

REFERENCE TITLE: government membership organizations; transparency

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1258

Introduced by
Senator Mesnard

AN ACT

AMENDING SECTION 39-121.01, 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 39-121.01, Arizona Revised Statutes, is amended
3 to read:

4 39-121.01. Definitions; maintenance of records; copies,
5 printouts or photographs of public records;
6 examination by mail; index

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

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

12 2. "Public body" means this state, any county, city, town, school
13 district, political subdivision or tax-supported district in this state,
14 any branch, department, board, bureau, commission, council, ~~or~~
15 OR PAID MEMBERSHIP ORGANIZATION COMPOSED OF ANY of the foregoing, and any
16 public organization or agency, ~~THAT IS~~ supported in whole or in part by
17 monies from this state or any political subdivision of this state, ~~or~~
18 ~~expending~~ THAT SPENDS monies provided by this state or any political
19 subdivision of this state.

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

25 C. Each public body ~~shall be~~ IS responsible for the preservation,
26 maintenance and care of that body's public records, and each officer ~~shall~~
27 ~~be~~ IS responsible for the preservation, maintenance and care of that
28 officer's public records. It ~~shall be~~ IS the duty of each such body to
29 carefully secure, protect and preserve public records from deterioration,
30 mutilation, loss or destruction, unless THE PUBLIC RECORD IS disposed of
31 pursuant to sections 41-151.15 and 41-151.19.

32 D. Subject to section 39-121.03:

33 1. Any person may request to examine or be furnished copies,
34 printouts or photographs of any public record during regular office hours
35 or may request that the custodian mail a copy of any public record THAT IS
36 not otherwise available on the public body's website to the requesting
37 person. The custodian may require any person requesting that the
38 custodian mail a copy of any public record to pay in advance for any
39 copying and postage charges. The custodian of such records shall promptly
40 furnish such copies, printouts or photographs and may charge a fee if the
41 facilities are available, except that public records for purposes listed
42 in section 39-122 or 39-127 shall be furnished without charge.

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

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

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