

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)

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.

S.B. 1114

APPROVED BY THE GOVERNOR JUNE 20, 2007.

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