

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S3/14/11
A Bill

SENATE BILL 403

5 By: Senator B. Sample
6

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND THE ARKANSAS CAPITOL GROUNDS MONUMENT
9 AND MEMORIAL PRESERVATION *FUND; TO DECLARE AN*
10 *EMERGENCY; AND FOR OTHER PURPOSES.*
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12
13 **Subtitle**

14 *TO AMEND THE ARKANSAS CAPITOL GROUNDS*
15 *MONUMENT AND MEMORIAL PRESERVATION FUND*
16 *AND TO DECLARE AN EMERGENCY.*
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 19-5-1125 is amended to read as follows:

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

24 (a) As used in this section:

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

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

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

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



1 memorial areas, and any additional moneys appropriated to the fund by the
2 General Assembly.

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~(5) If the initial fee paid into the fund is insufficient, the~~
2 ~~sponsor shall pay to the commission the additional fee.~~

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

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

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

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

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

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

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

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

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28 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
29 General Assembly of the State of Arkansas that the Arkansas Capitol Grounds
30 Monument and Memorial Preservation Fund is unfunded; that the monuments and
31 memorial areas on the State Capitol grounds often need maintenance and
32 repair; that clarification is necessary so that the Secretary of State can
33 perform his duties; and that this act is necessary to provide the necessary
34 funding for the Arkansas Capitol Grounds Monument and Memorial Preservation
35 Fund. Therefore, an emergency is declared to exist and this act being
36 necessary for the preservation of the public peace, health, and safety shall

1 become effective on May 1, 2011.

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/s/B. Sample

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