Senate Engrossed House Bill

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
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CHAPTER 227

HOUSE BILL 2251

AN ACT

AMENDING SECTIONS 27-102, 27-105, 27-107, 27-111 AND 41-821, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 4.1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-827 AND 41-827.01; RELATING TO THE ARIZONA HISTORICAL SOCIETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 27-102, Arizona Revised Statutes, is amended to read:

27-102. Duties of the department

A. Consistent with the objectives stated in section 27-101.01, the department shall:

1. Promote the development of the mineral resources and industry of this state.

2. Advocate the development of mineral resources and the production of minerals and mineral products in this state in support of its objectives.

3. Participate in conferences, seminars, forums, speaking engagements, public news media and other functions necessary to achieve its objectives.

4. Conduct studies of the properties and claims of companies and individuals to assist in the exploration and development of mineral resources.

5. Maintain a repository of mineral and mining information, including databases, books, periodicals, individual mine files, mine map repository files, mining district data and an archive of mine data. All databases and other archival materials shall be maintained in a secure and retrievable format and location prescribed by the director to protect and preserve information from damage or destruction.

6. Provide quality mining data, evaluation and assistance relating to promoting mineral development to the legislature, federal, state and local governmental agencies and the public.

7. Make surveys of potential economic mineral resources and conduct field and other investigations ~~which~~ THAT may interest capital in the development of the state's mineral resources.

8. Serve as a source of mining information for this state in matters relating to its mineral resources and monitor current mining and exploration activities.

9. Publish and disseminate information and data necessary or advisable to attain its objectives. The director may establish reasonable fees for publications.

10. Cooperate with the corporation commission in its investigations and administration of laws relating to the sale of mining securities.

11. Assist federal, state and local governmental agencies and instrumentalities, economic development organizations and gem and mineral organizations in matters relating to:

(a) Education.

(b) The identification, exploration and development of mineral resources in this state.

12. Use its authority in other ways to assist in more extensive exploration and development of the mineral resources of ~~the~~ THIS state.

B. The department shall maintain a mining and mineral ~~museum as the state~~ depository for collecting~~,~~ AND cataloging ~~and displaying~~ mining

artifacts and specimens ~~of~~, ~~various ores, gemstones,~~ lapidary material AND EQUIPMENT and other valuable ~~mineral specimens~~ DOCUMENTS RELATING TO MINING AND MINERALS. ~~In connection with the museum, the director may:~~

~~1. Establish and collect entrance fees to the museum for persons who are at least eighteen years of age.~~

~~2. Operate a retail gift shop including the acquisition, purchase and resale of mineral specimens and mineral-related items.~~

~~3. Employ a curator for the museum.~~

Sec. 2. Section 27-105, Arizona Revised Statutes, is amended to read:

27-105. Powers and duties of board of governors

A. The board of governors shall:

1. Establish field offices it deems necessary.

2. Prescribe the number of field and office assistants.

3. Formulate the program and policies of the department.

B. For the purposes of carrying out this article, the board may:

1. Adopt rules for the management of the department.

2. Purchase or lease necessary technological and office equipment and pay for the utility service and maintenance for necessary ~~museum,~~ office and storage space.

3. Apply for and accept grants, donations, gifts, bequests or legacies of real or personal property, or any other contribution, financial or otherwise, for use in accordance with the direction of the donor, or, in the absence of an express direction, to be disposed of as prescribed by the board consistent with this article. Monies received pursuant to this paragraph shall be deposited in a separate account of the mines and mineral resources fund established by section 27-111.

4. Accept from the federal or state government, any local government or any of their agencies restricted and unrestricted monies made available to the state for the purposes of this article.

5. Apply for and accept monies from independent agencies, foundations and other organizations for research in areas that will assist the future development of the mining and mineral industries in this state.

6. Enter into cooperative agreements in support of the objectives stated in section 27-101.01, including intergovernmental agreements pursuant to title 11, chapter 7, article 3, with:

(a) The federal government and its agencies.

(b) International organizations and organizations and agencies of other nations.

(c) Agencies and instrumentalities of this state and political subdivisions of this state.

(d) Any mining agency created by the law of any other state.

(e) Other public and private organizations, foundations, clubs and museums and other entities.

7. Contract with persons and public or private organizations to provide or receive services.

Sec. 3. Section 27-107, Arizona Revised Statutes, is amended to read:

27-107. Director of department; compensation and reimbursement

A. The director of the department shall be appointed by the ~~board~~ GOVERNOR PURSUANT TO SECTION 38-211. The person appointed shall be a mining, metallurgical or geological engineer graduated from an accredited school, shall be qualified by education and experience in the minerals industry and shall possess a certificate of registration as an engineer or a geologist, issued by the state board of technical registration.

B. The director is entitled to receive compensation as determined pursuant to section 38-611 and reimbursement of expenses pursuant to title 38, chapter 4, article 2.

Sec. 4. Section 27-111, Arizona Revised Statutes, is amended to read:

27-111. Mines and mineral resources fund

A. The mines and mineral resources fund is established. Monies received from any source by the department shall be deposited, pursuant to sections 35-146 and 35-147, in the mines and mineral resources fund. Monies in the fund are continuously appropriated to the department for purposes of administering this article. The fund includes the following separate accounts:

1. Monies received pursuant to section 27-105, subsection B, paragraphs 3 and 4 shall be credited to a special account in the fund, designated as the department of mines and mineral resources account, to be used by the department in accordance with section 27-105, subsection B, paragraph 3 or 4, as appropriate.

~~2. Monies received pursuant to section 27-102, subsection B shall be credited to an account in the fund to be used for the maintenance and operations of the mining and mineral museum.~~

~~3.~~ 2. Monies obtained from the sale of publications under section 27-102, subsection A, paragraph 9 shall be credited to the department's printing revolving account in the fund for printing further publications. Monies in the department's printing revolving account that at any time are in excess of twenty thousand dollars shall immediately revert to the state general fund.

~~4.~~ 3. Monies received pursuant to section 27-108, subsection B, paragraph 2 for contracts shall be credited to a separate account in the fund and shall be used to fulfill the obligations undertaken by the contracts.

B. Monies in the department's printing revolving account up to an amount of twenty thousand dollars and monies in other accounts in the mines and mineral resources fund are exempt from the provisions of section 35-190 relating to the lapsing of appropriations.

Sec. 5. Section 41-821, Arizona Revised Statutes, is amended to read:

41-821. Arizona historical society; powers; officers; duties of board of directors

A. An Arizona historical society is established.

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

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

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

E. The treasurer shall have custody of the monies of the society, other than legislative appropriations. The treasurer shall hold the monies of the society deposited in trust for the society's use and for the benefit of this state and shall disburse them only as prescribed by law and the bylaws of the society. The treasurer shall submit to the joint legislative budget committee a written report detailing all expenditures of nonappropriated funds for the society at the beginning of each quarter.

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

G. All expenditures of legislative appropriations to the society shall be made on claims duly itemized, verified and approved by the executive director. The executive director shall present and file claims for payment with the director of the department of administration. The director of the department of administration shall draw the warrant on the state treasurer. The society may expend nonappropriated private funds related to program activities.

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

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

J. The board of directors may employ an executive director and may employ or authorize the employment of other employees it considers appropriate to carry out the functions of the society. The executive director and all other employees shall have duties and exercise authority as may be prescribed by the board of directors or by the executive director acting under the direction of the board of directors.

K. THE BOARD MAY OPERATE A PROGRAM FOR THE ESTABLISHMENT AND MAINTENANCE OF HISTORICAL MARKERS AT VARIOUS LOCATIONS IN THIS STATE.

L. IN COOPERATION WITH THE ADVISORY COUNCIL ESTABLISHED BY SECTION 41-827.01, THE BOARD SHALL OPERATE AND MAINTAIN THE CENTENNIAL MUSEUM THAT HOUSES THE MINING AND MINERAL MUSEUM AND MAY ENGAGE IN OTHER ACTIVITIES RELATED TO THE MUSEUM AS DETERMINED BY THE BOARD OR THE EXECUTIVE DIRECTOR. MONIES RECEIVED PURSUANT TO THIS SUBSECTION SHALL BE CREDITED TO AN ACCOUNT TO BE USED FOR THE MAINTENANCE AND OPERATIONS OF THE CENTENNIAL MUSEUM THAT HOUSES THE MINING AND MINERAL MUSEUM.

Sec. 6. Title 41, chapter 4.1, article 1, Arizona Revised Statutes, is amended by adding sections 41-827 and 41-827.01, to read:

41-827. Centennial museum; mining and mineral museum; donations

A. THE ARIZONA HISTORICAL SOCIETY SHALL OPERATE AND MAINTAIN THE CENTENNIAL MUSEUM THAT HOUSES THE MINING AND MINERAL MUSEUM FOR THE FOLLOWING PURPOSES AND WITH THE FOLLOWING AUTHORITY:

1. TO PROMOTE THE RECOGNITION AND CELEBRATION OF THE HISTORICAL, CULTURAL, ECONOMIC AND SOCIAL CONTRIBUTIONS TO THIS STATE MADE BY THE "FIVE C'S" OF CATTLE, COPPER, COTTON, CLIMATE AND CITRUS FOR THE OBSERVANCE OF THE CENTENNIAL OF ARIZONA AS A STATE.

2. TO MAINTAIN THE MINING AND MINERAL MUSEUM AS THE STATE DEPOSITORY FOR COLLECTING, CATALOGING AND DISPLAYING MINING ARTIFACTS AND SPECIMENS OF VARIOUS ORES, GEMSTONES, LAPIDARY MATERIAL AND OTHER VALUABLE MINERAL SPECIMENS.

3. TO APPLY FOR AND ACCEPT GRANTS, DONATIONS, GIFTS, BEQUESTS OF LEGACIES OF REAL OR PERSONAL PROPERTY, OR ANY OTHER CONTRIBUTION, FINANCIAL OR OTHERWISE, FOR USE IN ACCORDANCE WITH THE DIRECTION OF THE DONOR, OR, IN THE ABSENCE OF AN EXPRESS DIRECTION, TO BE DISPOSED OF AS PRESCRIBED BY THE BOARD CONSISTENT WITH THIS ARTICLE. MONIES RECEIVED PURSUANT TO THIS PARAGRAPH SHALL BE DEPOSITED IN A SEPARATE ACCOUNT OF THE MUSEUM FOR THE PURPOSES OF THE MUSEUM.

4. TO ACCEPT FROM THE FEDERAL OR STATE GOVERNMENT, ANY LOCAL GOVERNMENT OR ANY OF THEIR AGENCIES RESTRICTED AND UNRESTRICTED MONIES MADE AVAILABLE TO THE STATE FOR THE PURPOSES OF THIS ARTICLE.

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

6. TO OPERATE A RETAIL GIFT SHOP INCLUDING THE ACQUISITION, PURCHASE AND RESALE OF MINERAL SPECIMENS AND MINERAL-RELATED ITEMS.

7. TO AUTHORIZE THE DIRECTOR TO EMPLOY A CURATOR FOR THE MUSEUM. THE CURATOR SHALL POSSESS KNOWLEDGE OR EXPERIENCE IN MINERAL COLLECTIONS OR SHALL HAVE OTHER MUSEUM EXPERIENCE.

8. TO OPERATE EDUCATIONAL PROGRAMMING FOR THE MUSEUM.

9. TO ACCEPT THE SERVICES OF VOLUNTEERS AND PROVIDE OVERSIGHT FOR THEIR ACTIVITIES.

B. THE ARIZONA HISTORICAL SOCIETY SHALL MAINTAIN THE ITEMS, ARTIFACTS AND OTHER INVENTORY RECEIVED FOR DISPLAY OR STORAGE, INCLUDING EQUIPMENT AND OUTDOOR DISPLAYS, AND SHALL NOT SELL OR OTHERWISE DISPOSE OF MATERIALS RECEIVED FOR THE CENTENNIAL MUSEUM OR THE MINING AND MINERAL MUSEUM.

41-827.01. Centennial and mining and mineral museum advisory council; membership; duties; terms; compensation

A. THE CENTENNIAL AND MINING AND MINERAL MUSEUM ADVISORY COUNCIL IS ESTABLISHED CONSISTING OF THE FOLLOWING MEMBERS WHO, EXCEPT FOR THE MEMBERS DESIGNATED PURSUANT TO PARAGRAPHS 1, 2 AND 3 OF THIS SUBSECTION, ARE APPOINTED BY THE GOVERNOR:

1. THE EXECUTIVE DIRECTOR OF THE ARIZONA HISTORICAL SOCIETY OR THE DIRECTOR'S DESIGNEE.

2. THE CHAIRMAN OF THE DEPARTMENT OF MINES AND MINERAL RESOURCES BOARD OF GOVERNORS.

3. THE DIRECTOR OF THE DEPARTMENT OF MINES AND MINERAL RESOURCES OR THE DIRECTOR'S DESIGNEE.

4. TWO MEMBERS REPRESENTING THE LIVESTOCK INDUSTRY.

5. TWO MEMBERS REPRESENTING THE MINING INDUSTRY.

6. TWO MEMBERS REPRESENTING THE AGRICULTURE INDUSTRY.

7. TWO MEMBERS REPRESENTING TOURISM AND OTHER CLIMATE-RELATED INDUSTRIES.

8. TWO MEMBERS REPRESENTING THE SPECIALTY CROPS INDUSTRY.

9. ONE MEMBER WHO IS A NATURAL RESOURCES EDUCATION PROFESSIONAL.

10. ONE MEMBER REPRESENTING A NATURAL RESOURCES FOUNDATION.

11. TWO MEMBERS REPRESENTING THE PUBLIC.

B. THE ADVISORY COUNCIL SHALL:

1. SELECT A CHAIRPERSON AND VICE-CHAIRPERSON FROM AMONG ITS MEMBERS.

2. HOLD REGULAR MEETINGS AND ADDITIONAL MEETINGS AT THE CALL OF THE CHAIRPERSON OR A MAJORITY OF ITS MEMBERS.

3. PROVIDE OVERSIGHT AND ADVICE TO THE DIRECTOR OF THE ARIZONA HISTORICAL SOCIETY REGARDING THE CENTENNIAL MUSEUM THAT HOUSES THE MINING AND MINERAL MUSEUM AND ASSIST IN PROMOTING THE MISSION OF THE CENTENNIAL MUSEUM. THE DIRECTOR SHALL ACCEPT THE RECOMMENDATIONS OF THE ADVISORY COUNCIL IF THE DIRECTOR FINDS THEM TO BE PRACTICABLE AND IN THE BEST INTEREST OF THE MUSEUM.

4. ESTABLISH A SUBCOMMITTEE CONSISTING OF THREE MEMBERS OF THE DEPARTMENT OF MINES AND MINERAL RESOURCES BOARD OF GOVERNORS TO PROVIDE ASSISTANCE AND ADVICE IN THE AREAS OF EDUCATIONAL PROGRAMMING, THE HIRING AND RETENTION OF A CURATOR AND OVERSIGHT OF MINERAL COLLECTIONS. THE ADVISORY

COUNCIL MAY ESTABLISH SUBCOMMITTEES TO ACT IN AN ADVISORY CAPACITY ON OTHER MATTERS RELEVANT TO THE MUSEUM AND THE ADVISORY COUNCIL'S DUTIES.

C. THE INITIAL MEMBERS APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPHS 4 THROUGH 11 SHALL ASSIGN THEMSELVES BY LOT TO THREE, FOUR AND FIVE YEAR TERMS OF OFFICE. ALL SUBSEQUENT MEMBERS SERVE FIVE YEAR TERMS OF OFFICE. A MEMBER MAY CONTINUE TO SERVE UNTIL THE MEMBER'S SUCCESSOR IS APPOINTED AND ASSUMES OFFICE.

D. MEMBERS OF THE ADVISORY COUNCIL ARE NOT ELIGIBLE TO RECEIVE COMPENSATION BUT ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2. THE ADVISORY COUNCIL IS A PUBLIC BODY FOR PURPOSES OF TITLE 38, CHAPTER 3, ARTICLE 3.1.

Sec. 7. Raffle conducted by the Arizona centennial commission

A. Notwithstanding section 13-3302, subsection B, paragraph 2, Arizona Revised Statutes, the Arizona centennial commission may conduct a raffle that begins in 2010 and ends in 2012, the proceeds of which shall be used to fund events commemorating the centennial of this state.

B. Except for the five-year requirement for nonprofit organizations prescribed in section 13-3302, subsection B, paragraph 2, Arizona Revised Statutes, the raffle conducted pursuant to subsection A of this section shall be conducted as prescribed by statute.

Sec. 8. Transfer and succession

A. As provided by this act, the Arizona historical society succeeds to the authority, powers, duties and responsibilities of the department of mines and mineral resources with respect to the mining and mineral museum that is to be housed in the centennial museum.

B. This act does not alter the effect of any actions that were taken or impair the valid obligations of the department of mines and mineral resources with respect to the mining and mineral museum in existence before the effective date of this act and now assumed by the centennial museum that houses the mining and mineral museum.

C. The curator who is employed by the mining and mineral museum is transferred to a comparable position and pay classification in the respective administrative unit of the Arizona historical society on the effective date of this act.

Sec. 9. Transfer of obligations and appropriation of department of mines and mineral resources to Arizona historical society

A. On the effective date of this act, the existing obligation of the department of mines and mineral resources to pay rent for the mining and mineral museum building to the department of administration and the obligation of the department of mines and mineral resources to pay the salary and other employee-related expenses of the museum curator are transferred to and become obligations of the Arizona historical society.

B. Of the monies appropriated to the department of mines and mineral resources in fiscal year 2010-2011, the sum of $589,700 is transferred to the Arizona historical society for the purposes prescribed in subsection A.

APPROVED BY THE GOVERNOR MAY 6, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 6, 2010.