

REFERENCE TITLE: legislative governmental mall commission; establishment

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2252

Introduced by
Representative Wilmeth: Senator Alston

AN ACT

AMENDING SECTION 41-151.24, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2021, CHAPTER 187, SECTION 5; REPEALING SECTION 41-1307, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2021, CHAPTER 405, SECTION 27; AMENDING TITLE 41, CHAPTER 8, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1361; AMENDING SECTIONS 41-1362, 41-1363 AND 41-1364, ARIZONA REVISED STATUTES; REPEALING SECTION 41-1365, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2021, CHAPTER 405, SECTION 28; AMENDING SECTION 41-1365, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 279, SECTION 37; 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 41-151.24, Arizona Revised Statutes, as added by
3 Laws 2021, chapter 187, section 5, is amended to read:

4 41-151.24. Museum gift shop revolving fund; surcharge;
5 account; exemption

6 A. The museum gift shop revolving fund is established consisting of
7 gift shop proceeds received from the sale of goods, gifts, nonfederal
8 grants and donations. **THE MUSEUM GIFT SHOP ACCOUNT IS ESTABLISHED**
9 **CONSISTING OF SURCHARGES ASSESSED ON NATIVE AMERICAN ARTWORK.** The
10 director shall administer the fund **AND THE ACCOUNT.** Monies in the fund
11 are continuously appropriated. The director shall use the monies in the
12 fund to provide to the public goods for sale that are reflective of the
13 themes of the state capitol museum and this state.

14 B. **THE SECRETARY OF STATE AND THE DIRECTOR, IN CONSULTATION AND**
15 **COOPERATION WITH THE LEGISLATURE, SHALL ESTABLISH AN OUTREACH PROGRAM TO**
16 **ACQUIRE AND SELL NATIVE AMERICAN ARTWORK THAT IS MADE IN THIS STATE IN THE**
17 **MUSEUM GIFT SHOP. A SURCHARGE IN AN AMOUNT TO BE DETERMINED BY THE**
18 **DIRECTOR SHALL BE ASSESSED TO EACH NATIVE AMERICAN ARTWORK PIECE SOLD IN**
19 **THE MUSEUM GIFT SHOP. ALL MONIES RECEIVED FROM THE SURCHARGE SHALL BE**
20 **DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE MUSEUM GIFT SHOP**
21 **ACCOUNT ESTABLISHED BY THIS SECTION AND SHALL BE USED TO HELP SUPPORT AND**
22 **PROMOTE NATIVE AMERICAN ARTWORK. ON OR BEFORE JANUARY 1 OF EACH YEAR, THE**
23 **DIRECTOR SHALL REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE THE SALES,**
24 **ACQUISITION AND PROMOTION OF NATIVE AMERICAN ARTWORK. THE SPEAKER OF THE**
25 **HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE MAY JOINTLY**
26 **APPOINT A PERSON TO CONSULT WITH THE SECRETARY OF STATE AND THE DIRECTOR**
27 **FOR THE PURPOSES OF THIS SUBSECTION.**

28 ~~B.~~ C. Monies in the fund are exempt from the provisions of section
29 35-190 relating to lapsing of appropriations.

30 Sec. 2. Repeal

31 Section 41-1307, Arizona Revised Statutes, as amended by Laws 2021,
32 chapter 405, section 27, is repealed.

33 Sec. 3. Title 41, chapter 8, article 4, Arizona Revised Statutes,
34 is amended by adding section 41-1361, to read:

35 41-1361. Legislative governmental mall commission; members;
36 terms; compensation; definition

37 A. **THE LEGISLATIVE GOVERNMENTAL MALL COMMISSION IS ESTABLISHED**
38 **CONSISTING OF:**

39 1. **TWO MEMBERS WHO ARE APPOINTED BY THE GOVERNOR, ONE OF WHOM MUST**
40 **HAVE EXPERIENCE IN LAND PLANNING OR ARCHITECTURE.**

41 2. **THE PRESIDENT OF THE SENATE OR THE PRESIDENT'S DESIGNEE AS AN**
42 **ADVISORY MEMBER.**

43 3. **THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OR THE SPEAKER'S**
44 **DESIGNEE AS AN ADVISORY MEMBER.**

45 4. **ONE MEMBER OF THE PUBLIC WHO IS APPOINTED BY THE PRESIDENT OF**
46 **THE SENATE.**

1 5. ONE MEMBER OF THE PUBLIC WHO IS APPOINTED BY THE SPEAKER OF THE
2 HOUSE OF REPRESENTATIVES.

3 6. THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION OR THE
4 DIRECTOR'S DESIGNEE.

5 7. THE CHAIRPERSON OF THE HISTORICAL ADVISORY COMMISSION OR THE
6 CHAIRMAN'S DESIGNEE.

7 8. TWO MEMBERS WHO ARE APPOINTED BY THE CHAIRPERSON OF THE MARICOPA
8 COUNTY BOARD OF SUPERVISORS, ONE OF WHOM MUST HAVE EXPERIENCE IN COUNTY
9 PLANNING.

10 9. TWO MEMBERS WHO ARE APPOINTED BY THE MAYOR OF THE CITY OF
11 PHOENIX, ONE OF WHOM MUST HAVE EXPERIENCE IN URBAN PLANNING.

12 B. THE TERM OF OFFICE OF THE PUBLIC MEMBERS IS THREE YEARS.

13 C. MEMBERS OF THE COMMISSION ARE NOT ELIGIBLE TO RECEIVE
14 COMPENSATION BUT ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO
15 TITLE 38, CHAPTER 4, ARTICLE 2.

16 D. FOR THE PURPOSES OF THIS SECTION, "ADVISORY MEMBER" MEANS A
17 MEMBER WHO GIVES ADVICE TO THE OTHER MEMBERS OF THE LEGISLATIVE
18 GOVERNMENTAL MALL COMMISSION AT MEETINGS OF THE COMMISSION BUT WHO IS NOT
19 ELIGIBLE TO VOTE, IS NOT A MEMBER FOR PURPOSES OF DETERMINING WHETHER A
20 QUORUM IS PRESENT AND IS NOT ELIGIBLE TO RECEIVE ANY COMPENSATION OR
21 REIMBURSEMENT OF EXPENSES BY THE COMMISSION.

22 Sec. 4. Section 41-1362, Arizona Revised Statutes, is amended to
23 read:

24 41-1362. Powers and duties; governmental mall description;
25 duty of city of Phoenix; general plan application

26 A. The ~~department of administration~~ LEGISLATIVE GOVERNMENTAL MALL
27 COMMISSION may:

28 1. Accept gifts or grants of monies or other property from any
29 person, including the United States or any agencies, departments or
30 officers of ~~the~~ THIS state.

31 2. APPOINT AND EMPLOY OFFICERS AND EMPLOYEES AS IT DEEMS NECESSARY.

32 ~~2.~~ 3. Prescribe rules as necessary to carry out this article.

33 B. The ~~department of administration~~ COMMISSION shall:

34 1. ELECT A CHAIRPERSON FROM AMONG ITS MEMBERS.

35 ~~1.~~ 2. Develop and maintain and amend as necessary a comprehensive
36 long-range general plan for the development of the governmental mall
37 composed of the area described in subsection C of this section.

38 ~~2.~~ 3. Encourage public agencies as defined in section 11-951 to
39 enter into intergovernmental agreements or contracts pursuant to title 11,
40 chapter 7, article 3 as necessary to implement the general plan for the
41 development of the governmental mall.

42 ~~3.~~ 4. Review and approve or disapprove in writing requests for
43 permission to develop structures or sites or award construction contracts
44 for new buildings or improvements within the governmental mall. The
45 ~~department~~ COMMISSION shall review requests submitted by this state or a
46 political subdivision of this state in which this state or political

1 subdivision has a contractual interest to ensure consistency with the
2 approved general plan.

3 ~~4.~~ 5. Review all planning activities within governmental mall
4 boundaries.

5 ~~5.~~ 6. Publish an annual report on the issues brought before the
6 ~~department~~ COMMISSION and its recommendations.

7 C. The governmental mall is composed of the area with a western
8 boundary of nineteenth avenue, a northern boundary of all lots abutting
9 Van Buren street, an eastern boundary of seventh avenue and a southern
10 boundary of the Harrison street alignment.

11 D. The city of Phoenix annually shall inform the ~~department of~~
12 ~~administration~~ COMMISSION of new major development projects and new major
13 infrastructure improvements, including parks, streets and ~~street-scaping~~
14 STREETS CAPING within the downtown area redevelopment plan as defined in
15 section 36-1471.

16 E. If the general plan of the city, county or state agency for land
17 development does not conform with the general plan developed by the
18 ~~department of administration~~ COMMISSION for the development of the
19 governmental mall, the general plan developed by the ~~department~~ COMMISSION
20 for the development of the governmental mall applies and shall be
21 enforced.

22 Sec. 5. Section 41-1363, Arizona Revised Statutes, is amended to
23 read:

24 41-1363. Monuments and memorials within governmental mall;
25 legislative authorization; approval; procedure

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

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

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

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

38 3. THE DEPARTMENT OF ADMINISTRATION SHALL SUBMIT ITS REVIEW AND
39 RECOMMENDATIONS TO THE LEGISLATIVE GOVERNMENTAL MALL COMMISSION, INCLUDING
40 RECOMMENDATIONS REGARDING ITS ABILITY TO MAINTAIN THE MONUMENT OR
41 MEMORIAL.

42 ~~3.~~ 4. After recommendations from the historical advisory
43 commission regarding the historical integrity of the monument or memorial
44 and after any necessary negotiations with the proponents, THE LEGISLATIVE
45 GOVERNMENTAL MALL COMMISSION, IN CONSULTATION WITH the department of
46 administration, shall approve the final design, dimensions, location and

1 maintenance requirements of the monument or memorial, the minimum dollar
2 amount required for deposit in the state monument and memorial repair fund
3 established by section 41-1365 and any statement, declaration, writing or
4 inscription that will be imprinted or stamped on the monument or memorial.

5 ~~4.~~ 5. Before ~~the beginning of~~ construction of the monument or
6 memorial **BEGINS**, the proponents shall enter into a contract with the
7 department of administration specifying the conditions of the design,
8 dimensions and location of the monument or memorial, a list of the
9 artists, contractors and subcontractors that will be employed, the minimum
10 dollar amount required for deposit in the state monument and memorial
11 repair fund established by section 41-1365 and a verification that all
12 employees for the project are insured and that this state is indemnified
13 against any liability in regard to the construction.

14 ~~5.~~ 6. An approved monument or memorial shall be completed and
15 dedicated to this state within two years after the effective date of the
16 legislative act authorizing the monument or memorial.

17 C. Except as otherwise provided in this section or section 41-1365,
18 all ~~fund-raising and~~ **FUNDRAISING**, the establishment and administration of
19 a fund for deposit of monies and **ALL** contracts for artistic design and
20 construction of the monument or memorial are the sole responsibility of
21 the proponents.

22 D. If the completed monument or memorial deviates from the final
23 design or dimension that was approved by the ~~department of administration~~
24 **LEGISLATIVE GOVERNMENTAL MALL COMMISSION** or any statement, declaration,
25 writing or inscription that is imprinted or stamped on the monument or
26 memorial deviates from that which was approved by the ~~department~~
27 **COMMISSION**, the proponents are responsible for any costs incurred to
28 conform the monument or memorial to the approved form.

29 E. The proponents shall collect an amount equal to at least ten
30 percent of the artistic design and construction costs of the monument or
31 memorial or the amount approved by the ~~department of administration~~
32 **LEGISLATIVE GOVERNMENTAL MALL COMMISSION** as provided in subsection B of
33 this section. The department **OF ADMINISTRATION** shall deposit these monies
34 in the state monument and memorial repair fund established by section
35 41-1365 for ~~the maintenance, repair, reconditioning or relocation of~~
36 **MAINTAINING, REPAIRING, RECONDITIONING OR RELOCATING** that monument or
37 memorial. The monies must be deposited in the fund before the beginning
38 of construction of the monument or memorial.

39 F. **ON REVIEW AND APPROVAL BY THE LEGISLATIVE GOVERNMENTAL MALL**
40 **COMMISSION**, the department of administration may relocate monuments or
41 memorials that are located in the governmental mall.

42 G. This section does not apply to monuments or memorials in which a
43 political subdivision has a contractual interest **AND** that are located in
44 the governmental mall but that are outside Wesley Bolin plaza.

1 Sec. 8. Section 41-1365, Arizona Revised Statutes, as amended by
2 Laws 2018, chapter 279, section 37, is amended to read:

3 41-1365. State monument and memorial repair fund; purpose;
4 annual report; exemption

5 A. The state monument and memorial repair fund is established
6 consisting of:

- 7 1. Donations.
- 8 2. Monies from ~~fund-raising~~ FUNDRAISING activities.
- 9 3. Monies that are collected by the proponents of a monument or
10 memorial and that are deposited pursuant to section 41-1363.
- 11 4. Grants received for monuments or memorials, except for otherwise
12 specifically dedicated grants.
- 13 5. Legislative appropriations.

14 B. The department of administration shall administer the fund. All
15 monies in the fund are subject to legislative appropriation. Subject to
16 this section, the department shall use monies appropriated from the fund
17 ~~for TO:~~

- 18 1. ~~The maintenance~~ MAINTAIN, repair, ~~reconditioning~~ RECONDITION or
19 ~~relocation of~~ RELOCATE monuments or memorials. ~~and for~~
- 20 2. ~~Supporting~~ SUPPORT mechanical equipment in the governmental
21 mall.

22 C. The department OF ADMINISTRATION shall separately account for
23 monies to a specific monument or memorial that is dedicated to this state
24 for ~~maintenance, repair~~ MAINTAINING, REPAIRING, reconditioning or
25 ~~relocation of~~ RELOCATING that monument or memorial as follows:

- 26 1. Monies that are donated for the benefit of the specific monument
27 or memorial.
- 28 2. Monies that are derived from ~~fund-raising~~ FUNDRAISING activities
29 and that are collected for the benefit of a specific monument or memorial.
- 30 3. Monies that are collected and deposited pursuant to subsection
31 A, paragraph 3 of this section.

32 D. On or before November 1 of each year, the department of
33 administration shall submit to the ~~joint legislative budget committee~~
34 LEGISLATIVE GOVERNMENTAL MALL COMMISSION a report that accounts for all
35 monies deposited in the fund. The report shall include the sources of the
36 monies received for deposit, by category, and the purposes for which the
37 monies were used during the preceding fiscal year.

38 E. The department of administration shall hold the monies in the
39 fund in trust for the citizens of this state until spent on an authorized
40 monument or memorial, and monies in the fund shall not be spent or
41 appropriated for any other purpose.

42 F. Monies in the fund are exempt from the provisions of section
43 35-190 relating to lapsing of appropriations.