

Senate Engrossed House Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

CHAPTER 116

# **HOUSE BILL 2272**

AN ACT

AMENDING SECTION 15-1640, 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 15-1640, Arizona Revised Statutes, is amended to  
3 read:

4 15-1640. Public records exemptions; confidential information;  
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. INFORMATION OR intellectual property THAT IS NOT AVAILABLE TO THE  
10 PUBLIC AND that is a trade secret as defined in section 44-401 ~~and that is~~  
11 ~~contained in~~ OR THAT IS EITHER:

12 (a) CONTAINED IN unfunded grant applications or proposals.

13 ~~(b) Proprietary data or research material provided to a university by~~  
14 ~~a third party who has an expectation that the data or material will remain~~  
15 ~~confidential. In order to qualify for the exemption prescribed in this~~  
16 ~~subdivision, the intellectual property must be provided to the university~~  
17 ~~pursuant to a contract executed between the third party and the university~~  
18 ~~that meets all of the following requirements:~~

19 (b) DEVELOPED BY PERSONS EMPLOYED BY A UNIVERSITY, INDEPENDENT  
20 CONTRACTORS WORKING WITH A UNIVERSITY OR THIRD PARTIES THAT ARE COLLABORATING  
21 WITH A UNIVERSITY, IF THE DISCLOSURE OF THIS DATA OR MATERIAL WOULD BE  
22 CONTRARY TO THE BEST INTERESTS OF THIS STATE.

23 (c) PROVIDED TO A UNIVERSITY BY A THIRD PARTY PURSUANT TO THE TERMS  
24 AND CONDITIONS OF A CONTRACT BETWEEN THE UNIVERSITY AND THE THIRD PARTY. IN  
25 ORDER TO QUALIFY FOR THE EXEMPTION PRESCRIBED IN THIS SUBDIVISION, ALL OF THE  
26 FOLLOWING CRITERIA MUST BE MET:

27 (i) The contract specifies that the ~~intellectual property is~~  
28 INFORMATION being provided to the university IS CONFIDENTIAL and that there  
29 is a need ~~for~~ TO MAINTAIN THAT confidentiality.

30 (ii) The contract is approved before the contract becomes effective by  
31 an official of the university who is authorized to sign ~~research~~ THESE  
32 contracts.

33 (iii) The contract includes the name or names of the third party, ~~AND~~  
34 a general description of the research or other work that is the subject of  
35 the contract in a manner sufficient to provide the public with the  
36 information necessary to understand the nature of that research or other work  
37 ~~and a statement that the intellectual property that is the subject of the~~  
38 ~~contract will be conveyed by the third party to the university pursuant to~~  
39 ~~the terms of the contract.~~

40 (iv) EXCEPT FOR THE EXEMPTIONS FROM PUBLIC DISCLOSURE PRESCRIBED IN  
41 THIS SECTION, the contract will become a public document that is subject to  
42 title 39, chapter 1, article 2 when the contract is executed.

43 ~~(c) Proprietary data or research material that is developed by persons~~  
44 ~~employed by a university, if the disclosure of this data or material would be~~  
45 ~~contrary to the best interests of this state.~~

1 (d) COMPOSED OF UNPUBLISHED RESEARCH DATA, MANUSCRIPTS, PRELIMINARY  
2 ANALYSES, DRAFTS OF SCIENTIFIC PAPERS, PLANS FOR FUTURE RESEARCH AND  
3 PREPUBLICATION PEER REVIEWS.

4 2. Historical records and materials donated to a university by a  
5 private person or a private entity, if restricted access is a condition of  
6 the donation. The exemption provided by this paragraph shall expire no later  
7 than twenty years after the original donation.

8 3. All records concerning donors or potential donors to a university,  
9 other than the names of the donors and the description, date, amount and  
10 conditions of these donations.

11 B. THIS SECTION DOES NOT AFFECT THE ISSUES TO BE DECIDED BETWEEN A  
12 UNIVERSITY AND A CONTRACTING PARTY, INCLUDING ISSUES RELATED TO THE  
13 UNIVERSITY'S RIGHT TO PUBLISH THE DATA AND THE RESULTS OF THE UNIVERSITY'S  
14 RESEARCH OR DISCOVERIES AND THE TIMING OF ANY RELATED PUBLICATION.

15 ~~B.~~ C. Any exemption provided by SUBSECTION A OF this section shall no  
16 longer be applicable if the subject matter of the records becomes available  
17 to the general public.

18 Sec. 2. Emergency

19 This act is an emergency measure that is necessary to preserve the  
20 public peace, health or safety and is operative immediately as provided by  
21 law.

APPROVED BY THE GOVERNOR MARCH 29, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2012.



HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

March 28, 2012,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting  
*with Emergency*

  
Speaker of the House

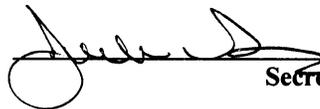
  
Cheryl Laube  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

28 day of March, 2012,

at 2:15 o'clock P M.

  
Secretary to the Governor

Approved this 29<sup>th</sup> day of

March, 2012,

at 3:00 o'clock P M.

  
Governor of Arizona

H.B. 2272

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 25<sup>th</sup> day of March, 2012,

at 4:58 o'clock P M.

  
Secretary of State