

REFERENCE TITLE: governmental mall; monuments; memorials; maintenance

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

SB 1353

Introduced by
Senator 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 GOVERNMENTAL MALL.

(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 THE MINIMUM DOLLAR AMOUNT REQUIRED FOR
27 DEPOSIT IN THE STATE MONUMENT AND MEMORIAL REPAIR FUND ESTABLISHED BY SECTION
28 41-1364.

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, THE MINIMUM DOLLAR AMOUNT REQUIRED FOR
34 DEPOSIT IN THE STATE MONUMENT AND MEMORIAL REPAIR FUND ESTABLISHED BY SECTION
35 41-1364 AND a verification that all employees for the project are insured and
36 that this state is indemnified against any liability in regard to the
37 construction.

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

41 C. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND SECTION 41-1364,
42 all fund-raising, establishment and administration of a fund for deposit of
43 monies and contracts for artistic design and construction of the monument or
44 memorial are the sole responsibility of the proponents.

1 D. THE PROPONENTS SHALL COLLECT AN AMOUNT EQUAL TO AT LEAST TEN PER
2 CENT OF THE ARTISTIC DESIGN AND CONSTRUCTION COSTS OF THE MONUMENT OR
3 MEMORIAL, WHICH THE DEPARTMENT OF ADMINISTRATION SHALL DEPOSIT IN THE STATE
4 MONUMENT AND MEMORIAL REPAIR FUND ESTABLISHED BY SECTION 41-1364. THE MONIES
5 MUST BE DEPOSITED IN THE FUND BEFORE THE BEGINNING OF CONSTRUCTION OF THE
6 MONUMENT OR MEMORIAL.

7 E. ON REVIEW AND APPROVAL BY THE LEGISLATIVE GOVERNMENTAL MALL
8 COMMISSION, THE DEPARTMENT OF ADMINISTRATION MAY RELOCATE MONUMENTS OR
9 MEMORIALS THAT ARE LOCATED IN THE GOVERNMENTAL MALL.

10 ~~D.~~ F. This section does not apply to monuments or memorials in which
11 a political subdivision has a contractual interest THAT ARE located in the
12 governmental mall but THAT ARE outside Wesley Bolin plaza.

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

15 41-1364. State monument and memorial repair fund; purpose;
16 report

17 A. THE STATE MONUMENT AND MEMORIAL REPAIR FUND IS ESTABLISHED
18 CONSISTING OF:

19 1. DONATIONS, INCLUDING MONIES DERIVED FROM FUND-RAISING ACTIVITIES
20 AND MONIES THAT ARE COLLECTED BY THE PROPONENTS OF A MONUMENT OR MEMORIAL AND
21 THAT ARE DEPOSITED PURSUANT TO SECTION 41-1363.

22 2. GRANTS RECEIVED FOR MONUMENTS OR MEMORIALS, EXCEPT FOR OTHERWISE
23 SPECIFICALLY DEDICATED GRANTS.

24 3. LEGISLATIVE APPROPRIATIONS.

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

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

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

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