

REFERENCE TITLE: mining and mineral museum; restoration

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SB 1016

Introduced by
Senator Ableser

AN ACT

AMENDING SECTIONS 27-106, 27-107, 28-2448, 32-2117, 33-423, 41-821, 41-827 AND 41-827.01, ARIZONA REVISED STATUTES; RELATING TO THE MINING AND MINERAL MUSEUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 27-106, Arizona Revised Statutes, is amended to
3 read:

4 27-106. Duties of Arizona geological survey; mining and mineral
5 museum

6 A. The Arizona geological survey shall:

7 1. Map and describe the bedrock and related geologic materials and
8 processes in Arizona, as follows:

9 (a) Prepare geologic maps that show the distribution of rock
10 formations and surficial materials at the surface and in the subsurface.

11 (b) Describe the character of rock and surficial materials, including
12 their age, origin and physical and chemical properties.

13 (c) Map, describe and monitor known and potential geologic hazards and
14 limitations to land and resource management.

15 (d) Map and characterize energy and mineral resources and identify
16 areas that may have potential for future discoveries.

17 2. Provide objective, scientific information about the geologic
18 character of this state as follows:

19 (a) Provide timely, courteous responses to requests for information,
20 advice and assistance from the public.

21 (b) Maintain a computerized bibliographic database of maps and reports
22 on the geology of this state that is accessible to the public.

23 (c) Maintain an internet ~~web-site~~ WEBSITE that includes information
24 about the Arizona geological survey, products and services available and the
25 geologic character of this state.

26 (d) Give lectures and talks, conduct workshops, lead field trips and
27 provide information and assistance to public, educational and professional
28 groups.

29 (e) Publish reports and other information, written in nontechnical
30 terms, to inform those WHO ARE not trained in geology about the geologic
31 character of Arizona.

32 3. Prepare all data files of known areas of earth fissures, produce
33 maps of those areas with overlays showing affected counties, cities, towns,
34 highways and streets and transmit the maps in printed and electronic format
35 to the state real estate department for purposes of providing public access
36 to the earth fissure maps pursuant to this paragraph and section
37 32-2117. The Arizona geological survey shall provide any map to any member
38 of the public in printed or electronic format on request. The following
39 notice shall be displayed below each map:

40 Notice

41 The state of Arizona has made a reasonable effort to ensure the
42 accuracy of this map when it was produced, but errors may be
43 present and the state of Arizona does not guarantee its
44 accuracy. The map supplements, and is not a substitute for, a
45 professional inspection of property for defects and conditions.

1 4. Operate and maintain a central repository and a computerized
2 database for reports, books, maps and other publications regarding the
3 geology, mining and mineral resources and associated technologies. Such
4 repository and database shall be available for the use of the public and may
5 be located at or connected with the university of Arizona or another state
6 university or agency of this state. All databases and other archival
7 materials shall be maintained in a secure and retrievable format and at a
8 location prescribed by the state geologist to protect and preserve
9 information from damage or destruction.

10 5. Operate and maintain a central repository for rock cores, well
11 cuttings and samples and all associated supplemental data consistent with the
12 laws of this state requiring the deposit of such material and information.
13 Such repository shall be available for the use of the public.

14 6. Receive and expend any monies arising from grants, contracts,
15 contributions, gratuities or reimbursements payable or distributable to this
16 state from the United States, or from state, county, municipal or other
17 governmental sources. The Arizona geological survey shall also receive and
18 expend any monies arising from grants, contracts, contributions, gratuities
19 or reimbursements donated by private persons or corporations. Monies
20 received pursuant to this paragraph shall be deposited in the geological
21 survey fund and handled pursuant to section 27-107.

22 7. Contract and be contracted with.

23 8. Utilize the services and expertise of the universities of the state
24 at the discretion of the state geologist.

25 9. Cooperate with local, county, state and federal agencies.

26 10. Provide administrative and staff support for the **Arizona** oil and
27 gas conservation commission.

28 11. Provide quality mining data, evaluation and assistance relating to
29 mining and mineral development to the legislature, federal, state and local
30 governmental agencies and the public.

31 12. Serve as a source of mining information and data necessary or
32 advisable to attain its objectives. The state geologist may establish
33 reasonable fees for publications.

34 13. Cooperate with the Arizona corporation commission in its
35 investigations and administration of laws, relating to the sale of mining
36 securities.

37 **B. THE ARIZONA GEOLOGICAL SURVEY SHALL MAINTAIN A MINING AND MINERAL**
38 **MUSEUM AS THE STATE DEPOSITORY FOR COLLECTING, CATALOGING AND DISPLAYING**
39 **MINING ARTIFACTS AND SPECIMENS OF VARIOUS ORES, GEMSTONES AND LAPIDARY**
40 **MATERIAL AND OTHER VALUABLE MINERAL SPECIMENS. IN CONNECTION WITH THE**
41 **MUSEUM, THE STATE GEOLOGIST MAY:**

42 1. ESTABLISH AND COLLECT ENTRANCE FEES TO THE MUSEUM FOR PERSONS WHO
43 ARE AT LEAST EIGHTEEN YEARS OF AGE.

44 2. OPERATE A RETAIL GIFT SHOP, INCLUDING THE ACQUISITION, PURCHASE AND
45 RESALE OF MINERAL SPECIMENS AND MINERAL-RELATED ITEMS.

1 3. EMPLOY A CURATOR FOR THE MUSEUM.

2 4. PAY THE NECESSARY MAINTENANCE AND OPERATION EXPENSES OF THE MUSEUM.

3 Sec. 2. Section 27-107, Arizona Revised Statutes, is amended to read:
4 27-107. Powers and duties of state geologist; fund

5 A. The state geologist shall:

6 1. Establish ~~such~~ administrative functions and offices as necessary to
7 achieve the purposes of this article.

8 2. Prescribe the number and professional disciplines of the technical
9 staff and their office and laboratory associates.

10 3. Direct the work of the Arizona geological survey and the
11 formulation of its program and policies.

12 4. Adopt ~~such~~ rules as ~~are~~ necessary to carry out the purposes of this
13 article.

14 5. Purchase or lease necessary office and laboratory equipment and
15 acquire facilities from the state or lease necessary office and laboratory
16 space.

17 6. Apply for and accept gifts, bequests or legacies of real or
18 personal property or any other contribution, financial or otherwise, for use
19 pursuant to the direction of the donor or, in the absence of an express
20 direction, to be disposed of for the best interests of this state. The state
21 geologist shall honor any restriction imposed by the donor on divulging
22 contributed information or tangible personal property.

23 7. Accept from the federal, state and local governments or their
24 agencies monies made available to this state for the purposes of this
25 article.

26 8. Enter into cooperative agreements with federal, county or municipal
27 governments or their agencies or with any agency or governmental unit
28 established by the law of this or any other state for the purpose of carrying
29 out ~~the provisions of~~ this article.

30 9. Contract with persons and organizations, public or private, to
31 provide services for the Arizona geological survey.

32 10. Appoint a person with a background in oil and gas conservation to
33 act on behalf of the oil and gas conservation commission and administer and
34 enforce the applicable provisions of chapter 4 of this title relating to the
35 oil and gas conservation commission.

36 B. The state geologist or the geologist's designee, at any time, may
37 enter the property and inspect wells drilled for oil, gas, geothermal
38 resources, helium or carbon dioxide and shall control property, machinery and
39 appliances necessary to gauge the wells.

40 C. A geological survey fund is established for the purposes provided
41 in this article consisting of appropriations and all monies received pursuant
42 to this article and section 27-515. Monies shall be separately accounted for
43 and used as a continuing appropriation by the state geologist for the
44 purposes provided from each source. Monies in the fund are exempt from the
45 provisions of section 35-190 relating to lapsing of appropriations. **THE FUND**

1 INCLUDES A SEPARATE ACCOUNT CONSISTING OF MONIES RECEIVED PURSUANT TO SECTION
2 27-106, SUBSECTION B TO BE USED EXCLUSIVELY FOR THE MAINTENANCE AND
3 OPERATIONS OF THE MINING AND MINERAL MUSEUM.

4 Sec. 3. Section 28-2448, Arizona Revised Statutes, is amended to read:
5 28-2448. Arizona centennial special plates; fund

6 A. The department shall issue Arizona centennial special plates. The
7 department shall use thirty-two thousand dollars from the state highway fund,
8 established by section 28-6991, to implement this section. The office of
9 tourism shall design the Arizona centennial special plates. The design and
10 color of the Arizona centennial special plates are subject to the approval of
11 the department. The director of the department of transportation may allow a
12 request for Arizona centennial special plates to be combined with a request
13 for personalized special plates. If the director of the department of
14 transportation allows such a combination, the request shall be in a form
15 prescribed by the director of the department of transportation and is subject
16 to the fees for the personalized special plates in addition to the fees
17 required for the Arizona centennial special plates.

18 B. Of the twenty-five dollar fee required by section 28-2402 for the
19 original special plates and for renewal of special plates, eight dollars is a
20 special plate administration fee and seventeen dollars is an annual donation.

21 C. The department shall deposit, pursuant to sections 35-146 and
22 35-147, all special plate administration fees in the state highway fund
23 established by section 28-6991 and all donations collected pursuant to this
24 section in the Arizona centennial special plate fund established by this
25 section.

26 D. The Arizona centennial special plate fund is established consisting
27 of monies deposited pursuant to this section. The director shall administer
28 the fund. The first thirty-two thousand dollars in the fund shall be
29 reimbursed to the state highway fund established by section 28-6991. Not
30 more than ten ~~per cent~~ PERCENT of monies deposited in the fund annually shall
31 be used for the cost of administering the fund. Monies in the fund are
32 continuously appropriated.

33 E. In fiscal year 2011-2012, the director shall quarterly allocate
34 monies in the fund to the office of tourism to pay costs related to Arizona
35 centennial projects and events. In fiscal year 2012-2013 and in each fiscal
36 year thereafter, the director shall annually allocate monies in the fund to
37 the Arizona historical society to pay costs related to the maintenance and
38 operations of the centennial museum ~~that houses the mining and mineral~~
39 ~~museum.~~

40 F. On notice from the director, the state treasurer shall invest and
41 divest monies in the fund as provided by section 35-313, and monies earned
42 from investment shall be credited to the fund.

1 4. Public and private airports that are approved by the federal
2 aviation administration.

3 5. Expansive soils as shown on maps issued by the natural resource
4 conservation service or on other officially adopted and readily available
5 governmental maps.

6 6. Fissures as shown on earth fissure maps issued by the Arizona
7 geological survey pursuant to section 27-106, **SUBSECTION A**, paragraph 3.

8 7. Special tax assessment areas or taxing authority and amount of
9 special assessments in addition to ad valorem taxes as shown in the current
10 tax records of the applicable county assessor.

11 8. Radon gas potential zones as shown on current maps issued by the
12 United States environmental protection agency.

13 9. Environmental hazard superfund sites including the sites listed in
14 the Arizona superfund program list and the water quality assurance revolving
15 fund registry, or listed by the United States environmental protection agency
16 including the national priorities list, the comprehensive environmental
17 response compensation and liability information system database or on maps
18 issued by the department of environmental quality or equivalent databases of
19 those sites.

20 10. Any other condition that affects the real property that the buyer
21 or seller authorizes and the third-party provider agrees to provide in a
22 third-party provider disclosure report.

23 B. For any third-party provider of information as prescribed by this
24 section, the following apply:

25 1. A seller or buyer shall not be required to provide the written
26 disclosure provided by this section to an insurance company, a lender or a
27 governmental agency.

28 2. The third-party provider shall carry errors and omissions insurance
29 coverage with limits of at least one million dollars per occurrence and in an
30 aggregate of at least ten million dollars. A person who violates this
31 paragraph is guilty of a class 1 misdemeanor.

32 C. If an action is brought as a result of an error, inaccuracy or
33 omission in the disclosure made only by a third-party provider who provides
34 information pursuant to subsection A of this section, the third-party
35 provider shall provide a defense against the action, shall indemnify the
36 buyer or seller who authorized the disclosure report and persons licensed
37 pursuant to title 32, chapter 20 who represent the buyer or seller for any
38 judgment rendered and shall reimburse reasonable attorney fees and costs
39 incurred in defending the action, unless the buyer, seller or agent for the
40 buyer or seller had knowledge of the error, inaccuracy or omission or the
41 buyer, seller or agent for the buyer or seller modified the disclosure and
42 the modification resulted in the error, inaccuracy or omission. ~~Nothing in~~
43 This section ~~shall be construed to~~ **DOES NOT** prohibit a third-party provider
44 of information from agreeing by contract that the third-party provider shall
45 indemnify a person to a greater extent than is required by this section.

1 D. If information that is disclosed pursuant to this section is
2 subsequently rendered inaccurate as a result of any governmental action, map
3 revision, changed information or other act or occurrence after the delivery
4 of the disclosure, no person is liable for the information that was disclosed
5 unless the person had knowledge of the error, inaccuracy or omission.

6 E. This section shall not be construed to create a cause of action for
7 the use of maps or other information pursuant to this section. This section
8 does not apply to the sale of real property by any person pursuant to section
9 32-2183 or section 32-2195.03, or any affiliate of that person.

10 F. This section does not obligate any person to provide or purchase a
11 disclosure report that is the subject of this section.

12 G. The listing of a condition in subsection A of this section or in a
13 third-party provider disclosure report does not by itself make that condition
14 material or immaterial to a particular real estate transaction. The
15 materiality of any disclosure is governed as otherwise provided by law.

16 Sec. 6. Section 41-821, Arizona Revised Statutes, is amended to read:
17 41-821. Arizona historical society; powers; officers; duties of
18 board of directors

19 A. An Arizona historical society is established.

20 B. Subject to limitations imposed by law, the society may purchase,
21 receive, hold, lease and sell property, real and personal, for the benefit of
22 this state and use of the society. The society may solicit private monetary
23 donations for program activities.

24 C. The society shall have a president, a treasurer, a board of
25 directors and other officers who shall be elected by the members of the
26 society at times and by methods the bylaws of the society prescribe. The
27 board of directors may designate from among its members an executive
28 committee with authority to act in place of the board of directors and in
29 accordance with directions the board of directors may give when the board of
30 directors is not in session.

31 D. The president shall preside at meetings of the society and of the
32 board of directors.

33 E. The treasurer shall have custody of the monies of the society,
34 other than legislative appropriations. The treasurer shall hold the monies
35 of the society deposited in trust for the society's use and for the benefit
36 of this state and shall disburse them only as prescribed by law and the
37 bylaws of the society.

38 F. The board of directors shall hold in trust for this state and
39 administer for the benefit of this state and use of the society all property
40 acquired by the society.

41 G. All expenditures of legislative appropriations to the society shall
42 be made on claims THAT ARE duly itemized, verified and approved by the
43 executive director. The executive director shall present and file claims for
44 payment with the director of the department of administration. The director
45 of the department of administration shall draw the warrant on the state

1 treasurer. The society may expend nonappropriated private funds related to
2 program activities.

3 H. The board of directors shall annually designate one or more
4 historical organizations within each county of this state that are
5 incorporated as nonprofit organizations and that are deemed to have a
6 functioning program of historical value based on criteria established by the
7 board of directors. The board of directors may organize chapters made up of
8 groups of its members who have a common interest in a geographical area of
9 this state or a common interest in a field of history, may provide for the
10 governance of these chapters and may grant to any chapter the power to
11 exercise authority of the society as the board of directors may determine.

12 I. The board of directors, subject to legislative appropriation, may
13 contract with certified historical organizations for services to be performed
14 for the benefit of this state. The contracts shall be prepared by the
15 Arizona historical society. The board of directors shall annually review the
16 contracts to ensure fulfillment of their provisions.

17 J. Subject to chapter 4, article 4 of this title, the board of
18 directors may employ an executive director and may employ or authorize the
19 employment of other employees it considers appropriate to carry out the
20 functions of the society. The executive director and all other employees
21 shall have duties and exercise authority as may be prescribed by the board of
22 directors or by the executive director acting under the direction of the
23 board of directors.

24 K. The board may operate a program for the establishment and
25 maintenance of historical markers at various locations in this state.

26 L. In cooperation with the advisory council established by section
27 41-827.01, the board shall operate and maintain the centennial museum ~~that~~
28 ~~houses the mining and mineral museum~~ and may engage in other activities
29 related to the museum as determined by the board or the executive director.
30 Monies received pursuant to this subsection shall be credited to an account
31 to be used for the maintenance and operations of the centennial museum ~~that~~
32 ~~houses the mining and mineral museum~~.

33 Sec. 7. Section 41-827, Arizona Revised Statutes, is amended to read:

34 41-827. Centennial museum: donations

35 A. The Arizona historical society shall operate and maintain the
36 centennial museum ~~that houses the mining and mineral museum~~ for the following
37 purposes and with the following authority:

38 1. To promote the recognition and celebration of the historical,
39 cultural, economic and social contributions to this state made by the "five
40 C's" of cattle, copper, cotton, climate and citrus for the observance of the
41 centennial of Arizona as a state.

42 ~~2. To maintain the mining and mineral museum as the state depository~~
43 ~~for collecting, cataloging and displaying mining artifacts and specimens of~~
44 ~~various ores, gemstones, lapidary material and other valuable mineral~~
45 ~~specimens.~~

1 ~~3.~~ 2. To apply for and accept grants, donations, gifts, bequests of
2 legacies of real or personal property, or any other contribution, financial
3 or otherwise, for use in accordance with the direction of the donor, or, in
4 the absence of an express direction, to be disposed of as prescribed by the
5 board consistent with this article. Monies received pursuant to this
6 paragraph shall be deposited in a separate account of the museum for the
7 purposes of the museum.

8 ~~4.~~ 3. To accept from the federal or state government, any local
9 government or any of their agencies restricted and unrestricted monies made
10 available to the state for the purposes of this article.

11 ~~5.~~ 4. To establish and collect entrance fees to the museum for
12 persons who are at least eighteen years of age.

13 ~~6.~~ 5. To operate a retail gift shop ~~including the acquisition,~~
14 ~~purchase and resale of mineral specimens and mineral-related items.~~

15 ~~7.~~ 6. To authorize the director to employ a curator for the museum.
16 The curator shall possess knowledge or experience in ~~mineral collections or~~
17 ~~shall have other museum experience~~ OPERATING A MUSEUM.

18 ~~8.~~ 7. To operate educational programming for the museum.

19 ~~9.~~ 8. To accept the services of volunteers and provide oversight for
20 their activities.

21 B. The Arizona historical society shall maintain the items, artifacts
22 and other inventory received for display or storage, including equipment and
23 outdoor displays, and shall not sell or otherwise dispose of materials
24 received for the centennial museum ~~or the mining and mineral museum.~~

25 Sec. 8. Section 41-827.01, Arizona Revised Statutes, is amended to
26 read:

27 41-827.01. Centennial museum advisory council; membership;
28 duties; terms; compensation

29 A. The centennial ~~and mining and mineral~~ museum advisory council is
30 established consisting of the following members who, except for the ~~members~~
31 MEMBER designated pursuant to ~~paragraphs 1 and 2~~ PARAGRAPH 1 of this
32 subsection, are appointed by the governor:

33 1. The executive director of the Arizona historical society or the
34 director's designee.

35 ~~2. The state geologist or the state geologist's designee.~~

36 ~~3.~~ 2. Two members representing the livestock industry.

37 ~~4.~~ 3. Two members representing the mining industry.

38 ~~5.~~ 4. Two members representing the agriculture industry.

39 ~~6.~~ 5. Two members representing tourism and other climate-related
40 industries.

41 ~~7.~~ 6. Two members representing the specialty crops industry.

42 ~~8.~~ 7. One member who is a natural resources education professional.

43 ~~9.~~ 8. One member representing a natural resources foundation.

44 ~~10.~~ 9. Two members representing the public.

45 B. The advisory council shall:

- 1 1. Select a chairperson and vice-chairperson from among its members.
2 2. Hold regular meetings and additional meetings at the call of the
3 chairperson or a majority of its members.
4 3. Provide oversight and advice to the director of the Arizona
5 historical society regarding the centennial museum ~~that houses the mining and~~
6 ~~mineral museum~~ and assist in promoting the mission of the centennial museum.
7 The director shall accept the recommendations of the advisory council if the
8 director finds them to be practicable and in the best interest of the museum.
9 4. Establish a subcommittee to provide assistance and advice in the
10 areas of educational programming, ~~AND~~ the hiring and retention of a curator
11 ~~and oversight of mineral collections~~. The advisory council may establish
12 subcommittees to act in an advisory capacity on other matters relevant to the
13 museum and the advisory council's duties.
14 C. The initial members appointed pursuant to subsection A, paragraphs
15 ~~3 through 10~~ 2, 3, 4, 5, 6, 7, 8 AND 9 OF THIS SECTION shall assign
16 themselves by lot to three, four and five year terms of office. All
17 subsequent members serve five-year terms of office. A member may continue to
18 serve until the member's successor is appointed and assumes office.
19 D. Members of the advisory council are not eligible to receive
20 compensation but are eligible for reimbursement of expenses pursuant to title
21 38, chapter 4, article 2. The advisory council is a public body for purposes
22 of title 38, chapter 3, article 3.1.
23 Sec. 9. Transfer and succession
24 A. As provided by this act, the Arizona geological survey succeeds to
25 the authority, power and duties of the Arizona historical society with
26 respect to the mining and mineral museum.
27 B. This act does not alter the effect of any actions that were taken
28 or impair the valid obligations of the Arizona historical society with
29 respect to the mining and mineral museum in existence before the effective
30 date of this act and now assumed by the Arizona geological survey.