

Senate Engrossed

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 216

SENATE BILL 1527

AN ACT

AMENDING TITLE 15, CHAPTER 13, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1640; RELATING TO UNIVERSITY RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 13, article 2, Arizona Revised Statutes,
3 is amended by adding section 15-1640, to read:

4 15-1640. Public records exemption; intellectual property;
5 historical records; donor records

6 A. THE FOLLOWING RECORDS OF A UNIVERSITY UNDER THE JURISDICTION OF THE
7 ARIZONA BOARD OF REGENTS ARE EXEMPT FROM THE PROVISIONS OF TITLE 39, CHAPTER
8 1, ARTICLE 2:

9 1. INTELLECTUAL PROPERTY THAT IS A TRADE SECRET AS DEFINED IN SECTION
10 44-401 AND THAT IS CONTAINED IN ANY OF THE FOLLOWING:

11 (a) UNFUNDED GRANT APPLICATIONS OR PROPOSALS.

12 (b) PROPRIETARY DATA OR RESEARCH MATERIAL PROVIDED TO A UNIVERSITY BY
13 A THIRD PARTY WHO HAS AN EXPECTATION THAT THE DATA OR MATERIAL WILL REMAIN
14 CONFIDENTIAL. IN ORDER TO QUALIFY FOR THE EXEMPTION PRESCRIBED IN THIS
15 SUBDIVISION, THE INTELLECTUAL PROPERTY MUST BE PROVIDED TO THE UNIVERSITY
16 PURSUANT TO A CONTRACT EXECUTED BETWEEN THE THIRD PARTY AND THE UNIVERSITY
17 THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

18 (i) THE CONTRACT SPECIFIES THAT THE INTELLECTUAL PROPERTY IS BEING
19 PROVIDED TO THE UNIVERSITY AND THAT THERE IS A NEED FOR CONFIDENTIALITY.

20 (ii) THE CONTRACT IS APPROVED BEFORE THE CONTRACT BECOMES EFFECTIVE
21 BY AN OFFICIAL OF THE UNIVERSITY WHO IS AUTHORIZED TO SIGN RESEARCH
22 CONTRACTS.

23 (iii) THE CONTRACT INCLUDES THE NAME OR NAMES OF THE THIRD PARTY, A
24 GENERAL DESCRIPTION OF THE RESEARCH OR OTHER WORK THAT IS THE SUBJECT OF THE
25 CONTRACT IN A MANNER SUFFICIENT TO PROVIDE THE PUBLIC WITH THE INFORMATION
26 NECESSARY TO UNDERSTAND THE NATURE OF THAT RESEARCH OR OTHER WORK AND A
27 STATEMENT THAT THE INTELLECTUAL PROPERTY THAT IS THE SUBJECT OF THE CONTRACT
28 WILL BE CONVEYED BY THE THIRD PARTY TO THE UNIVERSITY PURSUANT TO THE TERMS
29 OF THE CONTRACT.

30 (iv) THE CONTRACT WILL BECOME A PUBLIC DOCUMENT THAT IS SUBJECT TO
31 TITLE 39, CHAPTER 1, ARTICLE 2 WHEN THE CONTRACT IS EXECUTED.

32 (c) PROPRIETARY DATA OR RESEARCH MATERIAL THAT IS DEVELOPED BY PERSONS
33 EMPLOYED BY A UNIVERSITY, IF THE DISCLOSURE OF THIS DATA OR MATERIAL WOULD
34 BE CONTRARY TO THE BEST INTERESTS OF THIS STATE.

35 2. HISTORICAL RECORDS AND MATERIALS DONATED TO A UNIVERSITY BY A
36 PRIVATE PERSON OR A PRIVATE ENTITY, IF RESTRICTED ACCESS IS A CONDITION OF
37 THE DONATION. THE EXEMPTION PROVIDED BY THIS PARAGRAPH SHALL EXPIRE NO LATER
38 THAN TWENTY YEARS AFTER THE ORIGINAL DONATION.

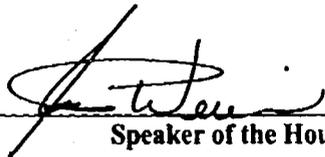
39 3. ALL RECORDS CONCERNING DONORS OR POTENTIAL DONORS TO A UNIVERSITY,
40 OTHER THAN THE NAMES OF THE DONORS AND THE DESCRIPTION, DATE, AMOUNT AND
41 CONDITIONS OF THESE DONATIONS.

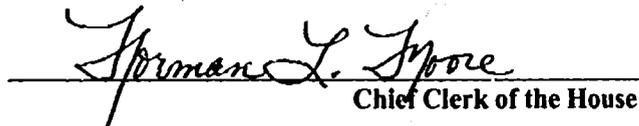
42 B. ANY EXEMPTION PROVIDED BY THIS SECTION SHALL NO LONGER BE
43 APPLICABLE IF THE SUBJECT MATTER OF THE RECORDS BECOMES AVAILABLE TO THE
44 GENERAL PUBLIC.

Passed the House April 17, 2001

by the following vote: 49 Ayes,

5 Nays, 6 Not Voting

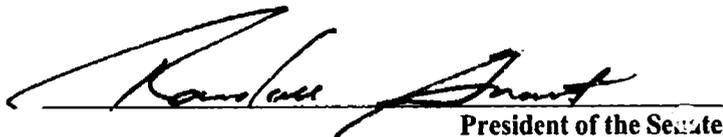

Speaker of the House


Chief Clerk of the House

Passed the Senate March 14, 2001

by the following vote: 29 Ayes,

1 Nays, 0 Not Voting


President of the Senate

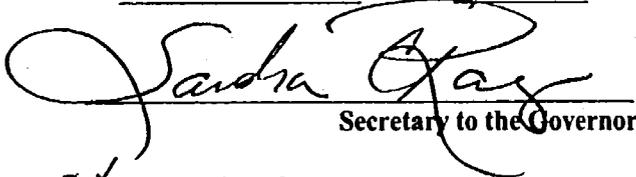

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

18 day of April, 2001,

at 10:08 o'clock A M.


Secretary to the Governor

Approved this 24 day of

April, 2001,

at 3:59 o'clock P M.


Governor of Arizona

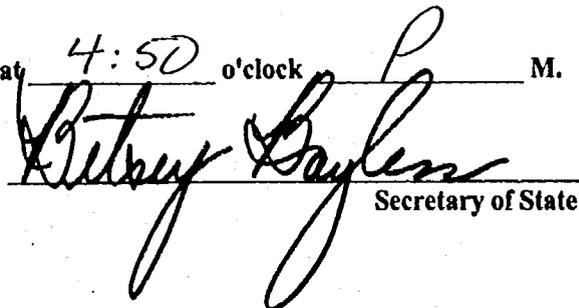
S.B. 1527

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 24 day of April, 2001,

at 4:50 o'clock P M.


Secretary of State