

REFERENCE TITLE: governmental mall; legislative council

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1407

Introduced by
Senator Gowan

AN ACT

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 LEGISLATIVE 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 41-1362, Arizona Revised Statutes, is amended to
3 read:

4 41-1362. Legislative council; powers and duties; governmental
5 mall description; duty of city of Phoenix; general
6 plan application

7 A. The ~~department of administration~~ LEGISLATIVE COUNCIL may:

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

11 2. Prescribe rules as necessary to carry out this article.

12 B. The ~~department of administration~~ LEGISLATIVE COUNCIL shall:

13 1. Develop and maintain and amend as necessary a comprehensive
14 long-range general plan for the development of the governmental mall
15 composed of the area described in subsection C of this section.

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

20 3. Review and approve or disapprove in writing requests for
21 permission to develop structures or sites or award construction contracts
22 for new buildings or improvements within the governmental mall. The
23 ~~department~~ LEGISLATIVE COUNCIL shall review requests submitted by this
24 state or a political subdivision of this state in which this state or
25 political subdivision has a contractual interest to ensure consistency
26 with the approved general plan.

27 4. Review all planning activities within governmental mall
28 boundaries.

29 5. Publish an annual report on the issues brought before the
30 ~~department~~ LEGISLATIVE COUNCIL and its recommendations.

31 C. The governmental mall is composed of the area with a western
32 boundary of nineteenth avenue, a northern boundary of all lots abutting
33 Van Buren street, an eastern boundary of seventh avenue and a southern
34 boundary of the Harrison street alignment.

35 D. The city of Phoenix annually shall inform the ~~department of~~
36 ~~administration~~ LEGISLATIVE COUNCIL of new major development projects and
37 new major infrastructure improvements, including parks, streets and
38 ~~street-scaping~~ STREETSCAPING within the downtown area redevelopment plan
39 as defined in section 36-1471.

40 E. If the general plan of the city, county or state agency for land
41 development does not conform with the general plan developed by the
42 ~~department of administration~~ LEGISLATIVE COUNCIL for the development of
43 the governmental mall, the general plan developed by the ~~department~~
44 LEGISLATIVE COUNCIL for the development of the governmental mall applies
45 and shall be enforced.

1 Sec. 2. Section 41-1363, Arizona Revised Statutes, is amended to
2 read:

3 41-1363. Monuments and memorials within governmental mall;
4 legislative authorization; approval; procedure

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

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

11 1. The proponents shall submit a concept to the ~~department of~~
12 ~~administration~~ LEGISLATIVE COUNCIL for the design, dimensions and location
13 of the monument or memorial.

14 2. The ~~department of administration~~ LEGISLATIVE COUNCIL shall
15 review the concept and determine the most appropriate location that
16 highlights the monument or memorial and preserves the integrity of the
17 governmental mall.

18 3. After recommendations from the historical advisory commission
19 regarding the historical integrity of the monument or memorial and after
20 any necessary negotiations with the proponents, the ~~department of~~
21 ~~administration~~ LEGISLATIVE COUNCIL shall approve the final design,
22 dimensions, location and maintenance requirements of the monument or
23 memorial, the minimum dollar amount required for deposit in the state
24 monument and memorial repair fund established by section 41-1365 and any
25 statement, declaration, writing or inscription that will be imprinted or
26 stamped on the monument or memorial.

27 4. Before ~~the beginning of~~ construction of the monument or memorial
28 ~~BEGINS~~, the proponents shall enter into a contract with the ~~department of~~
29 ~~administration~~ LEGISLATIVE COUNCIL specifying the conditions of the
30 design, dimensions and location of the monument or memorial, a list of the
31 artists, contractors and subcontractors that will be employed, the minimum
32 dollar amount required for deposit in the state monument and memorial
33 repair fund established by section 41-1365 and a verification that all
34 employees for the project are insured and that this state is indemnified
35 against any liability in regard to the construction.

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

39 C. Except as otherwise provided in this section or section 41-1365,
40 all ~~fund-raising~~ FUNDRAISING and the establishment and administration of a
41 fund for deposit of monies and contracts for artistic design and
42 construction of the monument or memorial are the sole responsibility of
43 the proponents.

1 D. If the completed monument or memorial deviates from the final
2 design or dimension that was approved by the ~~department of administration~~
3 LEGISLATIVE COUNCIL or any statement, declaration, writing or inscription
4 that is imprinted or stamped on the monument or memorial deviates from
5 that which was approved by the ~~department~~ LEGISLATIVE COUNCIL, the
6 proponents are responsible for any costs incurred to conform the monument
7 or memorial to the approved form.

8 E. The proponents shall collect an amount equal to at least ten
9 percent of the artistic design and construction costs of the monument or
10 memorial or the amount approved by the ~~department of administration~~
11 LEGISLATIVE COUNCIL as provided in subsection B of this section. The
12 ~~department~~ LEGISLATIVE COUNCIL shall deposit these monies in the state
13 monument and memorial repair fund established by section 41-1365 for the
14 maintenance, repair, reconditioning or relocation of that monument or
15 memorial. The monies must be deposited in the fund before the beginning
16 of construction of the monument or memorial.

17 F. The ~~department of administration~~ LEGISLATIVE COUNCIL may
18 relocate monuments or memorials that are located in the governmental mall.

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

22 Sec. 3. Section 41-1364, Arizona Revised Statutes, is amended to
23 read:

24 41-1364. Alteration or modification to monuments and
25 memorials within governmental mall; procedures;
26 approval

27 A. Any alteration or modification to an existing monument or
28 memorial that was completed pursuant to section 41-1363 must abide by the
29 following 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
32 or modification to the ~~department of administration~~ LEGISLATIVE COUNCIL.

33 2. After recommendations from the historical advisory commission
34 regarding what impact the proposed alteration or modification would have
35 on the historical integrity of the existing monument or memorial and after
36 any necessary negotiations with the proponents, the ~~department of~~
37 ~~administration~~ LEGISLATIVE COUNCIL shall approve or reject the proposed
38 alteration or modification.

39 3. If the proposed alteration or modification is approved and
40 before the beginning of construction involved in implementing the
41 alteration or modification to the monument or memorial, the proponents
42 shall enter into a contract with the ~~department of administration~~
43 LEGISLATIVE COUNCIL specifying the scope of the alteration or modification
44 to the monument or memorial, a list of the artists, contractors and
45 subcontractors that will be employed and a verification that all employees

1 for the project are insured and that this state is indemnified against any
2 liability in regard to the construction involved in implementing the
3 alteration or modification to the monument or memorial.

4 4. The alteration or modification to an existing monument or
5 memorial shall be completed and dedicated to this state within two years
6 after the effective date of the approval of the alteration or modification
7 by the ~~department of administration~~ LEGISLATIVE COUNCIL.

8 B. All ~~fund-raising~~ FUNDRAISING and the establishment and
9 administration of a fund for deposit of monies and contracts for artistic
10 design and construction of the alteration or modification to the existing
11 monument or memorial are the sole responsibility of the proponents.

12 Sec. 4. Repeal

13 Section 41-1365, Arizona Revised Statutes, as amended by Laws 2021,
14 chapter 405, section 28, is repealed.

15 Sec. 5. Section 41-1365, Arizona Revised Statutes, as amended by
16 Laws 2018, chapter 279, section 37, is amended to read:

17 41-1365. State monument and memorial repair fund; purpose;
18 annual report; exemption

19 A. The state monument and memorial repair fund is established
20 consisting of:

- 21 1. Donations.
- 22 2. Monies from ~~fund-raising~~ FUNDRAISING activities.
- 23 3. Monies that are collected by the proponents of a monument or
24 memorial and that are deposited pursuant to section 41-1363.
- 25 4. Grants received for monuments or memorials, except for otherwise
26 specifically dedicated grants.
- 27 5. Legislative appropriations.

28 B. The ~~department of administration~~ LEGISLATIVE COUNCIL shall
29 administer the fund. All monies in the fund are subject to legislative
30 appropriation. Subject to this section, the department shall use monies
31 appropriated from the fund ~~for~~ TO:

- 32 1. ~~The maintenance~~ MAINTAIN, repair, ~~reconditioning~~ RECONDITION or
33 ~~relocation of~~ RELOCATE monuments or memorials. ~~and for~~
- 34 2. ~~Supporting~~ SUPPORT mechanical equipment in the governmental
35 mall.

36 C. The ~~department~~ LEGISLATIVE COUNCIL shall separately account for
37 monies to a specific monument or memorial that is dedicated to this state
38 for ~~maintenance, repair~~ MAINTAINING, REPAIRING, reconditioning or
39 ~~relocation of~~ RELOCATING that monument or memorial as follows:

- 40 1. Monies that are donated for the benefit of the specific monument
41 or memorial.
- 42 2. Monies that are derived from ~~fund-raising~~ FUNDRAISING activities
43 and that are collected for the benefit of a specific monument or memorial.
- 44 3. Monies that are collected and deposited pursuant to subsection
45 A, paragraph 3 of this section.

1 D. On or before November 1 of each year, the ~~department of~~
2 ~~administration~~ LEGISLATIVE COUNCIL shall submit to the joint legislative
3 budget committee a report that accounts for all monies deposited in the
4 fund. The report shall include the sources of the monies received for
5 deposit, by category, and the purposes for which the monies were used
6 during the preceding fiscal year.

7 E. The ~~department of administration~~ LEGISLATIVE COUNCIL shall hold
8 the monies in the fund in trust for the citizens of this state until spent
9 on an authorized monument or memorial, and monies in the fund shall not be
10 spent or appropriated for any other purpose.

11 F. Monies in the fund are exempt from the provisions of section
12 35-190 relating to lapsing of appropriations.