Conference Engrossed

FILED

JANICE K. BREWER
SECRETARY OF STATE

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

CHAPTER 250

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)

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

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

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

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

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

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

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

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

4. After recommendations from the historical advisory commission regarding the historical integrity of the monument or memorial and after any necessary negotiations with the proponents, the legislative governmental mall commission, in consultation with the department of administration, shall approve the final design, dimensions, location and maintenance requirements of the monument or memorial, THE MINIMUM DOLLAR AMOUNT REQUIRED FOR DEPOSIT IN THE STATE MONUMENT AND MEMORIAL REPAIR FUND ESTABLISHED BY SECTION 41-1365 AND ANY STATEMENT, DECLARATION, WRITING OR INSCRIPTION THAT WILL BE IMPRINTED OR STAMPED ON THE MONUMENT OR MEMORIAL.

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

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

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

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

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

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

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

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

41-1364. <u>Alteration or modification to monuments and memorials within governmental mall; procedures; approval</u>

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

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

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

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

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

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

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

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

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

1. DONATIONS.

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

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

4. LEGISLATIVE APPROPRIATIONS.

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

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

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

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

Sec. 3. Emergency

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

APPROVED BY THE GOVERNOR JUNE 20, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 20, 2007.