Senate Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 63

SENATE BILL 1256

AN ACT

AMENDING SECTIONS 27-105 AND 27-111, ARIZONA REVISED STATUTES; AMENDING TITLE 27, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 27-123; AMENDING SECTION 27-1233, ARIZONA REVISED STATUTES; RELATING TO MINING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. 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.

~~5.~~ 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.

~~6.~~ 7. Contract with persons and public or private organizations to provide or receive services.

Sec. 2. 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. 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. 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. 3. Title 27, chapter 1, article 2, Arizona Revised Statutes, is amended by adding section 27-123, to read:

27-123. Education and training fees

A. THE STATE MINE INSPECTOR MAY ADOPT AND COLLECT EDUCATION AND TRAINING FEES FOR THE PURPOSE OF TRAINING MINERS IN THIS STATE.

B. THE STATE MINE INSPECTOR SHALL CREDIT MONIES RECEIVED FOR EDUCATION AND TRAINING PURPOSES TO THE FEDERAL EDUCATION AND TRAINING FUND, DESIGNATED AS THE ARIZONA STATE MINE INSPECTOR'S ACCOUNT, TO BE USED ACCORDING TO THE FEDERAL STATE GRANT RULES, AS APPROPRIATE.

Sec. 4. Section 27-1233, Arizona Revised Statutes, is amended to read:

27-1233. Fees; plan submissions; substantial changes; aggregate mining reclamation fund

A. The state mine inspector may establish by rule a fee TO BE COLLECTED from the owner or operator of each exploration operation and aggregate mining unit at the time the owner or operator submits a plan under article 3 or 4 of this chapter OR SUBMITS A SUBSTANTIAL CHANGE TO AN APPROVED PLAN PURSUANT TO THIS ARTICLE.

B. The aggregate mining reclamation fund is established consisting of fees collected pursuant to subsection A of this section AND MONIES RECEIVED PURSUANT TO SECTION 27-1204. The inspector shall administer the fund. Monies in the fund are subject to legislative appropriation and shall be used by the inspector to administer and enforce this chapter. On notice from the inspector, the state treasurer shall invest and divest monies in the fund as provided by section 35-313 and monies earned from investment shall be credited to the fund.

APPROVED BY THE GOVERNOR JULY 10, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 10, 2009.

Passed the House June 26, 20 09,

by the following vote: 49 Ayes,

1 Nays, 10 Not Voting

Speaker of the House

Pro Tempore

Norman L. Moore

Chief Clerk of the House

Passed the Senate June 22, 20 09,

by the following vote: 24 Ayes,

4 Nays, 2 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1st day of July, 20 09,

at 8:53 o'clock A. M.

Susan K Myers

Secretary to the Governor

Approved this 10th day of

July, 20 09,

at 9:54 o'clock A M.

Janice K. Brewer

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 10 day of July, 20 09,

at 12:30 o'clock P. M.

Ken Bennett

Secretary of State

S.B. 1256