

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

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)

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

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

4 27-102. Duties of the department

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

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

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

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

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

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

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

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

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

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

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

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

39 (a) Education.

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

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

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

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

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

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

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

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

10 27-105. Powers and duties of board of governors

11 A. The board of governors shall:

12 1. Establish field offices it deems necessary.

13 2. Prescribe the number of field and office assistants.

14 3. Formulate the program and policies of the department.

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

16 1. Adopt rules for the management of the department.

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

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

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

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

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

36 (a) The federal government and its agencies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 L. IN COOPERATION WITH THE ADVISORY COUNCIL ESTABLISHED BY SECTION
10 41-827.01, THE BOARD SHALL OPERATE AND MAINTAIN THE CENTENNIAL MUSEUM THAT
11 HOUSES THE MINING AND MINERAL MUSEUM AND MAY ENGAGE IN OTHER ACTIVITIES
12 RELATED TO THE MUSEUM AS DETERMINED BY THE BOARD OR THE EXECUTIVE DIRECTOR.
13 MONIES RECEIVED PURSUANT TO THIS SUBSECTION SHALL BE CREDITED TO AN ACCOUNT
14 TO BE USED FOR THE MAINTENANCE AND OPERATIONS OF THE CENTENNIAL MUSEUM THAT
15 HOUSES THE MINING AND MINERAL MUSEUM.

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

18 41-827. Centennial museum; mining and mineral museum; donations

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

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

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

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

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

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

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

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

4 8. TO OPERATE EDUCATIONAL PROGRAMMING FOR THE MUSEUM.

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

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

11 41-827.01. Centennial and mining and mineral museum advisory
12 council; membership; duties; terms; compensation

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

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

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

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

23 4. TWO MEMBERS REPRESENTING THE LIVESTOCK INDUSTRY.

24 5. TWO MEMBERS REPRESENTING THE MINING INDUSTRY.

25 6. TWO MEMBERS REPRESENTING THE AGRICULTURE INDUSTRY.

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

28 8. TWO MEMBERS REPRESENTING THE SPECIALTY CROPS INDUSTRY.

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

30 10. ONE MEMBER REPRESENTING A NATURAL RESOURCES FOUNDATION.

31 11. TWO MEMBERS REPRESENTING THE PUBLIC.

32 B. THE ADVISORY COUNCIL SHALL:

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

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

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

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

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

3 C. THE INITIAL MEMBERS APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPHS
4 4 THROUGH 11 SHALL ASSIGN THEMSELVES BY LOT TO THREE, FOUR AND FIVE YEAR
5 TERMS OF OFFICE. ALL SUBSEQUENT MEMBERS SERVE FIVE YEAR TERMS OF OFFICE. A
6 MEMBER MAY CONTINUE TO SERVE UNTIL THE MEMBER'S SUCCESSOR IS APPOINTED AND
7 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. 7. Raffle conducted by the Arizona centennial commission

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

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

21 Sec. 8. Transfer and succession

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

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

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

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

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

43 B. Of the monies appropriated to the department of mines and mineral
44 resources in fiscal year 2010-2011, the sum of \$589,700 is transferred to the
45 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.~~

Passed the House March 23, 2010

by the following vote: 37 Ayes,

17 Nays, 6 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate April 20, 2010

by the following vote: 20 Ayes,

9 Nays, 1 Not Voting

[Signature]
President of the Senate,

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

 day of , 20

at o'clock M.

Secretary to the Governor

Approved this day of

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this day of , 20

at o'clock M.

Secretary of State

H.B. 2251

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 28, 2010,

by the following vote: 58 Ayes,

1 Nays, 1 Not Voting

[Signature]

Speaker of the House

[Signature]

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

29 day of April, 20 10

at 11:50 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 6 day of

May, 20 10,

at 10:50 o'clock A. M.

[Signature]
Governor of Arizona

H.B. 2251

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 6th day of May, 20 10,

at 3:08 o'clock P. M.

[Signature]
Secretary of State