

Senate Engrossed

~~governmental mall; legislative council~~
(now: state capitol areas; jurisdiction; maintenance)

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

SENATE BILL 1407

AN ACT

AMENDING SECTIONS 41-1304.05, 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 STATE GOVERNMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-1304.05, Arizona Revised Statutes, is amended
3 to read:

4 41-1304.05. State capitol building areas and other
5 facilities; jurisdiction; maintenance;
6 definition

7 A. The legislative council is responsible for the allocation of
8 space, operation, alteration, renovation and control of the following:

9 1. The original 1898 statehouse area of the state capitol building
10 known as the state capitol museum.

11 2. The 1919 wing and the 1938 justice addition of the state capitol
12 building known jointly as the legislative services wing.

13 3. Any other facility acquired for legislative use and placed under
14 legislative council jurisdiction and the grounds adjacent to it.

15 4. EXCEPT AS PROVIDED IN SUBSECTION C, PARAGRAPH 2 OF THIS SECTION,
16 THE WESLEY BOLIN MEMORIAL PLAZA EAST OF THE STATE CAPITOL BUILDING.

17 ~~4.~~ 5. Except as provided in subsections B and C of this section,
18 the grounds adjacent to the state capitol museum, the legislative services
19 wing, the house of representatives wing and the senate wing and comprising
20 the area east of the state capitol executive tower with a northern
21 boundary of west Adams street, an eastern boundary of Seventeenth avenue
22 and a southern boundary of west Jefferson street in Phoenix, Arizona.

23 B. The speaker of the state house of representatives is responsible
24 for the following:

25 1. The allocation of space, operation, alteration, renovation and
26 control of the house of representatives wing of the state capitol
27 building.

28 2. The allocation of space and control of the parking lot area
29 adjacent to the house of representatives wing, the parking lot area with a
30 southern boundary of west Adams street, an eastern boundary of Seventeenth
31 avenue and a northern boundary of west Monroe street in Phoenix, Arizona
32 and comprised of one hundred five parking spaces and the southeast portion
33 of the parking lot area with a southern boundary of west Monroe street and
34 an eastern boundary of Seventeenth avenue in Phoenix, Arizona and
35 comprised of fifty parking spaces.

36 C. The president of the state senate is responsible for the
37 following:

38 1. The allocation of space, operation, alteration, renovation and
39 control of the senate wing of the state capitol building.

40 2. The allocation of space and control of the parking lot area
41 adjacent to the senate wing and the southwest portion of the parking lot
42 area of the Wesley Bolin memorial plaza east of the state capitol building
43 and comprised of one hundred twenty parking spaces.

1 D. The joint legislative budget committee is responsible for the
2 allocation of space, operation, alteration, renovation and control of the
3 building located at 1716 ~~W.~~ WEST Adams in Phoenix.

4 E. The director of the department of administration is responsible
5 for the maintenance of the entire state capitol building.

6 F. For the purposes of this section, "control" includes security
7 services.

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

10 41-1363. Monuments and memorials within governmental mall:
11 legislative authorization; approval; procedure

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

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

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

21 2. The ~~department of administration~~ LEGISLATIVE COUNCIL shall
22 review the concept and determine the most appropriate location that
23 highlights the monument or memorial and preserves the integrity of the
24 governmental mall.

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

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

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

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

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

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

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

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

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

29 41-1364. Alteration or modification to monuments and
30 memorials within governmental mall; procedures;
31 approval

32 A. Any alteration or modification to an existing monument or
33 memorial that was completed pursuant to section 41-1363 must abide by the
34 following procedures:

35 1. The proponents of the monument or memorial that submitted the
36 concept pursuant to section 41-1363 shall submit the proposed alteration
37 or modification to the ~~department of administration~~ LEGISLATIVE COUNCIL.

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

1 3. If the proposed alteration or modification is approved and
2 before the beginning of construction involved in implementing the
3 alteration or modification to the monument or memorial, the proponents
4 shall enter into a contract with the ~~department of administration~~
5 LEGISLATIVE COUNCIL specifying the scope of the alteration or modification
6 to the monument or memorial, a list of the artists, contractors and
7 subcontractors that will be employed and a verification that all employees
8 for the project are insured and that this state is indemnified against any
9 liability in regard to the construction involved in implementing the
10 alteration or modification to the monument or memorial.

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

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

19 Sec. 4. Repeal

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

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

24 41-1365. State monument and memorial repair fund; purpose;
25 annual report; exemption

26 A. The state monument and memorial repair fund is established
27 consisting of:

- 28 1. Donations.
- 29 2. Monies from ~~fund-raising~~ FUNDRAISING activities.
- 30 3. Monies that are collected by the proponents of a monument or
31 memorial and that are deposited pursuant to section 41-1363.
- 32 4. Grants received for monuments or memorials, except for otherwise
33 specifically dedicated grants.
- 34 5. Legislative appropriations.

35 B. The ~~department of administration~~ LEGISLATIVE COUNCIL shall
36 administer the fund. All monies in the fund are subject to legislative
37 appropriation. Subject to this section, the department shall use monies
38 appropriated from the fund ~~for~~ TO:

- 39 1. ~~The maintenance~~ MAINTAIN, repair, ~~reconditioning~~ RECONDITION or
40 ~~relocation of~~ RELOCATE monuments or memorials. ~~and for~~
- 41 2. ~~Supporting~~ SUPPORT mechanical equipment in the governmental
42 mall.

1 C. The ~~department~~ LEGISLATIVE COUNCIL shall separately account for
2 monies to a specific monument or memorial that is dedicated to this state
3 for ~~maintenance, repair~~ MAINTAINING, REPAIRING, reconditioning or
4 ~~relocation of~~ RELOCATING that monument or memorial as follows:
5 1. Monies that are donated for the benefit of the specific monument
6 or memorial.
7 2. Monies that are derived from ~~fund-raising~~ FUNDRAISING activities
8 and that are collected for the benefit of a specific monument or memorial.
9 3. Monies that are collected and deposited pursuant to subsection
10 A, paragraph 3 of this section.
11 D. On or before November 1 of each year, the ~~department of~~
12 ~~administration~~ LEGISLATIVE COUNCIL shall submit to the joint legislative
13 budget committee a report that accounts for all monies deposited in the
14 fund. The report shall include the sources of the monies received for
15 deposit, by category, and the purposes for which the monies were used
16 during the preceding fiscal year.
17 E. The ~~department of administration~~ LEGISLATIVE COUNCIL shall hold
18 the monies in the fund in trust for the citizens of this state until spent
19 on an authorized monument or memorial, and monies in the fund shall not be
20 spent or appropriated for any other purpose.
21 F. Monies in the fund are exempt from the provisions of section
22 35-190 relating to lapsing of appropriations.