

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

SENATE BILL 403

4
5 By: Senator B. Sample

For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS CAPITOL GROUNDS MONUMENT
9 AND MEMORIAL PRESERVATION FUND; AND FOR OTHER
10 PURPOSES.

Subtitle

14 TO AMEND THE ARKANSAS CAPITOL GROUNDS
15 MONUMENT AND MEMORIAL PRESERVATION FUND.

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19
20 SECTION 1. Arkansas Code § 19-5-1125 is amended to read as follows:

21 19-5-1125. Arkansas Capitol Grounds Monument and Memorial Preservation
22 Fund.

23 (a) As used in this section:

24 (1) "Memorial area" means the designated area of the State
25 Capitol grounds for use in remembrance and honoring a person or group of
26 persons; and

27 (2) "Monument" means a statue, display, or other artful fixture
28 that is constructed to be attached to a memorial area.

29 ~~(a)(1)(b)(1)~~ There is created on the books of the Treasurer of State,
30 the Auditor of State, and the Chief Fiscal Officer of the State a fund to be
31 known as the "Arkansas Capitol Grounds Monument and Memorial Preservation
32 Fund".

33 (2) The fund shall consist of funds made available from private
34 donations received by the Capitol Arts and Grounds Commission ~~or the~~
35 ~~Secretary of State~~, fees paid by sponsors of the monuments and ~~memorials~~
36 memorial areas, and any additional moneys appropriated to the fund by the



1 General Assembly.

2 ~~(b)(1)(c)(1)(A) Following~~ Except as provided under subdivision
 3 (c)(1)(B) of this section, the enactment of an act authorizing the memorial
 4 area or monument and before ~~beginning~~ construction, improvement, or placement
 5 begins, ~~any a~~ group or organization that sponsors and pays the cost of the
 6 construction, improvement, ~~or placement,~~ or replacement of a memorial area or
 7 monument on the State Capitol grounds shall pay to the Secretary of State a
 8 fee for placement, improvements to, or replacement of the monument or
 9 memorial area into the fund a fee of:

10 (i) Ten percent (10%) of the cost of the
 11 construction, improvement, or placement of the monument or memorial; and

12 (ii) Ten percent (10%) of the construction cost of
 13 the memorial area.

14 (B) The Secretary of State may allow the beginning of
 15 construction of a memorial area on State Capitol Grounds if:

16 (i) A dedicated funding source has been established
 17 for the purpose of payment of the fees under this subsection (c); and

18 (ii) The organization demonstrates that substantial
 19 funds have been raised to complete the project.

20 (2) The fee collected under subdivision (c)(1) of this section:

21 (A) Shall be deposited into the fund; and

22 (B) May be used for the maintenance of any monument or
 23 memorial area on the State Capitol grounds.

24 ~~(2)(3) The amount of the fee shall may be determined reviewed~~ by
 25 the commission, and the initial basis of the fee shall be determined by the
 26 group or organization sponsoring the monument or memorial and paying the cost
 27 of construction, improvement, or placement as to how the fee under subsection
 28 (c) of this section was calculated by the Secretary of State.

29 ~~(3) After the construction, improvement, or placement is~~
 30 ~~complete, the sponsor shall submit to the commission an affidavit stating the~~
 31 ~~actual cost of the construction, improvement, or placement, and if the~~
 32 ~~commission determines that the actual cost is higher or lower than the~~
 33 ~~estimate, the commission shall adjust the fee.~~

34 ~~(4) The sponsor may donate or request a refund of any amount~~
 35 ~~paid in excess of the fee.~~

36 ~~(5) If the initial fee paid into the fund is insufficient, the~~

1 ~~sponsor shall pay to the commission the additional fee.~~

2 ~~(e)(1)~~(d)(1) All moneys deposited into the fund and any accrued
3 interest shall remain in the fund ~~for the purpose of maintaining, restoring,~~
4 ~~and preserving~~ to maintain, restore, and preserve all monuments and ~~memorials~~
5 memorial areas on the State Capitol grounds.

6 (2) ~~The fund shall be administered by the commission~~ Secretary
7 of State shall administer the fund.

8 (3) ~~The commission may determine the amount of funds to allocate~~
9 ~~from the fund to maintain, preserve, and restore the monuments and memorials~~
10 ~~on the State Capitol grounds.~~

11 ~~(4)~~ The accrued interest from the fund shall be appropriated to
12 the fund.

13 ~~(d)(1)~~(e)(1) The commission ~~and the Secretary of State~~ may receive
14 gifts, grants, and donations from private or public sources for the fund.

15 (2) In addition to any other moneys appropriated or transferred
16 by the General Assembly, the gifts, grants, and donations shall be
17 transmitted to the Treasurer of State, who shall credit the amount to the
18 fund.

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20 SECTION 2. Arkansas Code § 19-6-499(c)(1), concerning the Fallen
21 Firefighters' Memorial Fund, is amended to read as follows:

22 (c)(1) ~~The fund~~ moneys deposited into the fund shall be used by the
23 Secretary of State ~~to maintain the Arkansas Fallen Firefighters' Memorial to~~
24 satisfy the fee requirements for placement, improvements to, or replacement
25 of the monument or memorial area under § 19-5-1125(c).

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