

REFERENCE TITLE: mining and mineral museum; transfer

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

SB 1440

Introduced by
Senator Griffin

AN ACT

AMENDING SECTIONS 27-106 AND 27-107, ARIZONA REVISED STATUTES; PROVIDING FOR TRANSFERRING AND RENUMBERING; AMENDING SECTION 27-111, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; AMENDING SECTIONS 28-2448, 32-2117, 33-423 AND 41-821, ARIZONA REVISED STATUTES; REPEALING SECTION 41-827, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO MINING, MINERAL AND NATURAL RESOURCES.

(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, mineral
5 and natural resources educational 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 32-2117.
37 The Arizona geological survey shall provide any map to any member of the
38 public in printed or electronic format on request. The following notice
39 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~~ THE 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~~ THIS
24 state 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. IN COORDINATION WITH THE MINING, MINERAL AND NATURAL RESOURCES
38 EDUCATIONAL MUSEUM ADVISORY COUNCIL ESTABLISHED BY SECTION 27-111, THE
39 ARIZONA GEOLOGICAL SURVEY SHALL OPERATE AND MAINTAIN A MINING, MINERAL AND
40 NATURAL RESOURCES EDUCATIONAL MUSEUM AS THE STATE DEPOSITORY FOR COLLECTING,
41 CATALOGING AND DISPLAYING MINING, MINERAL AND NATURAL RESOURCES ARTIFACTS AND
42 SPECIMENS. IN CONNECTION WITH THE MINING, MINERAL AND NATURAL RESOURCES
43 EDUCATIONAL MUSEUM, THE STATE GEOLOGIST MAY:

44 1. PROMOTE THE RECOGNITION AND CELEBRATION OF THE HISTORICAL,
45 CULTURAL, ECONOMIC AND SOCIAL CONTRIBUTIONS TO THIS STATE MADE BY THE MINING,

1 MINERAL AND NATURAL RESOURCES INDUSTRIES IN THIS STATE, INCLUDING THE
2 LIVESTOCK AND AGRICULTURAL INDUSTRIES.

3 2. APPLY FOR AND ACCEPT GRANTS, GIFTS, BEQUESTS OF LEGACIES OF REAL OR
4 PERSONAL PROPERTY, DONATIONS, INCLUDING DONATIONS OF TIME, SERVICES AND
5 MATERIALS, OR ANY OTHER CONTRIBUTION, FINANCIAL OR OTHERWISE, FOR USE IN
6 ACCORDANCE WITH THE DIRECTION OF THE DONOR OR, IN THE ABSENCE OF AN EXPRESS
7 DIRECTION, AS PRESCRIBED BY THE ARIZONA GEOLOGICAL SURVEY. MONIES RECEIVED
8 PURSUANT TO THIS PARAGRAPH SHALL BE DEPOSITED IN A SEPARATE MINING, MINERAL
9 AND NATURAL RESOURCES EDUCATIONAL MUSEUM ACCOUNT IN THE GEOLOGICAL SURVEY
10 FUND ESTABLISHED BY SECTION 27-107 TO BE USED EXCLUSIVELY FOR THE
11 MAINTENANCE, RESTORATION AND OPERATIONS OF THE MINING, MINERAL AND NATURAL
12 RESOURCES EDUCATIONAL MUSEUM.

13 3. ACCEPT FROM THE FEDERAL OR STATE GOVERNMENT, ANY LOCAL GOVERNMENT
14 OR ANY OF THEIR AGENCIES RESTRICTED AND UNRESTRICTED MONIES MADE AVAILABLE TO
15 THIS STATE FOR THE MINING, MINERAL AND NATURAL RESOURCES EDUCATIONAL MUSEUM.

16 4. ESTABLISH AND COLLECT ENTRANCE FEES TO THE MINING, MINERAL AND
17 NATURAL RESOURCES EDUCATIONAL MUSEUM.

18 5. OPERATE A RETAIL GIFT SHOP, INCLUDING THE ACQUISITION, PURCHASE AND
19 RESALE OF MINING, MINERAL AND NATURAL RESOURCES SPECIMENS AND RELATED ITEMS.

20 6. EMPLOY A CURATOR FOR THE MINING, MINERAL AND NATURAL RESOURCES
21 EDUCATIONAL MUSEUM WHO POSSESSES KNOWLEDGE OR EXPERIENCE IN NATURAL RESOURCES
22 AND OPERATING A MUSEUM.

23 7. OPERATE EDUCATIONAL PROGRAMMING FOR THE MINING, MINERAL AND NATURAL
24 RESOURCES EDUCATIONAL MUSEUM.

25 8. ACCEPT THE SERVICES OF VOLUNTEERS AND PROVIDE OVERSIGHT FOR THEIR
26 ACTIVITIES.

27 9. PAY THE NECESSARY MAINTENANCE AND OPERATION EXPENSES OF THE MINING,
28 MINERAL AND NATURAL RESOURCES EDUCATIONAL MUSEUM.

29 C. THE ARIZONA GEOLOGICAL SURVEY:

30 1. WITH THE APPROVAL OF THE MINING, MINERAL AND NATURAL RESOURCES
31 EDUCATIONAL MUSEUM ADVISORY COUNCIL, SHALL ADOPT A COLLECTIONS MANAGEMENT
32 POLICY THAT IS CONSISTENT WITH NATIONAL STANDARDS AND BEST PRACTICES FOR
33 MUSEUMS IN THE UNITED STATES ESTABLISHED BY A NATIONAL ASSOCIATION OF
34 MUSEUMS.

35 2. SHALL MAINTAIN THE ITEMS, ARTIFACTS AND OTHER INVENTORY RECEIVED
36 FOR DISPLAY OR STORAGE, INCLUDING EQUIPMENT AND OUTDOOR DISPLAYS.

37 3. IN COORDINATION WITH THE MINING, MINERAL AND NATURAL RESOURCES
38 EDUCATIONAL MUSEUM ADVISORY COUNCIL AND PURSUANT TO THE STANDARDS AND BEST
39 PRACTICES ADOPTED PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION, MAY SELL OR
40 OTHERWISE DISPOSE OF MATERIALS RECEIVED FOR THE MINING, MINERAL AND NATURAL
41 RESOURCES EDUCATIONAL MUSEUM.

42 Sec. 2. Section 27-107, Arizona Revised Statutes, is amended to read:
43 27-107. Powers and duties of state geologist; fund

44 A. The state geologist shall:

- 1 1. Establish ~~such~~ administrative functions and offices as necessary to
2 achieve the purposes of this article.
- 3 2. Prescribe the number and professional disciplines of the technical
4 staff and their office and laboratory associates.
- 5 3. Direct the work of the Arizona geological survey and the
6 formulation of its program and policies.
- 7 4. Adopt ~~such~~ rules as ~~are~~ necessary to carry out the purposes of this
8 article.
- 9 5. Purchase or lease necessary office and laboratory equipment and
10 acquire facilities from the state or lease necessary office and laboratory
11 space.
- 12 6. Apply for and accept gifts, bequests or legacies of real or
13 personal property or any other contribution, financial or otherwise, for use
14 pursuant to the direction of the donor or, in the absence of an express
15 direction, to be disposed of for the best interests of this state. The state
16 geologist shall honor any restriction imposed by the donor on divulging
17 contributed information or tangible personal property.
- 18 7. Accept from the federal, state and local governments or their
19 agencies monies made available to this state for the purposes of this
20 article.
- 21 8. Enter into cooperative agreements with federal, county or municipal
22 governments or their agencies or with any agency or governmental unit
23 established by the law of this or any other state for the purpose of carrying
24 out ~~the provisions of~~ this article.
- 25 9. Contract with persons and organizations, public or private, to
26 provide services for the Arizona geological survey.
- 27 10. Appoint a person with a background in oil and gas conservation to
28 act on behalf of the oil and gas conservation commission and administer and
29 enforce the applicable provisions of chapter 4 of this title relating to the
30 oil and gas conservation commission.
- 31 B. The state geologist or the geologist's designee, at any time, may
32 enter the property and inspect wells drilled for oil, gas, geothermal
33 resources, helium or carbon dioxide and shall control property, machinery and
34 appliances necessary to gauge the wells.
- 35 C. A geological survey fund is established for the purposes provided
36 in this article consisting of appropriations and all monies received pursuant
37 to this article and section 27-515. Monies shall be separately accounted for
38 and used as a continuing appropriation by the state geologist for the
39 purposes provided from each source. Monies in the fund are exempt from the
40 provisions of section 35-190 relating to lapsing of appropriations. **THE FUND**
41 **INCLUDES A SEPARATE MINING, MINERAL AND NATURAL RESOURCES EDUCATIONAL MUSEUM**
42 **ACCOUNT CONSISTING OF MONIES RECEIVED PURSUANT TO SECTION 27-106, SUBSECTION**
43 **B TO BE USED EXCLUSIVELY FOR THE MAINTENANCE AND OPERATIONS OF THE MINING,**
44 **MINERAL AND NATURAL RESOURCES EDUCATIONAL MUSEUM.**

1 Sec. 3. Section 41-827.01, Arizona Revised Statutes, is transferred
2 and renumbered for placement in title 27, chapter 1, article 1, Arizona
3 Revised Statutes, as section 27-111 and, as so renumbered, is amended to
4 read:

5 27-111. Mining, mineral and natural resources educational
6 museum advisory council; membership; duties; terms;
7 compensation

8 A. The ~~centennial~~ and mining, and mineral AND NATURAL RESOURCES
9 EDUCATIONAL museum advisory council is established consisting of the
10 following members who, except for the members designated pursuant to
11 paragraphs 1, 9 and ~~2- 10~~ of this subsection, are appointed by the governor:

12 ~~1. The executive director of the Arizona historical society or the~~
13 ~~director's designee.~~

14 ~~2-~~ 1. The state geologist or the state geologist's designee.

15 ~~3-~~ 2. ~~Two members~~ ONE MEMBER representing the livestock industry.

16 ~~4-~~ 3. Two members representing the mining industry.

17 ~~5-~~ 4. ~~Two members~~ ONE MEMBER representing the agriculture industry.

18 ~~6-~~ 5. ~~Two members~~ ONE MEMBER representing THE tourism and other
19 ~~climate-related industries~~ INDUSTRY.

20 ~~7-~~ 6. ~~Two members~~ ONE MEMBER representing the ~~specialty crops~~ TIMBER
21 industry.

22 ~~8-~~ 7. One member who is ~~a natural resources education professional~~
23 KNOWLEDGEABLE IN GEMS AND MINERALS.

24 ~~9. One member representing a natural resources foundation.~~

25 ~~10-~~ 8. Two members representing the public.

26 9. ONE MEMBER OF THE HOUSE OF REPRESENTATIVES WHO IS APPOINTED BY THE
27 SPEAKER OF THE HOUSE OF REPRESENTATIVES.

28 10. ONE MEMBER OF THE SENATE WHO IS APPOINTED BY THE PRESIDENT OF THE
29 SENATE.

30 B. The advisory council shall:

31 1. Select a chairperson and vice-chairperson from among its members.

32 2. Hold regular meetings and additional meetings at the call of the
33 chairperson or a majority of its members.

34 3. Provide oversight and advice to the ~~director of the Arizona~~
35 ~~historical society~~ STATE GEOLOGIST regarding the ~~centennial museum that~~
36 ~~houses the~~ mining, and mineral AND NATURAL RESOURCES EDUCATIONAL museum and
37 assist in promoting the mission of the ~~centennial~~ museum. The ~~director~~ STATE
38 GEOLOGIST shall accept the recommendations of the advisory council if the
39 ~~director~~ STATE GEOLOGIST finds them to be practicable and in the best
40 interest of the MINING, MINERAL AND NATURAL RESOURCES EDUCATIONAL museum.

41 4. Establish a subcommittee to provide assistance and advice in the
42 areas of educational programming, the hiring and retention of a curator and
43 oversight of mineral collections. The advisory council may establish
44 subcommittees to act in an advisory capacity on other matters relevant to the

1 MINING, MINERAL AND NATURAL RESOURCES EDUCATIONAL museum and the advisory
2 council's duties.

3 C. The initial members appointed pursuant to subsection A, paragraphs
4 ~~3 through 10~~ 2, 3, 4, 5, 6 AND 7 OF THIS SECTION shall assign themselves by
5 lot to three, four and five year terms of office. All subsequent members
6 serve ~~five-year~~ FOUR-YEAR terms of office. A member may continue to serve
7 until the member's successor is appointed and assumes office.

8 D. Members of the advisory council are not eligible to receive
9 compensation but are eligible for reimbursement of expenses pursuant to title
10 38, chapter 4, article 2. The advisory council is a public body for purposes
11 of title 38, chapter 3, article 3.1.

12 Sec. 4. Section 28-2448, Arizona Revised Statutes, is amended to read:
13 28-2448. Arizona centennial special plates; fund

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

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

29 C. The department shall deposit, pursuant to sections 35-146 and
30 35-147, all special plate administration fees in the state highway fund
31 established by section 28-6991 and all donations collected pursuant to this
32 section in the Arizona centennial special plate fund established by this
33 section.

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

41 E. ~~In fiscal year 2011-2012, the director shall quarterly allocate~~
42 ~~monies in the fund to the office of tourism to pay costs related to Arizona~~
43 ~~centennial projects and events. In fiscal year 2012-2013 and in each fiscal~~
44 ~~year thereafter,~~ The director shall annually allocate monies in the fund to
45 the Arizona ~~historical society~~ GEOLOGICAL SURVEY to pay costs related to the

1 maintenance and operations of the ~~centennial museum that houses the~~ mining,
2 ~~and~~ mineral AND NATURAL RESOURCES EDUCATIONAL museum.

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

6 Sec. 5. Section 32-2117, Arizona Revised Statutes, is amended to read:
7 32-2117. Earth fissure maps; posting; immunity

8 A. On receipt of maps from the Arizona geological survey, the state
9 real estate department shall provide any earth fissure map to any member of
10 the public in printed or electronic format on request and provide access on
11 its website to the earth fissure maps prepared by the Arizona geological
12 survey pursuant to section 27-106, SUBSECTION A, paragraph 3. The following
13 notice shall be displayed below each map:

14 Notice

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

20 B. ~~Nothing in~~ This section ~~shall be construed as denying~~ DOES NOT DENY
21 a person rights guaranteed by the Arizona Constitution, and notwithstanding
22 any other law, a subdivider, owner or licensee is not liable to any person or
23 governmental entity for any act or failure to act in connection with:

24 1. The disclosure of real estate subject to earth fissures if the
25 subdivider, owner or licensee provides a written disclosure or includes
26 notice in a public report, issued pursuant to section 32-2183 or 32-2195.03,
27 with respect to real estate subject to earth fissures, of the map and website
28 described in subsection A of this section. The written disclosure or notice
29 in a public report, issued pursuant to section 32-2183 or 32-2195.03, of the
30 map and website does not create an independent cause of action.

31 2. Any disclosure that occurred before the date the map described in
32 subsection A of this section is posted on the website if the subdivider,
33 owner or licensee had no actual knowledge that the land was subject to earth
34 fissures before the map was posted.

35 Sec. 6. Section 33-423, Arizona Revised Statutes, is amended to read:
36 33-423. Disclosure; reports; indemnity; applicability;
37 violation; classification

38 A. A disclosure report pursuant to this section may be provided to the
39 buyer or seller of real property by a third party as authorized by the buyer
40 or seller and shall be based on officially adopted and electronically posted
41 or otherwise readily available governmental maps or information that
42 discloses whether the real property is subject to one or more of the
43 following:

44 1. Special flood hazard areas designated by the federal emergency
45 management agency pursuant to 42 United States Code chapter 50.

1 2. Military airports and ancillary military facilities as defined in
2 section 28-8461 or as disclosed pursuant to section 28-8484 or 32-2113.

3 3. Military training routes as shown in the map produced pursuant to
4 section 37-102 and military restricted airspace as shown in the map produced
5 pursuant to section 37-102.

6 4. Public and private airports that are approved by the federal
7 aviation administration.

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

11 6. Fissures as shown on earth fissure maps issued by the Arizona
12 geological survey pursuant to section 27-106, [SUBSECTION A](#), paragraph 3.

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

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

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

25 10. Any other condition that affects the real property that the buyer
26 or seller authorizes and the ~~third-party~~ [THIRD-PARTY](#) provider agrees to
27 provide in a third party provider disclosure report.

28 B. For any ~~third-party~~ [THIRD-PARTY](#) provider of information as
29 prescribed by this section, the following apply:

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

33 2. The ~~third-party~~ [THIRD-PARTY](#) provider shall carry errors and
34 omissions insurance coverage with limits of at least one million dollars per
35 occurrence and in an aggregate of at least ten million dollars. A person who
36 violates this paragraph is guilty of a class 1 misdemeanor.

37 C. If an action is brought as a result of an error, inaccuracy or
38 omission in the disclosure made only by a ~~third-party~~ [THIRD-PARTY](#) provider
39 who provides information pursuant to subsection A of this section, the ~~third~~
40 ~~party~~ [THIRD-PARTY](#) provider shall provide a defense against the action, shall
41 indemnify the buyer or seller who authorized the disclosure report and
42 persons licensed pursuant to title 32, chapter 20 who represent the buyer or
43 seller for any judgment rendered and shall reimburse reasonable attorney fees
44 and costs incurred in defending the action, unless the buyer, seller or agent
45 for the buyer or seller had knowledge of the error, inaccuracy or omission or

1 the buyer, seller or agent for the buyer or seller modified the disclosure
2 and the modification resulted in the error, inaccuracy or omission. ~~Nothing~~
3 ~~in~~ This section ~~shall be construed to~~ DOES NOT prohibit a ~~third party~~
4 THIRD-PARTY provider of information from agreeing by contract that the ~~third~~
5 ~~party~~ THIRD-PARTY provider shall indemnify a person to a greater extent than
6 is required by this section.

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

12 E. This section shall not be construed to create a cause of action for
13 the use of maps or other information pursuant to this section. This section
14 does not apply to the sale of real property by any person pursuant to section
15 32-2183 or section 32-2195.03, or any affiliate of that person.

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

18 G. The listing of a condition in subsection A of this section or in a
19 ~~third party~~ THIRD-PARTY provider disclosure report does not by itself make
20 that condition material or immaterial to a particular real estate
21 transaction. The materiality of any disclosure is governed as otherwise
22 provided by law.

23 Sec. 7. Section 41-821, Arizona Revised Statutes, is amended to read:
24 41-821. Arizona historical society; powers; officers; duties of
25 board of directors

26 A. ~~An~~ THE Arizona historical society is established.

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

31 C. The society shall have a president, a treasurer and other officers
32 who are elected by the members of the society at times and by methods the
33 bylaws of the society prescribe. Each member of the board of directors shall
34 have knowledge, competence, experience and interest in the fields related to
35 the preservation and promotion of Arizona history and be a member of the
36 society or become a member of the society before senate confirmation. The
37 governor shall appoint the members pursuant to section 38-211 for a term of
38 four years. The board of directors may designate from among its members an
39 executive committee with authority to act in place of the board of directors
40 and in accordance with directions the board of directors may give when the
41 board of directors is not in session.

42 D. The board of directors is established consisting of the following
43 members who are appointed pursuant to subsection C of this section:

- 44 1. One member from each county.

1 2. One member who is recommended by each of the designated historical
2 organizations as prescribed by subsection I of this section.

3 3. Five members of the public.

4 E. The president shall preside at meetings of the society and of the
5 board of directors. Each member of the board of directors is entitled to
6 only one vote. The board of directors may conduct meetings telephonically.

7 F. The treasurer shall have custody of the monies of the society,
8 other than legislative appropriations. The treasurer shall hold the monies
9 of the society deposited in trust for the society's use and for the benefit
10 of this state and shall disburse them only as prescribed by law and the
11 bylaws of the society.

12 G. The board of directors shall hold in trust for this state and
13 administer for the benefit of this state and use of the society all property
14 acquired by the society.

15 H. All expenditures of legislative appropriations to the society shall
16 be made on claims THAT ARE duly itemized, verified and approved by the
17 executive director OF THE SOCIETY. The executive director OF THE SOCIETY
18 shall present and file claims for payment with the director of the department
19 of administration. The director of the department of administration shall
20 draw the warrant on the state treasurer. The society may expend
21 nonappropriated private funds related to program activities.

22 I. The board of directors shall annually designate one or more
23 historical organizations within each county of this state that are
24 incorporated as nonprofit organizations and that are deemed to have a
25 functioning program of historical value based on criteria established by the
26 board of directors. The board of directors may organize chapters made up of
27 groups of its members who have a common interest in a geographical area of
28 this state or a common interest in a field of history, may provide for the
29 governance of these chapters and may grant to any chapter the power to
30 exercise authority of the society as the board of directors may determine.

31 J. The board of directors, subject to legislative appropriation, may
32 contract with certified historical organizations for services to be performed
33 for the benefit of this state. The contracts shall be prepared by the
34 Arizona historical society. The board of directors shall annually review the
35 contracts to ensure fulfillment of their provisions.

36 K. Subject to chapter 4, article 4 of this title, the board of
37 directors may employ an executive director and may employ or authorize the
38 employment of other employees it considers appropriate to carry out the
39 functions of the society. The executive director and all other employees
40 shall have duties and exercise authority as may be prescribed by the board of
41 directors or by the executive director acting under the direction of the
42 board of directors.

43 L. The board may operate a program for the establishment and
44 maintenance of historical markers at various locations in this state.

1 ~~M. In cooperation with the advisory council established by section~~
2 ~~41-827.01, the board shall operate and maintain the centennial museum that~~
3 ~~houses the mining and mineral museum and may engage in other activities~~
4 ~~related to the museum as determined by the board or the executive director.~~
5 ~~Monies received pursuant to this subsection shall be credited to an account~~
6 ~~to be used for the maintenance and operations of the centennial museum that~~
7 ~~houses the mining and mineral museum.~~

8 Sec. 8. Repeal

9 Section 41-827, Arizona Revised Statutes, is repealed.

10 Sec. 9. Transfer and succession

11 A. As provided by this act, the Arizona geological survey succeeds to
12 the authority, power, duties and obligations of the Arizona historical
13 society with respect to the former mining and mineral museum.

14 B. This act does not alter the effect of any actions that were taken
15 or impair the valid obligations of the Arizona historical society with
16 respect to the former mining and mineral museum in existence before the
17 effective date of this act and now assumed by the Arizona geological survey.

18 C. The Arizona historical society shall provide a list of all mining
19 and mineral museum inventory, including the location of the inventory, and
20 assist in the transfer of all mining and mineral museum inventory to the
21 Arizona geological survey.

22 Sec. 10. Report on mining, mineral and natural resources
23 educational museum

24 The state geologist, in coordination with the mining, mineral and
25 natural resources educational museum advisory council, shall submit a report
26 to the governor, the president of the senate and the speaker of the house of
27 representatives on or before December 31, 2018 and provide a copy of this
28 report to the secretary of state regarding the operations of the mining,
29 mineral and natural resources educational museum prescribed in section
30 27-106, Arizona Revised Statutes, as amended by this act, including whether
31 general fund monies are required for the continued maintenance and operations
32 of the mining, mineral and natural resources educational museum, information
33 relating to excess specimens and recommendations on other beneficial uses of
34 the mining, mineral and natural resources educational museum building.

35 Sec. 11. Terms of members of mining, mineral and natural
36 resources educational museum advisory council

37 Notwithstanding section 27-111, Arizona Revised Statutes, as amended by
38 this act, a person who is serving as a member of the centennial and mining
39 and mineral museum advisory council on the effective date of this act is
40 eligible to continue to serve on the mining, mineral and natural resources
41 educational museum advisory council until expiration of the member's current
42 term of office. All subsequent appointed members shall serve a four-year
43 term of office.

1 Sec. 12. Transfer of monies

2 A. All unexpended and unencumbered monies remaining in the Arizona
3 centennial special plate fund established by section 28-2448, Arizona Revised
4 Statutes, as amended by this act, are transferred to the mining, mineral and
5 natural resources educational museum account in the geological survey fund
6 established by section 27-107, Arizona Revised Statutes, as amended by this
7 act.

8 B. The sum of _____ and one FTE position are transferred from the
9 Arizona historical society in fiscal year 2016-2017 to the geological survey
10 fund established by section 27-107, Arizona Revised Statutes as amended by
11 this act, for use in operating the mining, mineral and natural resources
12 educational museum.

13 C. All unexpended and unencumbered monies received by the Arizona
14 historical society for the purposes of operating the former mining and
15 mineral museum, the gift shop located in the former mining and mineral museum
16 and any entrance fees collected for the former mining and mineral museum are
17 transferred to the mining, mineral and natural resources educational museum
18 account in the geological survey fund established by section 27-107, Arizona
19 Revised Statutes, as amended by this act.