

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 275**  
**HOUSE BILL 2501**

AN ACT

AMENDING SECTIONS 41-151.09 AND 41-151.15, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 1, ARTICLE 2.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-151.26; APPROPRIATING MONIES; RELATING TO THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 41-151.09, Arizona Revised Statutes, is amended  
3 to read:

4           41-151.09. Depository of official archives

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

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

14      C. Any county, municipal or other public official shall either  
15 retain or deposit with the state library for permanent preservation  
16 **PURSUANT TO SECTION 39-101** official books, records, documents and original  
17 papers not in current use. The clerk of the superior court shall deposit  
18 and the state library shall preserve all permanent superior court case  
19 files pursuant to court rules.

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

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

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

26      Sec. 2. Section 41-151.15, Arizona Revised Statutes, is amended to  
27 read:

28           41-151.15. Preservation of public records

29       A. All records made or received by public officials or employees of  
30 this state or the counties and incorporated cities and towns of this state  
31 in the course of their public duties are the property of this  
32 state. Except as provided in this article, the director and every other  
33 custodian of public records shall carefully protect and preserve the  
34 records from deterioration, mutilation, loss or destruction and, when  
35 advisable, shall cause them to be properly repaired and renovated. All  
36 paper, ink and other materials used in public offices for the purpose of  
37 permanent records, **INCLUDING ELECTRONIC RECORDS**, shall be of durable  
38 quality and shall comply with the standards established pursuant to  
39 section 39-101. Additionally, the custodian of records that keeps  
40 photography, film, microfiche, digital imaging or other types of  
41 reproduction or electronic media pursuant to section 41-151.16, subsection  
42 A shall protect records from loss or destruction pursuant to standards  
43 that are established by the director.

1       B. THE STATE LIBRARY SHALL ESTABLISH, OPERATE AND MAINTAIN A  
2 TRUSTED ELECTRONIC RECORDS REPOSITORY TO KEEP, PRESERVE, SECURE AND MAKE  
3 AVAILABLE THE ELECTRONIC AND DIGITIZED RECORDS OF THE STATE ARCHIVES AND  
4 THE STATE DOCUMENTS PROGRAM AND OF ANY DOCUMENTS AND PUBLIC RECORDS  
5 RECEIVED, SUBJECT TO LEGISLATIVE APPROPRIATION.

6       B. C. Records shall not be destroyed or otherwise disposed of by  
7 any agency of this state unless it is determined by the state library that  
8 the record has no further administrative, legal, fiscal, research or  
9 historical value. The original of any record produced or reproduced  
10 pursuant to section 41-151.16 may be determined by the state library to  
11 have no further administrative, legal, fiscal, research or historical  
12 value. A person who destroys or otherwise disposes of records without the  
13 specific authority of the state library is in violation of section 38-421.

14      Sec. 3. Title 41, chapter 1, article 2.1, Arizona Revised Statutes,  
15 is amended by adding section 41-151.26, to read:

16      41-151.26. Electronic records repository fund; exemption

17      A. THE ELECTRONIC RECORDS REPOSITORY FUND IS ESTABLISHED CONSISTING  
18 OF LEGISLATIVE APPROPRIATIONS, GIFTS, NONFEDERAL GRANTS, FEES, DONATIONS  
19 AND OTHER MONIES. THE DIRECTOR SHALL ADMINISTER THE FUND. MONIES IN THE  
20 FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION. THE DIRECTOR SHALL USE THE  
21 MONIES IN THE FUND FOR OPERATING EXPENSES FOR THE TRUSTED ELECTRONIC  
22 RECORDS REPOSITORY ESTABLISHED PURSUANT TO SECTION 41-151.15.

23      B. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION  
24 35-190 RELATING TO LAPsing OF APPROPRIATIONS.

25      Sec. 4. Appropriation; electronic records repository; FTE  
26                    position

27      The sum of \$70,000 and 1 FTE position are appropriated from the  
28 state general fund in fiscal year 2023-2024 to the secretary of state for  
29 the purposes of this act.

APPROVED BY THE GOVERNOR JUNE 6, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 6, 2019.