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PAUL RIVIERE  
SECRETARY OF STATE  
LITTLE ROCK, ARKANSAS

TRANSMITTAL SHEET  
PAUL RIVIERE, SECRETARY OF STATE  
STATE CAPITOL  
LITTLE ROCK, AR 72201

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DEPARTMENT Arkansas Natural and Cultural Heritage

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CERTIFICATION OF AUTHORIZED OFFICER

I HEREBY CERTIFY THAT THE ATTACHED RULES WERE ADOPTED  
IN COMPLIANCE WITH ACT 434 OF 1967 AS AMENDED.

Lucy V. Robinson  
SIGNATURE

Director, Ar. Commemorative  
Commission

2 June 1980  
DATE

Rules and Regulations  
for the Arkansas Commemorative Commission

Arkansas Commemorative Commission  
State of Arkansas

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## ARTICLE I.

### Title and Location

The agency of state government known as the Arkansas Commemorative Commission maintains administrative offices at the Old State House, 300 West Markham Street, Little Rock, Arkansas 72201. Information on the agency's operation and programs may be obtained by writing the Director or Chairman at the above address, or by calling (501) 371-1749 during business hours.

## ARTICLE II.

### Authority

#### Section 2.1 Enabling Legislation

Act 256 of 1947 creates and prescribes the functions, duties and powers of the Arkansas Commemorative Commission, for the purpose of providing jurisdiction over sites, buildings and objects, past and prospective, which illustrate the history of Arkansas. The Act directs the Commission to undertake a number of specific functions relative to historic sites, buildings and objects -- a) secure collate and preserve drawings, plans, photographs and other data; b) make surveys for the purpose of determining which possess value as illustrative of state history; c) make diligent researches to obtain accurate historical facts and information; d) acquire in the name of the State by gift, purchase or otherwise; e) restore, reconstruct, rehabilitate, preserve and maintain; f) operate and manage for the benefit of the public; g) develop educational services and programs to make available to the public facts and information.

#### Section 2.2 Department of Arkansas Natural and Cultural Heritage

Acts 38 of 1971 and 1001 of 1975 further prescribe the duties and powers of the Arkansas Commemorative Commission. Act 1001 of 1975 transferred the Commission to the Department of Arkansas Natural and Cultural Heritage under a type 1 transfer, defined in Act 38 of 1971. In reference to the Commission, a type 1 transfer allows the Commission to retain exactly the same powers, authorities, duties and functions prescribed by Act 256 of 1947 as amended; all budgeting, purchasing and related management functions are, however, to be performed under the direction and supervision

of the Director of the Department of Arkansas Natural and Cultural Heritage. As specified by Act 38 and 1001, the Commission retains its policy-making and program functions, while the Department of Arkansas Natural and Cultural Heritage controls management and administrative functions.

### Section 2.3 The Old State House, 300 W. Markham Street, Little Rock

Act 256 of 1947 specifically transferred responsibility for the Arkansas State War Memorial Building (also known as Old State House and Arkansas' First State Capitol) to the Arkansas Commemorative Commission. Act 614 of 1977 re-established the name "Old State House" for the property, and gave the Commission "exclusive jurisdiction for the custody, care, restoration and use of the Old State House, at all time preserving its architectural design..."

### Section 2.4 Trapnall Hall, 423 East Capitol Avenue, Little Rock

Act 256 of 1947 allows the Commission to acquire, in the name of the State, historic buildings. Trapnall Hall was donated to the Commission in 1976, by the Junior League of Little Rock.

### Section 2.5 Preservation Restriction (Easement) Program

Act 882 of 1975 provided that the Director of the Arkansas Commemorative Commission or the office of the Arkansas Historic Preservation Program of the Arkansas Commemorative Commission approve the creation, modification or termination of preservation restrictions. Act 480 of 1977 established the Arkansas Historic Preservation Program as an agency of state government separate from the Arkansas Commemorative Commission. As a result, the Arkansas Commemorative Commission retained the function of administering the preservation restriction program because of its statutory authority to acquire property in the name of the State. The Arkansas Historic Preservation Program continues, however, to provide technical assistance in the form of review, recommendation and monitoring of properties subject to Act 882 of 1975, upon the request of the Director, Arkansas Commemorative Commission. All inquiries on the program should be directed to Director, Arkansas Commemorative Commission.

## ARTICLE III.

## Administration

Section 3.1 Arkansas Commemorative Commission

## 3.1-01 Scope

The Commission serves as the policy-making authority for the programs that it oversees -- the Old State House, Trapnall Hall and the preservation restriction program -- and establishes rules and regulations for its activities. It determines major goals and objectives at the beginning of each fiscal biennium for each of its programs in coordination with the administrative practices of the Department of Arkansas Natural and Cultural Heritage. It delegates certain functions to staff through the Director of the Commission. The Commission considers the addition of new programs and alterations to existing programs under its statutory jurisdiction.

## 3.1-02 Members

The six members of the Commission are appointed by the Governor, one from each Congressional District and two from the state at large. They are selected for their knowledge of and interest in the history of the state, and must be citizens of the state.

## 3.1-03 Terms

Commission members are appointed for nine-year terms. Each member continues to hold office until his successor qualifies. A vacancy occurring before the term of office expires is filled by appointment of the Governor for the balance of the unexpired term and until a successor qualifies. Appointees must accept office in writing within 15 days, or the appointment becomes void and the Governor again appoints.

## 3.1-04 Absences

According to Arkansas Statute 6-603, any Arkansas Commemorative Commission member who is absent from 2 successive regular meetings, without a satisfactory excuse to the Governor, may be subject to removal from the Arkansas Commemorative Commission by the Governor. Any Arkansas Commemorative Commission member absent from 3 successive meetings for any reason other than illness with a physician's written sworn statement entered into the minutes, shall forfeit and vacate his(her) membership from the Commission and the Governor shall fill the vacancy as described in 3.1-02 and 3.1-03.

### 3.1-05 Compensation

No Commission member shall receive compensation for services, but shall be reimbursed for expenses incurred in the performance of duties in accordance with state government procedures.

### 3.1-06 Code of Ethics

Actions of Commission members are guided by the principles and requirements of Act 570 of 1979, an Act to Establish a Code of Ethics for Public Officials and Employees, and for other purposes, and by Act 256 of 1947.

### 3.1-07 Officers

The Governor appoints the Chairman to serve until the expiration of his(her) term on the Commission or at the pleasure of the Governor. The Commission selects from its members a Vice-Chairman and a Secretary. The Secretary may delegate his(her) functions to the staff.

### 3.1-08 Meetings

The Commission meets quarterly during regular business hours in any location in the state. Dates of regular quarterly meetings are established for each calendar year at the last regular meeting in the previous calendar year. Special meetings may be called by the Chairman. Notice of regular and special meetings is made to the press and media, and to other interested parties. All meetings are open to the public, with closed sessions allowed only for personnel-related matters. A quorum consist of four members present, and a majority affirmative vote of those members is sufficient for the disposition of business. The Chairman may vote for quorum purposes only. Meetings are conducted according to the latest revision of Robert's Rules of Order.

### 3.1-09 Reports

As required by Act 256 of 1947, the Commission submits an annual report of its activities to the Governor with its recommendations for the coming year by the first Monday in December. The Commission in addition submits a report to the Governor, General Assembly and other interested parties at the close of each fiscal year.

### 3.1-10 Committees

The Chairman of the Commission may appoint committees as deemed necessary to consider matters relating to each of the Commission's

programs.

### Section 3.2 Department of Arkansas Natural and Cultural Heritage

#### 3.2-01 Director, Department of Arkansas Natural and Cultural Heritage

The Director of the Department of Arkansas Natural and Cultural Heritage receives notice of all regular and special meetings of the Commission and every effort is made to coordinate Commission activities with the administrative and management policies of the Department.

#### 3.2-02 Services, Department of Arkansas Natural and Cultural Heritage

The Department of Arkansas Natural and Cultural Heritage provides administrative support to the Commission in the form of uniform fiscal accounting and personnel management. The Department further serves as conduit for information regulating agency activity in state government.

### Section 3.3 Director, Arkansas Commemorative Commission

The Director of the Commission is appointed by the Director of the Department of Arkansas Natural and Cultural Heritage with the advice and consent of the Governor. The Director of the Commission is responsible for implementing the policies and programs determined by the Commission and for administering the agency in accordance with the procedures of the Department of Arkansas Natural and Cultural Heritage Director and of state government. The Director of the Commission serves as liaison to the Commission and the Department of Arkansas Natural and Cultural Heritage for all agency staff, and directs the daily operation of agency programs and employees.

## ARTICLE IV.

### Procedures

### Section 4.1 Acquisition, Management and Disposal of Collections

#### 4.1-01 Definitions

"Collections" - the general term used for all material holdings of the Arkansas Commemorative Commission in the name of the State of Arkansas. Specific categories are defined below.

"Exhibit Collections" - those objects which directly enhance the purpose of the Arkansas Commemorative Commission as stated herein and which are governed by all the provisions of this section.

"Library Collection" - books and other manuscript materials which can be used by the staff and public to increase their understanding of the Arkansas Commemorative Commission collections and Arkansas history.

"Equipment Collection" - those objects used to maintain the Arkansas Commemorative Commission buildings, grounds and collections, and which are listed on the State Inventory.

"Non-Inventoriable Equipment" - those expendable objects used to maintain the Arkansas Commemorative Commission buildings, grounds and collections which are not eligible for State Inventory (cost less than \$25.00 or have a life expectancy of less than two years).

"Interpretive Services Collection" - those expendable objects which contribute to the educational programs of the Arkansas Commemorative Commission and which are available directly to the public for examination (limited life expectancy).

"Prop Collection" - those expendable objects which do not enhance directly the purpose of the Arkansas Commemorative Commission as stated herein, but which contribute to and enhance the visual and educational value of exhibit collection objects while they are on public exhibit (limited life expectancy).

"Gifts" - those objects which have been donated to the Arkansas Commemorative Commission and for which legal ownership has been transferred to the Arkansas Commemorative Commission at no cost.

"Long-term Loan" - the transfer of an object or group of objects, which enhance the purpose of the Arkansas Commemorative Commission as stated herein, to the Arkansas Commemorative Commission for a specified period of time, but which does not involve transfer of legal ownership.

"Temporary Loan" - the transfer of an object or group of objects to the Arkansas Commemorative Commission for a specified time and purpose, but which does not involve a transfer of legal ownership.

"Accession" - the formal process used to accept and record an object as a collection item.

"Deaccession" - the formal process used to remove an object permanently from the collections.

#### 4.1-02 Policy

It is the policy of the Arkansas Commemorative Commission to

- acquire, retain and manage collections in the name of the State for the uses they serve in historic research, education and exhibition, and to preserve the collections for these uses by future generations
- require employees to act responsibly, ethically and legally in acquiring, accepting and disposing of historic objects
- discourage by all practical means unethical, illegal and destructive practices with respect to collecting, transporting and traffic in historic materials
- obtain and maintain adequate records concerning objects in the collections including the place and circumstances of origin and subsequent history
- rely on the competence and judgement of staff, or on other experts acceptable to them, on matters concerning the relevance and usefulness of objects in collections and of objects proposed for acquisition or disposal
- observe strictly the mandatory provisions and to make reasonable efforts to follow the precatory conditions that may be attached to gifts, to the extent required by prevailing law and advised by competent legal counsel.

#### 4.1-03 Authority

The authority for all transactions is vested in the Director, Arkansas Commemorative Commission, except as provided herein.

#### 4.1-04 Procedures

The following procedures will be observed by and shall guide Arkansas Commemorative Commission employees in acting in their official capacities, unless and until modified or rescinded by the Arkansas Commemorative Commission.

##### Acquisition

1. Objects shall not be accepted or otherwise acquired for the Arkansas Commemorative Commission unless the following conditions are met
  - the objects are relevant to and consistent with the purposes and activities of the Commission
  - the Commission can provide for the storage, protection and preservation of the objects under conditions that ensure their availability for its purposes and in keeping with

professionally accepted standards

- it is intended that the objects shall remain in the collections as long as they retain their physical integrity, their authenticity and their relevance for the purposes of the Commission
- 2. The Commission shall not knowingly and willfully accept or acquire any object that was illegally imported to the United States or that was collected or recovered under circumstances that would support or encourage irresponsible damage to or destruction of collecting sites, cultural monuments or human burial places. The Commission may, however, accept objects that have been confiscated or offered to it by government authorities.
  - a. The Commission shall be reasonably assured that it can acquire valid and legal title to collection objects. In considering gifts or purchases, the circumstances of the transaction, the reputation of the seller or donor and available knowledge of the objects' provenance should leave no doubt that legal and valid title can be transferred to and obtained by the Commission.
  - b. In complying with these provisions, the Director shall consult as widely as possible and necessary with colleagues in the state and elsewhere.
- 3. Title to all objects acquired for the collection shall be obtained free and clear, without restrictions as to use or future disposition. When restrictions are attached to an acquisition, every effort shall be made to place a reasonable time limit for which they will apply and to define the conditions under which their force will terminate. The Arkansas Commemorative Commission must approve any restrictions before such an acquisition is accepted. Restrictions must be adequately documented and retained as part of the records pertaining to the object.
  - a. A legal instrument of conveyance, including a description and precise conditions of transfer, shall accompany all gifts and purchases and shall be kept on file by the Arkansas Commemorative Commission. Documents pertaining to gifts will bear the notarized signature of the donor and the signature of the Director or Chairman, Arkansas Commemorative Commission
  - b. At the time of acquisition, the object shall be designated for one of the collection categories defined in 4.1-01 above.
- 4. All objects acquired for the Commission collections shall be catalogued and documented in the Commission records according to standards of the history and museum professions. Records

shall include evidence that establishes the appropriateness of the acquisition within paragraphs 1. and 2. above. Records of the Commission shall include, but not be limited to, State Inventory, Fixed Assets Ledger, Master Donations Log and Catalogue with objects registered as appropriate in each.

#### Incoming Loans

1. Long-term loans may in rare instances be accepted by the Commission, and only after consideration of the following conditions
  - the objects are extremely relevant to the purpose of the Commission
  - the objects are of unique quality consistent with Commission purposes
  - the condition of the object is such that maintenance and storage will not exceed museum resources
  - loan of the object will in all probability lead to donation to the Commission
2. Long-term loans will be accepted for a specified period of time, agreed to by the Commission, and will be subject to an agreement signed by the lender and the Director or Chairman of the Commission.
3. Temporary loans may be accepted for specific purposes and for a specified period of time, and will be subject to the conditions of an agreement signed by the lender and the Director of the Commission, or the Director's designee.
4. To the extent practical, the criteria in paragraph 2. under Acquisition shall also be considered in deciding whether to accept loans of objects. In any case, with respect to loans, it shall be the responsibility of the Registrar, Arkansas Commemorative Commission, to obtain and retain adequate records of the terms and conditions governing the loan.

#### Appraisals

Commission employees shall not, in their official capacities, give appraisals for the purpose of establishing tax-deductible value to gifts offered of the Commission. They shall not appraise, authenticate or identify objects under circumstances that could encourage or benefit illegal, unethical or irresponsible traffic in such materials. Identification and authentication may be given for professional or educational purposes only.

The Director or the Director's Designee is authorized to assign values to collection objects for insurance purposes, and to seek

appropriate professional expertise to assist in the assignment of insurance values.

### Collection Care

Employees of the Commission who are in direct contact with collection objects shall be cognizant of general conservation needs of the collection. Exhibit preparators shall be responsible for providing specific conservation needs for objects placed on exhibit with the advice of the collections staff and Director. The collections staff shall be responsible for following proper conservation methods for objects in storage. The Director shall make final decisions regarding treatment needs for individual objects.

Inventory of collections shall occur at regular intervals and a file system representing the location of each object shall be kept current by the Registrar at all times.

The Commission shall provide a fine arts insurance policy for the protection of collections in the amounts deemed appropriate by the Director.

Flash photography will not be permitted in areas of collection exhibit or storage without the express consent of the Director.

### Availability of Collection

Existing photographic reproductions of collection objects shall be made available to the general public upon request and for a reasonable fee.

Public access to non-exhibit areas for collection examination will not be permitted normally. Supervised access to the collection shall be granted on an individual basis by the Director or collections staff for purposes of research or security inspection.

### Truth in Presentation

The collections will be used to disseminate knowledge with honesty and objectivity. They will not be used to perpetuate myths or stereotypes.

### Disposal

1. Procedures for objects missing from the collection shall follow those set forth in the "State Accounting Manual," Part V, Chapter I, and successive regulations.
2. Objects in the collection shall be retained permanently if they continue to serve the Commission's purposes and activities and if they can be properly stored, preserved and used. Objects may be removed from the collection and disposed of when these conditions no longer prevail or in the interest of improving the collections for the Commission's purposes.

3. In considering the removal of objects from the collections, the judgement of appropriate staff members shall be sought and, to the extent practical, followed.
4. In the normal management of collections, the Director may lend objects when they no longer have relevance for the Commission's purposes or when the interests of history can best be served by such an action.
  - a. no objects belonging to the Commission will be loaned to private individuals.
  - b. objects will be loaned only to qualified institutions where they will be exhibited and handled under proper conditions of security and safety. Borrowing institutions will be required to sign an agreement with the Director detailing the conditions of the loan. Requests for objects from the collections will be considered individually and loans will be made only at the final discretion of the Director. Requests for loans must be submitted to the Director in writing.
5. The permanent disposal from the collections of any object in the "exhibit," "library," or "equipment" collections shall require the express approval of the Director and Commission. All other collection categories shall require the approval of the Director.
6. Before disposing of any object from the collection, reasonable efforts shall be made to ascertain that the Commission is free to do so. Where restrictions as to use or disposal of the object under question are found to apply, the Commission shall act as follows
  - a. mandatory conditions shall be observed strictly unless deviation from their terms is authorized by a court of competent jurisdiction.
  - b. objects to which precatory restrictions apply shall not be disposed of until reasonable efforts are made to comply with the restricting conditions. The Commission will make reasonable efforts to notify the donor if it intends to dispose of the object within 10 years of receiving the gift or within the donor's lifetime, whichever is less.
  - c. if there is any question as to the intent or force of restrictions the Commission will seek the advice of legal counsel.
7. Objects removed from the collections permanently will be disposed of in accordance with the following principles, insofar as it is practical to do so
  - a. the manner of disposal shall be in the best interests of the Commission, the public it serves, the public trust it represents in owning the collections and the scholarly and historic communities it represents.

- b. material that is part of the historic or cultural heritage of the State of Arkansas or of the United States should remain in the state or country, respectively.
  - c. consideration will be given to placing the objects through gift, exchange or sale in another tax-exempt public institution where they may serve purposes in research, education or exhibit. If objects are offered for sale elsewhere preference will be given for sale at public auction or to the public marketplace in a manner that will best protect the interests, objectives and legal status of the Commission.
  - d. the proceeds realized from sales will be allocated to the purchase of objects for the collection or to otherwise support acquisition, management and preservation of the collection.
  - e. objects will not be given or sold privately to employees, Commission members or to their representatives.
  - f. objects may be acquired by employees or Commission members at public sale with full disclosure.
8. Catalogues of the Commission and other records shall document the removal of objects from the collection and the conditions of their disposal.

#### Personal Collecting

The Commission encourages its employees to pursue personal activities related to their job responsibilities. The Commission reserves the right, however, to require that employees inform it through the Director of personal collections in the areas that the Commission collects. If an employee acquires an object through purchase which directly enhances the purposes of the Commission, the Commission must be given the opportunity to acquire the object within 60 days of the employee's notification, at the price paid by the employee.

Commission employees may not use their professional positions to promote personal collecting activities. No employee may participate in dealing, i.e. buying and selling for profit, in objects similar to those collected by the Commission.

#### 4.1-05 Return of Collections

Should evidence be presented to the Commission that any object in its possession was acquired, subsequent to the date on which these Rules are approved by the Commission, in violation of the principles in paragraph 2, under Acquisition 4.1-04, the Commission will investigate the circumstances. If justified by the investigation, the Commission will return the object to its rightful or legal owner, to the extent that it is legally possible and practical to do so.

#### 4.1-06 Reversion of Collections

It is understood that the Arkansas Commemorative Commission holds property in the name of the State of Arkansas. If for any reason the Commission should cease to exist, all property held by it through legal title will remain property of the State of Arkansas.

### Section 4.2 The Old State House

#### 4.2-01 Policy

The Old State House is operated as an historic structure and museum. Its resources are used to encourage understanding and enjoyment of the state's history by all people.

The museum in the Old State House presents and interprets the history of Arkansas through two major program areas -- the political history of the state; and home life in historic Arkansas with emphasis on the period since the time of the Civil War. Long-term exhibits are installed on topics central to the political history of the state, home life since the Civil War and the historic structure. A program of temporary exhibits is designed to expand upon the permanent exhibits and encourage return visitation. Interpretive materials and programs that further illustrate the state's history are provided to the general public and to school children. All of these interpretive services are based on the purpose of the museum, with programs for school children designed to complement and expand the public school curriculum. The Old State House conducts research and publishes in the areas of state political history, home life since the time of the Civil War and the historic structure.

In all of these programs and services, the Old State House adheres and contributes to professional museum standards.

#### 4.2-02 Public Access

The Old State House is open to the public for visitation and tours Monday through Saturday from 9:00 a.m. until 5:00 p.m., and on Sundays from 1:00 p.m. until 5:00 p.m. The museum is closed regularly on New Year's Day, Thanksgiving, Christmas Eve and Christmas Day. The museum may be closed at other times at the discretion of the Director, Arkansas Commemorative Commission for reasons of public safety or security. There is no admission charge. In addition to its normal schedule of exhibits and tours, the Old State House sponsors periodic special events for the benefit of the public for which there may be made a reasonable charge. Notice of special events, exhibits, programs and tours are disseminated to the public through an active program of press and media releases.

#### 4.2-03 Private Use

In addition to the public events sponsored or cosponsored by the Arkansas Commemorative Commission and to public events which contribute directly to the purpose of the Old State House, the Commission allows private use by individuals and organizations. No private use may interfere with the operation of the Old State House as a public museum facility, and a reasonable charge is made for each private use. The area available, the duration of the use and the number of participants may be limited for reasons of safety to the public or security to the Old State House.

Applications for private use of the Old State House are made in writing to the Office of the Director, Arkansas Commemorative Commission, at least two weeks prior to the event, and must include a complete plan for the proposed use. A decision is made by the Director or the Director's Designee based on the information provided by the applicant; the decision is communicated in writing to the applicant within one week of receipt of the request. Specific conditions governing the use of the Old State House will accompany the reply, and must be accepted by the applicant before the event. A non-refundable charge is made, payment of which must be received before the date of the event. Final confirmation of building use will not be made until the Commission's conditions are accepted by the applicant and full payment is received by the Arkansas Commemorative Commission.

#### 4.2-04 Historic Relationships

In recognition of their participation in and contributions to the preservation of the Old State House, the Arkansas Commemorative Commission has dedicated permanently certain exhibit areas in the Old State House to the Arkansas Pioneers Association; the United Spanish War Veterans Auxiliary, Department of Arkansas; the Arkansas Federation of Women's Clubs; the Arkansas Society, National Society Daughters of the American Revolution; the Arkansas Division, United Daughters of the Confederacy, and the Arkansas Society, United States Daughters of 1812.

To affirm and preserve their unique and mutually beneficial partnerships, the Arkansas Commemorative Commission and each of the six organizations designated above periodically will negotiate, sign and review agreements governing their continued working relationships.

## Section 4.3 Trapnall Hall

### 4.3-01 Policy

Trapnall Hall is operated as the Governor's Official Reception Center, and as an historic structure available to the public for rental.

Its rental program is promoted in a manner that ensures its becoming and continuing as a financially self-sufficient example of adaptive use.

Trapnall Hall's exterior, grounds and outbuildings shall conform to authentic period treatment to the extent feasible with available funds and existing memorials. Because of its adaptive reuse as a rental facility, however, the interior will conform to the needs of renters while recognizing some trends of interior design during the 1840-60 period.

### 4.3-02 Public Access

Trapnall Hall is open regularly to the public from 9:00 a.m. until 1:00 p.m., Monday through Friday. Group tours may be arranged at other times by appointment. The Hall is closed regularly on state holidays and during private rental functions. The Hall may be closed at other times at the discretion of the Director, Arkansas Commemorative Commission for reasons of public safety or security. There is no admission charge when the Hall is open to the public.

### 4.3-03 Private Use

The express purpose of Trapnall Hall is its operation as a rental facility. All inquiries and arrangements for rentals are to be directed to the Hall Manager, 372-4791, from 9:00 a.m. until 1:00 p.m. Monday through Friday, with the exception of the holidays noted in 4.3-02 above.

### Procedures for Private Use

- a non-refundable deposit and the completed Reservation and Function Planning Guide forms are required prior to confirmation of the rental
- the balance of the rental fee is required on or before the date of rental
- food may not be prepared at Trapnall Hall
- all events must be catered
- caterers retained by renters are bound by all rules and regulations

- alcoholic beverages may be served only by professional bartenders/waiters for a maximum of 2 hours, unless an extension fee has been paid prior to the function
- events may exceed 4 hours only with payment of additional fees
- dancing and heavy sound equipment are not allowed
- rice may be distributed or thrown in the Hall only if an additional clean-up charge is paid
- renters are responsible for loss or damage to the building and its contents during their events
- complete instructions, detailed assistance and current fees are available from the Hall Manager.

#### 4.3-04 Governor's Use

Trapnall Hall is available free of charge to the Governor as his Official Reception Center.

### Section 4.4 Preservation Restriction (easement) Program

#### 4.4-01 Purpose

In order to preserve and protect any structure, site or open space historically significant for its architecture or archeology, preservation restrictions may be established under the provisions of Act 882 of 1975 and the Administrative Procedures Act, Act 434 of 1967.

#### 4.4-02 Definitions

"Preservation Restriction" - the term "Preservation Restriction," as used in these Rules and Regulations and Act 882 of 1975, shall mean a right, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on the behalf of the owner of the land or in any other order of taking, appropriate to the preservation of the structure, site or open space historically significant for its architecture or archeology, to forbid to limit any or all (a) alterations in exterior or interior features of the structure, (b) changes in the appearance or condition of the site, (c) uses not historically appropriate, or (d) other acts or uses detrimental to appropriate preservation of the structure, site or open space.

"Charitable Corporation or Trust" - a "Charitable Corporation or Trust," as used in these Rules and Regulations and Act 882 of 1975 shall mean any non-profit organization which meets the criteria established and is so designated by the Arkansas Commemorative Commission to be a recipient of preservation restrictions established under Act 882 of 1975.

#### 4.4-03 Determination of Charitable Corporation or Trust

The Arkansas Commemorative Commission shall review all private organizations which desire to be recipients of preservation restriction to determine if they qualify under the requirements established.

All such organizations shall

- be organized as non-profit corporations under the laws of Arkansas or authorized to do business in Arkansas
- be authorized in their Articles of Incorporation to acquire title to property
- designate as one of their primary purposes in their Articles of Incorporation the promotion of historic preservation
- be designated as 501(c)(3) corporations by the Internal Revenue Service
- demonstrate the ability to administer and enforce any preservation restrictions held by them.

#### 4.4-04 Evaluation of Property to be Subject to Preservation Restriction

The Arkansas Commemorative Commission shall evaluate all property which is suggested as appropriate for a preservation restriction. The evaluation should determine whether the significance is architectural and/or historical as well as whether its importance is of national, state or local significance. A National Register of Historic Places Inventory-Nomination Form shall be prepared on each piece of property to assist the Commission in its deliberations.

Criteria to be taken into consideration shall include, but not be limited to, the following

- listed or eligible to be listed on the National Register or State Register, or recognized locally (Quapaw Quarter Plaque, for example)
- located within a National Register Historic District or one established under local law

- effect on property as a result of any national, state, regional and local comprehensive land use or development plan
- possibility of destruction without the restriction
- uniqueness of property
- public access to property
- use of property.

#### 4.4-05 Procedure for Creating Preservation Restriction

- complete a National Register of Historic Places Inventor-Nomination Form
- determine what shall be included in the preservation restriction (e.g., interior/exterior easement; height restriction; etc.)
- complete the SAMPLE preservation restriction form which will be provided by the Arkansas Commemorative Commission
- present the documents for review and approval by the Arkansas Commemorative Commission
- after execution of the document and signature of the Director, Arkansas Commemorative Commission it shall be filed with the Circuit Clerk of the County in which the property is located
- after filing, copies shall be sent to the Arkansas Commemorative Commission, the property owner and the recipient.

#### 4.4-06 Review Procedures

At least once a year the recipient of the preservation restriction will inspect the property to ensure that the provisions of the restriction are being followed. If it is found that the restriction is not being followed, the Attorney General's Office shall take steps for enforcement.

#### 4.4-07 Modification Procedures

Should a property owner or restriction holder request that a restriction be modified, the Arkansas Commemorative Commission shall consider the proposed modification at a regular or special meeting to determine whether it is in the best public interests to modify the restriction.

#### 4.4-08 Termination Procedures

Should a property owner or restriction holder request that a restriction be terminated, the Arkansas Commemorative Commission shall hold a public hearing to determine whether it is in the best public interests to cancel the restriction. The procedures for holding a public hearing, as outlined in the Administrative Procedures Act, shall be followed.

#### 4.4-09 Limitations

Nothing in these Rules and Regulations shall be construed to imply that any restriction, easement, covenant or condition which does not come within the purview of these Rules and Regulations shall, on account of these provisions, be unenforceable..

### ARTICLE V.

#### Severability

If any of the provisions of these Rules and Regulations shall be held invalid, the remainder of the Rules and Regulations shall not be affected thereby.

### ARTICLE VI.

#### Effective Date

These Rules and Regulations shall be adopted and take effect as provided by the Administrative Procedures Act.