Senate Engrossed

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

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

CHAPTER 357

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

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

41-1304.05. **State capitol building areas and other**
facilities; **jurisdiction;** maintenance;
**definition**

A. The legislative council is responsible for the allocation of
space, operation, alteration, renovation and control of the following:
1. The original 1898 statehouse area of the state capitol building
known as the state capitol museum.
2. The 1919 wing and the 1938 justice addition of the state capitol
building known jointly as the legislative services wing.
3. Any other facility acquired for legislative use and placed under
legislative council jurisdiction and the grounds adjacent to it.
4. EXCEPT AS PROVIDED IN SUBSECTION C, PARAGRAPH 2 OF THIS SECTION,
THE WESLEY BOLIN MEMORIAL PLAZA EAST OF THE STATE CAPITOL BUILDING.
4. 5. Except as provided in subsections B and C of this section,
the grounds adjacent to the state capitol museum, the legislative services
wing, the house of representatives wing and the senate wing and comprising
the area east of the state capitol executive tower with a northern
boundary of west Adams street, an eastern boundary of Seventeenth avenue
and a southern boundary of west Jefferson street in Phoenix, Arizona.
B. The speaker of the state house of representatives is responsible
for the following:
1. The allocation of space, operation, alteration, renovation and
control of the house of representatives wing of the state capitol
building.
2. The allocation of space and control of the parking lot area
adjacent to the house of representatives wing, the parking lot area with a
southern boundary of west Adams street, an eastern boundary of Seventeenth
avenue and a northern boundary of west Monroe street in Phoenix, Arizona
and comprised of one hundred five parking spaces and the southeast portion
of the parking lot area with a southern boundary of west Monroe street and
an eastern boundary of Seventeenth avenue in Phoenix, Arizona and
comprised of fifty parking spaces.
C. The president of the state senate is responsible for the
following:
1. The allocation of space, operation, alteration, renovation and
control of the senate wing of the state capitol building.
2. The allocation of space and control of the parking lot area
adjacent to the senate wing and the southwest portion of the parking lot
area of the Wesley Bolin memorial plaza east of the state capitol building
and comprised of one hundred twenty parking spaces.
D. The joint legislative budget committee is responsible for the allocation of space, operation, alteration, renovation and control of the building located at 1716 W. WEST Adams in Phoenix.

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

F. For the purposes of this section, “control” includes security services.

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

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

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

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

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

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

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

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

5. An approved monument or memorial shall be completed and dedicated to this state within two years after the effective date of the legislative act authorizing the monument or memorial.
C. Except as otherwise provided in this section or section 41-1365, all fund-raising and the establishment and administration of a fund for deposit of monies and contracts for artistic design and construction of the monument or memorial are the sole responsibility of the proponents.

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

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

F. The department may relocate monuments or memorials that are located in the governmental mall.

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

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

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

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

1. The proponents of the monument or memorial that submitted the concept pursuant to section 41-1363 shall submit the proposed alteration or modification to the department.

2. After recommendations from the historical advisory commission regarding what impact the proposed alteration or modification would have on the historical integrity of the existing monument or memorial and after any necessary negotiations with the proponents, the department shall approve or reject the proposed alteration or modification.
3. If the proposed alteration or modification is approved and before the beginning of construction involved in implementing the alteration or modification to the monument or memorial, the proponents shall enter into a contract with the department of administration specifying the scope of the alteration or modification to the monument or memorial, a list of the artists, contractors and subcontractors that will be employed and a verification that all employees for the project are insured and that this state is indemnified against any liability in regard to the construction involved in implementing the alteration or modification to the monument or memorial.

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

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

Sec. 4. Repeal

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

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

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

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

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

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

1. The maintenance, repair, reconditioning or relocation of monuments or memorials, and for:
2. Supporting mechanical equipment in the governmental mall.
C. The department LEGISLATIVE COUNCIL shall separately account for monies to a specific monument or memorial that is dedicated to this state for maintenance, repair MAINTAINING, REPAIRING, reconditioning or relocation of RELOCATING that monument or memorial as follows:

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

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

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

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

APPROVED BY THE GOVERNOR JULY 6, 2022.