

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HOUSE BILL 2001

AN ACT

AMENDING SECTIONS 41-1363 AND 41-1365, ARIZONA REVISED STATUTES; AMENDING LAWS 2006, CHAPTER 350, SECTION 5; RELATING TO STATE MONUMENTS AND MEMORIALS.

(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~~ THAT MONUMENT OR MEMORIAL. The
16 monies must be deposited in the fund before the beginning of construction of
17 the monument or memorial.

18 F. On review and approval by the legislative governmental mall
19 commission, the department of administration may relocate monuments or
20 memorials that are located in the governmental mall.

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

24 Sec. 2. Section 41-1365, Arizona Revised Statutes, is amended to read:
25 41-1365. State monument and memorial repair fund; purpose;
26 report

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

- 29 1. Donations.
- 30 2. Monies derived from fund-raising activities. ~~and~~
- 31 3. Monies that are collected by the proponents of a monument or
32 memorial and that are deposited pursuant to section 41-1363.
- 33 ~~3-~~ 4. Grants received for monuments or memorials, except for
34 otherwise specifically dedicated grants.
- 35 ~~4-~~ 5. Legislative appropriations.

36 B. The department of administration shall administer the fund. ~~If a~~
37 ~~donor designates that a donation is for the benefit of a specific monument or~~
38 ~~memorial that is dedicated to this state, the department shall separately~~
39 ~~account for the monies.~~ All monies in the fund are subject to legislative
40 appropriation. **SUBJECT TO THIS SECTION**, the department shall use monies
41 appropriated from the fund for the maintenance, repair, reconditioning or
42 relocation of monuments or memorials and for supporting mechanical equipment
43 in the governmental mall.

1 C. THE DEPARTMENT SHALL SEPARATELY ACCOUNT FOR MONIES TO A SPECIFIC
2 MONUMENT OR MEMORIAL THAT IS DEDICATED TO THIS STATE FOR MAINTENANCE, REPAIR,
3 RECONDITIONING OR RELOCATION OF THAT MONUMENT OR MEMORIAL AS FOLLOWS:

4 1. MONIES THAT ARE DONATED FOR THE BENEFIT OF THE SPECIFIC MONUMENT OR
5 MEMORIAL.

6 2. MONIES THAT ARE DERIVED FROM FUND-RAISING ACTIVITIES AND THAT ARE
7 COLLECTED FOR THE BENEFIT OF A SPECIFIC MONUMENT OR MEMORIAL.

8 3. MONIES THAT ARE COLLECTED AND DEPOSITED PURSUANT TO SUBSECTION A,
9 PARAGRAPH 3 OF THIS SECTION.

10 ~~C.~~ D. On or before November 1 of each year, the department of
11 administration shall submit to the legislative governmental mall commission a
12 report that accounts for all monies deposited in the fund. The report shall
13 include the sources of the monies received for deposit, by category, and the
14 purposes for which the monies were used during the preceding fiscal year.

15 ~~D.~~ E. The department of administration shall hold the monies in the
16 fund in trust for the citizens of this state until spent on an authorized
17 monument or memorial, and monies in the fund shall not be spent or
18 appropriated for any other purpose.

19 ~~E.~~ F. Monies in the fund are exempt from the provisions of section
20 35-190 relating to lapsing of appropriations.

21 Sec. 3. Laws 2006, chapter 350, section 5 is amended to read:

22 Sec. 5. Bill of Rights commemorative monument; procedures

23 A. Pursuant to section 41-1363, subsection A, Arizona Revised
24 Statutes, this section authorizes the department of administration to provide
25 for the placement of a monument dedicated to the commemoration of the federal
26 Bill of Rights in Wesley Bolin plaza.

27 B. The procedures prescribed in section 41-1363, subsection B, Arizona
28 Revised Statutes, apply to the establishment of the monument, **EXCEPT THAT**
29 **NOTWITHSTANDING SECTION 41-1363, SUBSECTION B, PARAGRAPH 6, ARIZONA REVISED**
30 **STATUTES, THE BILL OF RIGHTS COMMEMORATIVE MONUMENT MUST BE COMPLETED AND**
31 **DEDICATED TO THIS STATE ON OR BEFORE DECEMBER 31, 2013.**

32 C. No public monies are authorized for the costs of the monument. All
33 fund-raising and contracts for artistic design and construction of the
34 monument are the sole responsibility of the proponents. This state shall not
35 facilitate fund-raising or establish a state fund for the deposit of the
36 monies.