

**Arizona Revised Statutes
Arizona Geological Survey**

27-151. Arizona geological survey; state geologist; powers; definition

A. The Arizona geological survey is established with offices located in proximity to the university of Arizona in Tucson. The governor shall appoint a state geologist, pursuant to section 38-211, to be the administrative head of the Arizona geological survey and to serve at the pleasure of the governor. The state geologist shall be registered as a geologist by the state board of technical registration, a graduate of an accredited institution and otherwise qualified by education and experience to direct the research and information functions of the Arizona geological survey.

B. The state geologist may organize the Arizona geological survey into such administrative units, and employ such permanent, temporary, part-time and volunteer professional and support staff, as necessary to achieve the objectives and promote the policies prescribed by this article.

C. The state geologist may:

1. Retain the services of faculty members or students, and shall have reasonable access to the data and other resources, of the university of Arizona or any other state university in this state to conduct or supervise research, experimentation or other related work of the Arizona geological survey.

2. Organize field expeditions to perform work for the Arizona geological survey using university students who are sufficiently advanced in their study of geology to be able to perform satisfactory work.

3. Establish and appoint an advisory board consisting of independent practicing geologists, university or college faculty, mining geologists and others who use and rely on data, information and other services of the Arizona geological survey.

D. The expenses of the Arizona geological survey shall be paid by annual appropriation from the state general fund and as otherwise provided by this article.

E. For purposes of this article, "mineral resources" means all metallic, nonmetallic and energy resources, including coal, oil, natural gas, geothermal resources, carbon dioxide and helium.

27-151.01. Qualifications of employees; private activities relating to geological services prohibited

Qualifications of employees of the Arizona geological survey shall be prescribed by the state geologist with the concurrence of the governor. Neither the state geologist nor any employee shall:

1. Acquire a pecuniary interest in any mineral resources property in the state.

2. Act as broker or agent for any purchaser, owner or agent of mineral resources property, equipment or products.

3. Accept any commission or compensation for services rendered in connection with industry in this state.

4. Make an investigation or report on an individual Arizona deposit of mineral resources or metallurgical process other than pursuant to such employee's official duties.

27-152. Objectives of Arizona geological survey

The objectives of the Arizona geological survey are to:

1. Serve as a primary source of geologic information in this state to enhance public understanding of the state's geologic character, geologic hazards and limitations and mineral resources.

2. Inform, advise and assist the public in matters concerning the geological processes, materials and landscapes and the development and use of the mineral resources of this state.

3. Encourage the wise use of the lands and mineral resources of this state toward its development.

4. Provide technical advice and assistance in geology to other state and local governmental agencies engaged in projects in which the geologic setting, character or mineral resources of the state are involved.

5. Provide technical advice and assistance in geology to industry toward the wise development and use of the mineral and land resources of this state.

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 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.

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.

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.

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.

7. Contract and be contracted with.

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

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

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

27-152.02. Powers and duties of state geologist; fund

A. The state geologist shall:

1. Establish such administrative functions and offices as necessary to achieve the purposes of this article.

2. Prescribe the number and professional disciplines of the technical staff and their office and laboratory associates.

3. Direct the work of the Arizona geological survey and the formulation of its program and policies.

4. Adopt such rules as are necessary to carry out the purposes of this article.

5. Purchase or lease necessary office and laboratory equipment and acquire facilities from the state or lease necessary office and laboratory space.

6. Apply for and accept gifts, bequests or legacies of real or personal property or any other contribution, financial or otherwise, for use pursuant to the direction of the donor or, in the absence of an express direction, to be disposed of for the best interests of this state. The state geologist shall honor any restriction imposed by the donor on divulging contributed information or tangible personal property.

7. Accept from the federal, state and local governments or their agencies monies made available to this state for the purposes of this article.

8. Enter into cooperative agreements with federal, county or municipal governments or their agencies or with any agency or governmental unit established by the law of this or any other state for the purpose of carrying out the provisions of this article.

9. Contract with persons and organizations, public or private, to provide services for the Arizona geological survey.

10. Appoint a person with a background in oil and gas conservation to act on behalf of the oil and gas conservation commission and administer and enforce the applicable provisions of chapter 4 of this title relating to the oil and gas conservation commission.

B. The state geologist or the geologist's designee, at any time, may enter the property and inspect wells drilled for oil, gas, geothermal resources, helium or carbon dioxide and shall control property, machinery and appliances necessary to gauge the wells.

C. A geological survey fund is established for the purposes provided in this article consisting of appropriations and all monies received pursuant to this section and sections 27-152.01, 27-153 and 27-515. Monies shall be separately accounted for and used as a continuing appropriation by the state geologist for the purposes provided from each source. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

27-153. Publications; deposit

A. The state geologist may publish, in the form of bulletins, circulars, maps and other related series, or otherwise make available to state agencies, government officials, industry and the public the results of geological and related research and investigation undertaken by the Arizona geological survey.

A publication shall not include any confidential information pursuant to section 27-522. The state geologist shall consult with the operator and obtain the approval of the scope of work for the publication before the state geologist releases any proposed publication pertaining to a project regulated by the oil and gas conservation commission.

B. The publications of the Arizona geological survey shall be printed as the state geologist determines and distributed or sold as the interests of this state or science demand. Money obtained by the sale of publications shall be deposited in the geological survey fund established by section 27-152.02 for printing further publications.

C. All materials collected, after having served the purpose of the Arizona geological survey, shall be made available to the universities, community colleges and high schools of this state.

27-155. Annual report of state geologist

The state geologist shall make an annual report to the governor on the progress and condition of the Arizona geological survey, of pertinent facts concerning this state's geologic setting and of such other pertinent information as the state geologist deems proper.

41-3012.07. Arizona geological survey; termination July 1, 2012

A. The Arizona geological survey terminates on July 1, 2012.

B. Title 27, chapter 1, article 4 is repealed on January 1, 2013.

Arizona Oil and Gas Conservation Commission

27-515. Administration; powers of the commission; fees

A. The commission shall administer and enforce the provisions of this article and other laws relating to conservation of oil and gas. The commission and administrative staff may, at any time, enter upon property and inspect wells drilled for oil or gas, and well records, and shall control property, machinery and appliances necessary to gauge the wells. The Arizona geological survey shall provide staff support to the commission to administer the provisions of this chapter.

B. The commission may:

1. Administer oaths to a witness in any hearing, investigation or proceeding held under this article or other law relating to conservation of oil and gas.

2. Issue subpoenas requiring attendance and testimony of witnesses and production of books, papers and records deemed material or necessary, and direct service of subpoenas by a sheriff or other officer authorized by law to serve process.

3. Prescribe rules and do all acts necessary or advisable to carry out the provisions of this article.

4. Collect such fees as will cover the costs of such services as, but not limited to, reproduction of records or any portion thereof and copies of rules. The monies so collected shall not be subject to the provisions of section 27-523 but shall be deposited, pursuant to sections 35-146 and 35-147, by the commission in the fund from which the expenditure was originally made.

5. Publish technical maps, cross sections and reports and sell these materials for such fees as will cover the costs incurred in their preparation, reproduction and distribution.

C. The commission may enter into cooperative agreements with agencies of the United States government, with agencies of state or local government or with Indian tribes for the purpose of protection of the fresh water supplies of the state from contamination or pollution brought about by the drilling of any well or for any other purpose of this article.

D. The commission may apply for and accept gifts, devises and donations of books, well records, maps or other materials. All donated materials shall become public records.

E. Monies collected under subsection B, paragraph 5 of this section shall be deposited, pursuant to sections 35-146 and 35-147, in the geological survey fund established by section 27-152.02 and shall be used to prepare, reproduce and distribute further publications. Monies in the fund are not subject to section 27-523.

Real Estate Disclosure

33-423. Disclosure; reports; indemnity; applicability; violation; classification

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

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

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

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

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

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

6. Fissures as shown on earth fissure maps issued by the Arizona geological survey or pursuant to section 27-152.01, paragraph 3.

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

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

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

10. Any other condition that affects the real property that the buyer or seller authorizes and the third party provider agrees to provide in a third party provider disclosure report.

B. For any third party provider of information as prescribed by this section, the following apply:

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

2. The third party provider shall carry errors and omissions insurance coverage with limits of at least one million dollars per occurrence and in an aggregate of at least ten million dollars. A person who violates this paragraph is guilty of a class 1 misdemeanor.

C. If an action is brought as a result of an error, inaccuracy or omission in the disclosure made only by a third party provider who provides information pursuant to subsection A of this section, the third party provider shall provide a defense against the action, shall indemnify the buyer or seller who authorized the disclosure report and persons licensed pursuant to title 32, chapter 20 who represent the buyer or seller for any judgment rendered and shall reimburse reasonable attorney fees and costs incurred in defending the action, unless the buyer, seller or agent for the buyer or seller had knowledge of the error, inaccuracy or omission or the buyer, seller or agent for the buyer or seller modified the disclosure and the modification resulted in the error, inaccuracy or omission. Nothing in this section shall be construed to prohibit a third party provider of information from agreeing by contract that the third party provider shall indemnify a person to a greater extent than is required by this section.

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

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

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

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

State Land Dept. State Cartographer's Office

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.