Senate Engrossed House Bill

FILED
JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 339

HOUSE BILL 2639

AN ACT

AMENDING SECTION 27-152.01, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2117; AMENDING SECTION 37-173, ARIZONA REVISED STATUTES; MAKING APPROPRIATIONS; RELATING TO EARTH FISSURE MAPS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 27-152.01, Arizona Revised Statutes, is amended to read:

27-152.01. Duties of Arizona geological survey

The Arizona geological survey shall:

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

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

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

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

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

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

(a) Provide timely, courteous ~~response~~ RESPONSES to requests for information, advice and assistance from the public.

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

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

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

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

3. BEGINNING ON OR BEFORE JANUARY 1, 2007 AND EVERY FIVE YEARS THEREAFTER, SUBMIT TO THE STATE LAND DEPARTMENT COPIES OF ALL DATA FILES OF KNOWN AREAS OF EARTH FISSURES FOR THE PURPOSES OF SECTION 37-173, PARAGRAPH 11. ON RECEIPT OF THE EARTH FISSURE MAPS FROM THE STATE LAND DEPARTMENT THAT ARE BASED ON DATA FILES SUBMITTED, THE ARIZONA GEOLOGICAL SURVEY SHALL PROVIDE ANY MAP TO ANY MEMBER OF THE PUBLIC IN PRINTED OR ELECTRONIC FORMAT ON REQUEST. THE FOLLOWING NOTICE SHALL BE DISPLAYED BELOW EACH MAP:

NOTICE

THE STATE OF ARIZONA HAS MADE A REASONABLE EFFORT TO ENSURE THE ACCURACY OF THIS MAP WHEN IT WAS PRODUCED, BUT ERRORS MAY BE PRESENT AND THE STATE OF ARIZONA DOES NOT GUARANTEE ITS ACCURACY. THE MAP SUPPLEMENTS, AND IS NOT A SUBSTITUTE FOR, A PROFESSIONAL INSPECTION OF PROPERTY FOR DEFECTS AND CONDITIONS.

~~3.~~ 4. Operate and maintain a central repository and a computerized database for reports, books, maps and other publications regarding the geology, mineral resources and associated technologies. Such repository and database shall be available for the use of the public and may be located at or connected with the university of Arizona or another state university or agency of this state.

~~4.~~ 5. Operate and maintain a central repository for rock cores, well cuttings and related subsurface samples and all associated supplemental data consistent with the laws of this state requiring the deposit of such material and information. Such repository shall be available for the use of the public.

~~5.~~ 6. Receive and expend any monies arising from grants, contracts, contributions, gratuities or reimbursements payable or distributable to this state from the United States, or from state, county, municipal or other governmental sources. The Arizona geological survey shall also receive and expend any monies arising from grants, contracts, contributions, gratuities or reimbursements donated by private persons or corporations. Monies received pursuant to this paragraph shall be deposited in the geological survey fund and handled pursuant to section 27-152.02.

~~6.~~ 7. Contract and be contracted with.

~~7.~~ 8. Utilize the services and expertise of the universities of the state at the discretion of the state geologist.

~~8.~~ 9. Cooperate with local, county, state and federal agencies.

~~9.~~ 10. Provide administrative and staff support for the Arizona oil and gas conservation commission.

Sec. 2. Title 32, chapter 20, article 1, Arizona Revised Statutes, is amended by adding section 32-2117, to read:

32-2117. Earth fissure maps; posting; immunity

A. ON RECEIPT OF MAPS FROM THE STATE LAND DEPARTMENT, THE DEPARTMENT OF REAL ESTATE SHALL PROVIDE ANY EARTH FISSURE MAP TO ANY MEMBER OF THE PUBLIC IN PRINTED OR ELECTRONIC FORMAT ON REQUEST AND PROVIDE ACCESS ON ITS WEB SITE TO THE EARTH FISSURE MAPS PREPARED BY THE STATE LAND DEPARTMENT PURSUANT TO SECTION 37-173, PARAGRAPH 11. THE FOLLOWING NOTICE SHALL BE DISPLAYED BELOW EACH MAP:

NOTICE

THE STATE OF ARIZONA HAS MADE A REASONABLE EFFORT TO ENSURE THE ACCURACY OF THIS MAP WHEN IT WAS PRODUCED, BUT ERRORS MAY BE PRESENT AND THE STATE OF ARIZONA DOES NOT GUARANTEE ITS ACCURACY. THE MAP SUPPLEMENTS, AND IS NOT A SUBSTITUTE FOR, A PROFESSIONAL INSPECTION OF PROPERTY FOR DEFECTS AND CONDITIONS.

B. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS DENYING A PERSON RIGHTS GUARANTEED BY THE ARIZONA CONSTITUTION, AND NOTWITHSTANDING ANY OTHER LAW, A SUBDIVIDER, OWNER OR LICENSEE IS NOT LIABLE TO ANY PERSON OR GOVERNMENTAL ENTITY FOR ANY ACT OR FAILURE TO ACT IN CONNECTION WITH:

1. THE DISCLOSURE OF REAL ESTATE SUBJECT TO EARTH FISSURES IF THE SUBDIVIDER, OWNER OR LICENSEE PROVIDES A WRITTEN DISCLOSURE OR INCLUDES NOTICE IN A PUBLIC REPORT, ISSUED PURSUANT TO SECTION 32-2183 OR 32-2195.03, WITH RESPECT TO REAL ESTATE SUBJECT TO EARTH FISSURES, OF THE MAP AND WEB SITE DESCRIBED IN SUBSECTION A OF THIS SECTION. THE WRITTEN DISCLOSURE OR NOTICE IN A PUBLIC REPORT, ISSUED PURSUANT TO SECTION 32-2183 OR 32-2195.03, OF THE MAP AND WEB SITE DOES NOT CREATE AN INDEPENDENT CAUSE OF ACTION.

2. ANY DISCLOSURE THAT OCCURRED BEFORE THE DATE THE MAP DESCRIBED IN SUBSECTION A OF THIS SECTION IS POSTED ON THE WEB SITE IF THE SUBDIVIDER, OWNER OR LICENSEE HAD NO ACTUAL KNOWLEDGE THAT THE LAND WAS SUBJECT TO EARTH FISSURES BEFORE THE MAP WAS POSTED.

Sec. 3. Section 37-173, Arizona Revised Statutes, is amended to read:

37-173. Duties

The division shall:

1. Establish a clearinghouse of information and a central repository for map and imagery products and digital cartographic data.

2. Provide a geographic information system for the state land department and other public agencies in this state. The system shall be capable of input, processing, display, compositing, analysis, synthesis and manipulation of data from maps, aerial photos, orthophotos, remote sensing devices and other spatial data sources. The division shall provide training and consultation in the use of the system, related technical assistance and limited production services to system users.

3. Provide current land resource information and monitor changes over time by remote sensing techniques.

4. Prepare standards and specifications for developing and producing cartographic and aerial photographic products and geographic information systems.

5. Produce maps and inventories at standard scales for various areas to include combinations of data elements.

6. Provide maps, aerial photographs and other remote sensing data to help analyze the following natural resources:

(a) Producing mines, improvements to such mines and mills and smelters operated in conjunction with such mines.

(b) Producing oil, gas and geothermal resources.

(c) Rights-of-way on state trust lands.

(d) Urban trust lands.

(e) Forestry management lands and standing timber.

(f) Rangeland resources.

(g) Cropland resources.

(h) Water ditches constructed for mining, manufacturing or irrigation purposes on state trust lands.

(i) Other data relating to land and water resources in this state such as subsidence locations, irrigation districts and groundwater active management areas.

7. Function as the Arizona affiliate office for the national cartographic information center, with support from the United States geological survey and the Arizona state library, archives and public records, to access archived maps and imagery data sources to assist the mapping, inventorying and data handling segments of the division and outside users.

8. Establish a liaison relationship with the Arizona geological survey, the United States geological survey, regional federal mapping organizations and other state and local government organizations in order to coordinate activities in this state relating to collecting, compiling, producing and processing cartographic materials, satellite imagery and land resource information.

9. Identify local digital cartographic data to include in the national digital cartographic data base.

10. Coordinate the development of a public land survey system monument data base.

11. WITHIN NINETY DAYS AFTER RECEIVING DATA FILES OF KNOWN AREAS OF EARTH FISSURES FROM THE ARIZONA GEOLOGICAL SURVEY PURSUANT TO SECTION 27-152.01, PARAGRAPH 3, PRODUCE MAPS OF THOSE AREAS WITH OVERLAYS SHOWING AFFECTED COUNTIES, CITIES, TOWNS, HIGHWAYS AND STREETS. THE DIVISION SHALL TRANSMIT THE MAPS IN PRINTED AND ELECTRONIC FORMAT TO THE ARIZONA GEOLOGICAL SURVEY AND THE STATE REAL ESTATE DEPARTMENT FOR PURPOSES OF PROVIDING PUBLIC ACCESS TO THE EARTH FISSURE MAPS PURSUANT TO SECTIONS 27-152.01 AND 32-2117.

Sec. 4. Appropriation; Arizona geological survey

A. The sum of $232,600, of which $27,000 is one-time, is appropriated from the state general fund in fiscal year 2006-2007 to the Arizona geological survey for the purposes of this act.

B. Monies appropriated pursuant to this section are exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations.

Sec. 5. Appropriation; state land department

A. The sum of $80,600, of which $40,500 is one-time, is appropriated from the state general fund in fiscal year 2006-2007 to the state land department for the purposes of this act.

B. Monies appropriated pursuant to this section are exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriation.

APPROVED BY THE GOVERNOR JUNE 21, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 21, 2006.