF RECORDS THAT**  
7 **KEEPS PHOTOGRAPHY, FILM, MICROFICHE, DIGITAL IMAGING OR OTHER TYPES OF**  
8 **REPRODUCTION OR ELECTRONIC MEDIA PURSUANT TO SECTION 41-1348, SUBSECTION A**  
9 **SHALL PROTECT RECORDS FROM LOSS OR DESTRUCTION PURSUANT TO STANDARDS THAT ARE**  
10 **ESTABLISHED BY THE DIRECTOR.**

11 B. Records shall not be destroyed or otherwise disposed of by any  
12 agency of ~~the~~ **THIS** state, unless it is determined by the state library that  
13 the record has no further administrative, legal, fiscal, research or  
14 historical value. The original of any record produced or reproduced pursuant  
15 to section 41-1348 may be determined by the state library to have no further  
16 administrative, legal, fiscal, research or historical value. A person who  
17 destroys or otherwise disposes of records without the specific authority of  
18 the state library is in violation of section 38-421.

19 Sec. 4. Section 41-1348, Arizona Revised Statutes, is amended to read:  
20 **41-1348. Production and reproduction of records by agencies of**  
21 **the state and political subdivisions; admissibility;**  
22 **violation; classification**

23 A. Each agency of ~~the~~ **THIS** state or any of its political subdivisions  
24 may implement a program for the production or reproduction by photography or  
25 other method of reproduction on film, **MICROFICHE, DIGITAL IMAGING** or **OTHER**  
26 electronic media of records in its custody, whether obsolete or current, and  
27 classify, catalogue and index such records for convenient reference. The  
28 agency, ~~prior to~~ **BEFORE** the institution of any such program of production or  
29 reproduction, shall obtain approval from the director of the types of records  
30 to be produced or reproduced and of the methods of production, reproduction  
31 and storage and the equipment which the agency proposes to use in connection  
32 with the production, reproduction and storage. **ON APPROVAL FROM THE**  
33 **DIRECTOR, THE SOURCE DOCUMENTS MAY BE DESTROYED, BUT ONLY AFTER AN**  
34 **ADMINISTRATIVE AUDIT AND AFTER SAFEGUARDS ARE IN PLACE TO PROTECT THE PUBLIC**  
35 **RECORDS PURSUANT TO SECTION 41-1347, SUBSECTION A.**

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

38 C. The provisions of this section shall not be applicable to permit  
39 destruction of current original affidavits of registration as that term is  
40 used in section 16-163.

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