

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

SENATE BILL 1114

AN ACT

AMENDING SECTION 41-1363, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 8, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-1364 AND 41-1365; 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, **THE MINIMUM DOLLAR AMOUNT REQUIRED FOR DEPOSIT
27 IN THE STATE MONUMENT AND MEMORIAL REPAIR FUND ESTABLISHED BY SECTION 41-1365
28 AND ANY STATEMENT, DECLARATION, WRITING OR INSCRIPTION THAT WILL BE IMPRINTED
29 OR STAMPED ON THE MONUMENT OR MEMORIAL.**

30 5. Before the beginning of construction of the monument or memorial,
31 the proponents shall enter into a contract with the department of
32 administration specifying the conditions of the design, dimensions and
33 location of the monument or memorial, a list of the artists, contractors and
34 subcontractors that will be employed, **THE MINIMUM DOLLAR AMOUNT REQUIRED FOR
35 DEPOSIT IN THE STATE MONUMENT AND MEMORIAL REPAIR FUND ESTABLISHED BY SECTION
36 41-1365 AND** a verification that all employees for the project are insured and
37 that this state is indemnified against any liability in regard to the
38 construction.

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

42 C. **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION OR SECTION 41-1365,**
43 all fund-raising, establishment and administration of a fund for deposit of
44 monies and contracts for artistic design and construction of the monument or
45 memorial are the sole responsibility of the proponents.

1 D. IF THE COMPLETED MONUMENT OR MEMORIAL DEVIATES FROM THE FINAL
2 DESIGN OR DIMENSION THAT WAS APPROVED BY THE LEGISLATIVE GOVERNMENTAL MALL
3 COMMISSION OR ANY STATEMENT, DECLARATION, WRITING OR INSCRIPTION THAT IS
4 IMPRINTED OR STAMPED ON THE MONUMENT OR MEMORIAL DEVIATES FROM THAT WHICH WAS
5 APPROVED BY THE LEGISLATIVE GOVERNMENTAL MALL COMMISSION, THE PROPONENTS ARE
6 RESPONSIBLE FOR ANY COSTS INCURRED TO CONFORM THE MONUMENT OR MEMORIAL TO THE
7 APPROVED FORM.

8 E. THE PROPONENTS SHALL COLLECT AN AMOUNT EQUAL TO AT LEAST TEN PER
9 CENT OF THE ARTISTIC DESIGN AND CONSTRUCTION COSTS OF THE MONUMENT OR
10 MEMORIAL OR THE AMOUNT APPROVED BY THE LEGISLATIVE GOVERNMENTAL MALL
11 COMMISSION AS PROVIDED IN SUBSECTION B OF THIS SECTION. THE DEPARTMENT OF
12 ADMINISTRATION SHALL DEPOSIT THESE MONIES IN THE STATE MONUMENT AND MEMORIAL
13 REPAIR FUND ESTABLISHED BY SECTION 41-1365 FOR THE MAINTENANCE, REPAIR,
14 RECONDITIONING OR RELOCATION OF ALL MONUMENTS OR MEMORIALS AND FOR SUPPORTING
15 MECHANICAL EQUIPMENT IN THE GOVERNMENTAL MALL. THE MONIES MUST BE DEPOSITED
16 IN THE FUND BEFORE THE BEGINNING OF CONSTRUCTION OF THE MONUMENT OR MEMORIAL.

17 F. ON REVIEW AND APPROVAL BY THE LEGISLATIVE GOVERNMENTAL MALL
18 COMMISSION, THE DEPARTMENT OF ADMINISTRATION MAY RELOCATE MONUMENTS OR
19 MEMORIALS THAT ARE LOCATED IN THE GOVERNMENTAL MALL.

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

23 Sec. 2. Title 41, chapter 8, article 4, Arizona Revised Statutes, is
24 amended by adding sections 41-1364 and 41-1365, to read:

25 41-1364. Alteration or modification to monuments and memorials
26 within governmental mall; procedures; approval

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

30 1. THE PROPONENTS OF THE MONUMENT OR MEMORIAL THAT SUBMITTED THE
31 CONCEPT PURSUANT TO SECTION 41-1363 SHALL SUBMIT THE PROPOSED ALTERATION OR
32 MODIFICATION TO THE LEGISLATIVE GOVERNMENTAL MALL COMMISSION.

33 2. AFTER RECOMMENDATIONS FROM THE HISTORICAL ADVISORY COMMISSION
34 REGARDING WHAT IMPACT THE PROPOSED ALTERATION OR MODIFICATION WOULD HAVE ON
35 THE HISTORICAL INTEGRITY OF THE EXISTING MONUMENT OR MEMORIAL AND AFTER ANY
36 NECESSARY NEGOTIATIONS WITH THE PROPONENTS, THE LEGISLATIVE GOVERNMENTAL MALL
37 COMMISSION SHALL APPROVE OR REJECT THE PROPOSED ALTERATION OR MODIFICATION.

38 3. IF THE PROPOSED ALTERATION OR MODIFICATION IS APPROVED AND BEFORE
39 THE BEGINNING OF CONSTRUCTION INVOLVED IN IMPLEMENTING THE ALTERATION OR
40 MODIFICATION TO THE MONUMENT OR MEMORIAL, THE PROPONENTS SHALL ENTER INTO A
41 CONTRACT WITH THE DEPARTMENT OF ADMINISTRATION SPECIFYING THE SCOPE OF THE
42 ALTERATION OR MODIFICATION TO THE MONUMENT OR MEMORIAL, A LIST OF THE
43 ARTISTS, CONTRACTORS AND SUBCONTRACTORS THAT WILL BE EMPLOYED AND A
44 VERIFICATION THAT ALL EMPLOYEES FOR THE PROJECT ARE INSURED AND THAT THIS
45 STATE IS INDEMNIFIED AGAINST ANY LIABILITY IN REGARD TO THE CONSTRUCTION

1 INVOLVED IN IMPLEMENTING THE ALTERATION OR MODIFICATION TO THE MONUMENT OR
2 MEMORIAL.

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

7 B. ALL FUND-RAISING, ESTABLISHMENT AND ADMINISTRATION OF A FUND FOR
8 DEPOSIT OF MONIES AND CONTRACTS FOR ARTISTIC DESIGN AND CONSTRUCTION OF THE
9 ALTERATION OR MODIFICATION TO THE EXISTING MONUMENT OR MEMORIAL ARE THE SOLE
10 RESPONSIBILITY OF THE PROPONENTS.

11 41-1365. State monument and memorial repair fund; purpose;
12 report

13 A. THE STATE MONUMENT AND MEMORIAL REPAIR FUND IS ESTABLISHED
14 CONSISTING OF:

15 1. DONATIONS.

16 2. MONIES DERIVED FROM FUND-RAISING ACTIVITIES AND MONIES THAT ARE
17 COLLECTED BY THE PROPONENTS OF A MONUMENT OR MEMORIAL AND THAT ARE DEPOSITED
18 PURSUANT TO SECTION 41-1363.

19 3. GRANTS RECEIVED FOR MONUMENTS OR MEMORIALS, EXCEPT FOR OTHERWISE
20 SPECIFICALLY DEDICATED GRANTS.

21 4. LEGISLATIVE APPROPRIATIONS.

22 B. THE DEPARTMENT OF ADMINISTRATION SHALL ADMINISTER THE FUND. IF A
23 DONOR DESIGNATES THAT A DONATION IS FOR THE BENEFIT OF A SPECIFIC MONUMENT OR
24 MEMORIAL THAT IS DEDICATED TO THIS STATE, THE DEPARTMENT SHALL SEPARATELY
25 ACCOUNT FOR THE MONIES. ALL MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE
26 APPROPRIATION. THE DEPARTMENT SHALL USE MONIES APPROPRIATED FROM THE FUND
27 FOR THE MAINTENANCE, REPAIR, RECONDITIONING OR RELOCATION OF MONUMENTS OR
28 MEMORIALS AND FOR SUPPORTING MECHANICAL EQUIPMENT IN THE GOVERNMENTAL MALL.

29 C. ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE DEPARTMENT OF
30 ADMINISTRATION SHALL SUBMIT TO THE LEGISLATIVE GOVERNMENTAL MALL COMMISSION A
31 REPORT THAT ACCOUNTS FOR ALL MONIES DEPOSITED IN THE FUND. THE REPORT SHALL
32 INCLUDE THE SOURCES OF THE MONIES RECEIVED FOR DEPOSIT, BY CATEGORY, AND THE
33 PURPOSES FOR WHICH THE MONIES WERE USED DURING THE PRECEDING FISCAL YEAR.

34 D. THE DEPARTMENT OF ADMINISTRATION SHALL HOLD THE MONIES IN THE FUND
35 IN TRUST FOR THE CITIZENS OF THIS STATE UNTIL SPENT ON AN AUTHORIZED MONUMENT
36 OR MEMORIAL, AND MONIES IN THE FUND SHALL NOT BE SPENT OR APPROPRIATED FOR
37 ANY OTHER PURPOSE.

38 E. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190
39 RELATING TO LAPSING OF APPROPRIATIONS.

40 Sec. 3. Emergency

41 This act is an emergency measure that is necessary to preserve the
42 public peace, health or safety and is operative immediately as provided by
43 law.