

REFERENCE TITLE: monuments; memorials; governmental mall

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1114

Introduced by
Senators Flake, Blendu

AN ACT

AMENDING SECTION 41-1363, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 8, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1364; RELATING TO THE LEGISLATIVE GOVERNMENTAL MALL COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-1363, Arizona Revised Statutes, is amended to
3 read:

4 41-1363. Monuments and memorials within governmental mall;
5 legislative authorization; approval; procedure

6 A. Notwithstanding section 34-225 or any other law, a monument or
7 memorial in recognition of or honoring a person, group, entity or event shall
8 be located in the governmental mall only if a prior legislative act
9 authorizes the monument or memorial.

10 B. After legislative authorization, a monument or memorial may be
11 established by the following procedures:

12 1. The proponents shall submit a concept to the department of
13 administration for the design, dimensions and location of the monument or
14 memorial.

15 2. The department of administration shall review the concept and
16 determine the most appropriate location that highlights the monument or
17 memorial and preserves the integrity of the governmental mall.

18 3. The department of administration shall submit its review and
19 recommendations to the legislative governmental mall commission including
20 recommendations regarding its ability to maintain the monument or memorial.

21 4. After recommendations from the historical advisory commission
22 regarding the historical integrity of the monument or memorial and after any
23 necessary negotiations with the proponents, the legislative governmental mall
24 commission, in consultation with the department of administration, shall
25 approve the final design, dimensions, location and maintenance requirements
26 of the monument or memorial AND SHALL APPROVE ANY STATEMENT, DECLARATION,
27 WRITING OR INSCRIPTION THAT WILL BE IMPRINTED OR STAMPED ON THE MONUMENT OR
28 MEMORIAL.

29 5. Before the beginning of construction of the monument or memorial,
30 the proponents shall enter into a contract with the department of
31 administration specifying the conditions of the design, dimensions and
32 location of the monument or memorial, a list of the artists, contractors and
33 subcontractors that will be employed, ~~AND~~ a verification that all employees
34 for the project are insured and that this state is indemnified against any
35 liability in regard to the construction.

36 6. An approved monument or memorial shall be completed and dedicated
37 to this state within two years after the effective date of the legislative
38 act authorizing the monument or memorial.

39 C. All fund-raising, establishment and administration of a fund for
40 deposit of monies and contracts for artistic design and construction of the
41 monument or memorial are the sole responsibility of the proponents.

42 D. IF THE COMPLETED MONUMENT OR MEMORIAL DEVIATES FROM THE FINAL
43 DESIGN OR DIMENSION THAT WAS APPROVED BY THE LEGISLATIVE GOVERNMENTAL MALL
44 COMMISSION OR ANY STATEMENT, DECLARATION, WRITING OR INSCRIPTION THAT IS
45 IMPRINTED OR STAMPED ON THE MONUMENT OR MEMORIAL DEVIATES FROM THAT WHICH WAS

1 APPROVED BY THE LEGISLATIVE GOVERNMENTAL MALL COMMISSION, THE PROPONENTS ARE
2 RESPONSIBLE FOR ANY COSTS INCURRED TO CONFORM THE MONUMENT OR MEMORIAL TO THE
3 APPROVED FORM.

4 ~~D~~ E. This section does not apply to monuments or memorials in which
5 a political subdivision has a contractual interest AND THAT ARE located in
6 the governmental mall but THAT ARE outside Wesley Bolin plaza.

7 Sec. 2. Title 41, chapter 8, article 4, Arizona Revised Statutes, is
8 amended by adding section 41-1364, to read:

9 41-1364. Alteration or modification to monuments and memorials
10 within governmental mall; procedures; approval

11 A. ANY ALTERATION OR MODIFICATION TO AN EXISTING MONUMENT OR MEMORIAL
12 THAT WAS COMPLETED PURSUANT TO SECTION 41-1363 MUST ABIDE BY THE FOLLOWING
13 PROCEDURES:

14 1. THE PROPONENTS SHALL SUBMIT THE PROPOSED ALTERATION OR MODIFICATION
15 TO THE DEPARTMENT OF ADMINISTRATION.

16 2. THE DEPARTMENT OF ADMINISTRATION SHALL REVIEW THE PROPOSED
17 ALTERATION OR MODIFICATION AND SUBMIT ITS REVIEW AND RECOMMENDATIONS TO THE
18 LEGISLATIVE GOVERNMENTAL MALL COMMISSION.

19 3. AFTER RECOMMENDATIONS FROM THE HISTORICAL ADVISORY COMMISSION
20 REGARDING WHAT IMPACT THE PROPOSED ALTERATION OR MODIFICATION WOULD HAVE ON
21 THE HISTORICAL INTEGRITY OF THE EXISTING MONUMENT OR MEMORIAL AND AFTER ANY
22 NECESSARY NEGOTIATIONS WITH THE PROPONENTS, THE LEGISLATIVE GOVERNMENTAL MALL
23 COMMISSION, IN CONSULTATION WITH THE DEPARTMENT OF ADMINISTRATION, SHALL
24 APPROVE OR REJECT THE PROPOSED ALTERATION OR MODIFICATION.

25 4. IF THE PROPOSED ALTERATION OR MODIFICATION IS APPROVED AND BEFORE
26 THE BEGINNING OF CONSTRUCTION INVOLVED IN IMPLEMENTING THE ALTERATION OR
27 MODIFICATION TO THE MONUMENT OR MEMORIAL, THE PROPONENTS SHALL ENTER INTO A
28 CONTRACT WITH THE DEPARTMENT OF ADMINISTRATION SPECIFYING THE SCOPE OF THE
29 ALTERATION OR MODIFICATION TO THE MONUMENT OR MEMORIAL, A LIST OF THE
30 ARTISTS, CONTRACTORS AND SUBCONTRACTORS THAT WILL BE EMPLOYED AND A
31 VERIFICATION THAT ALL EMPLOYEES FOR THE PROJECT ARE INSURED AND THAT THIS
32 STATE IS INDEMNIFIED AGAINST ANY LIABILITY IN REGARD TO THE CONSTRUCTION
33 INVOLVED IN IMPLEMENTING THE ALTERATION OR MODIFICATION TO THE MONUMENT OR
34 MEMORIAL.

35 5. THE ALTERATION OR MODIFICATION TO AN EXISTING MONUMENT OR MEMORIAL
36 SHALL BE COMPLETED AND DEDICATED TO THIS STATE WITHIN TWO YEARS AFTER THE
37 EFFECTIVE DATE OF THE APPROVAL OF THE ALTERATION OR MODIFICATION BY THE
38 LEGISLATIVE GOVERNMENTAL MALL COMMISSION.

39 B. ALL FUND-RAISING, ESTABLISHMENT AND ADMINISTRATION OF A FUND FOR
40 DEPOSIT OF MONIES AND CONTRACTS FOR ARTISTIC DESIGN AND CONSTRUCTION OF THE
41 ALTERATION OR MODIFICATION TO THE EXISTING MONUMENT OR MEMORIAL ARE THE SOLE
42 RESPONSIBILITY OF THE PROPONENTS.