

ARKANSAS REGISTER



Transmittal Sheet

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State Capitol
Little Rock, Arkansas 72201-1094

FILED
AR. REGISTER DIV.
DEC 14 AM 9:42
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SECRETARY OF STATE
LITTLE ROCK, ARKANSAS

For Office
Use Only:

Effective Date 1-4-89 Code Number 012.01.88--002

Name of Agency Capitol Grounds Commission

Department _____

Contact Person Cathy Buford, AR Historic Preservation Program Telephone 371-2763

Statutory Authority for Promulgating Rules _____

Act 665, 76th General Assembly, 1987

Intended
Effective Date

12-25-88

☐ Emergency

☒ 20 Days
After Filing

☐ Other

Legal Notice Published

Final Date for Public Comment

Filed With Legislative Council

Reviewed by Legislative Council

Adopted by State Agency

Date

11/12--11/18

12-9-88

12-5-88

11-10-88

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance With Act 434 of 1967 As Amended.

Cathy J. Buford
SIGNATURE

Director, AHPP
TITLE

12-5-88

DATE

DRAFT RULES FOR CAPITOL GROUNDS COMMISSION

I. General Statement

- A. The Capitol Grounds Commission was created by Act 665, (76th General Assembly, 1987) "to have jurisdiction over buildings and facilities to be located on the State Capitol Grounds and the landscaping thereof, and for other purposes." Hereinafter referred to as the Commission.
- B. Membership of the Commission shall consist of:
 - 1. The Governor or his designee
 - 2. The Secretary of State or his designee
 - 3. The Director of the Arkansas Historic Preservation Program
 - 4. The Chairman of the Capitol Zoning District Commission
 - 5. one landscape architect appointed by the Governor
 - 6. one licensed architect named by the Secretary of State
 - 7. one member of the Senate named by the President Pro-Tempore to serve as a non-voting member.
 - 8. one member of the House of Representatives named by the Speaker of the House to serve as a non-voting member.
- C. "The Governor shall serve as Chairman of the Commission, or shall designate some other member of the Commission to serve as Chairman in his place."
- D. "Members of the Commission shall serve without pay, but shall be reimbursed for reasonable and necessary expenses incurred for meals, lodging and travel in attending Commission meetings and in the performance of duties of the Commission, if funds are provided therefor. The non-voting legislative members of said Commission shall be entitled to receive per diem and mileage for attending Commission meetings at the same rate as provided by law for attending meetings of the Joint Interim Committee of the Arkansas General Assembly, and said allowances shall be paid from funds appropriated for such purpose."

II. Powers and duties of the Commission

It shall be the responsibility of the Commission:

- A. "to review and recommend to the Governor, the General Assembly, the Secretary of State on the location of monuments, memorials, fountains, and similar improvements on the State Capitol Grounds, or for the relocation of existing monuments, memorials, or fountains on the Grounds;"
- B. "to obtain and maintain information from State agencies concerning their current and anticipated future needs for space on the State Capitol Grounds, for the location of

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projects, as defined herein, to be developed by such agencies;"

- C. "to formulate a long-range master improvement plan for capitol improvement projects on the State Capitol Grounds and to review the plan from time to time to keep it up to date;"
- D. "to recommend the acquisition of land for expansion of the State Capitol Grounds as may be required to meet the needs of State agencies."

III. Definition of terms

- A. The term "project" or "capital improvement project" shall mean and include: "the location of new buildings and facilities on the State Capitol Grounds; the expansion of or addition to existing buildings and facilities located on the Grounds; the location or relocation of parking lots and parking facilities on the Grounds; the location of memorials, fountains, monuments, sculpture, and other works of art, including proposals for the relocation of an such fountains, memorials or monuments and similar facilities, on the Grounds; the installation of lights and lighting equipment on the State Capitol Grounds; the location and development of streets, curbs, gutters, and sidewalks on the Grounds; and landscaping projects or changes in landscaping design on the Grounds, involving an expenditure in labor and material over \$1,000."
- B. The term "Capitol Grounds" shall mean the area as designated in the Capitol Grounds Master Plan referred to in Section _____ of Act 665 (76th General Assembly, 1987).

IV. Considerations in undertaking capital improvements projects on the State Capitol Grounds. Hereinafter referred to as Grounds.

- A. No improvement projects (except those exempted in articles (b)(i), (b)(ii), and (b)(iii) under Section 3 of Act 665) shall be made to the Grounds until a formal request in writing shall be filed with the Commission for its review and approval of the proposed project.
- B. All projects under consideration for the Grounds shall have an intrinsic historical, political, or cultural value for the State of Arkansas, or reflect the history of the State Capitol.

Works not clearly appropriate for the Grounds shall be reviewed carefully by the Commission which shall assure itself of the integrity and overall quality of the project.

- C. No project shall be considered by the Commission that constitutes a potential hazard to Capitol personnel, the physical plant, the existing structures or significant vegetation on the Grounds, or to visitors to the Capitol buildings and grounds.
- D. Before the Commission can consider a request for approval, the project proposal must be reviewed by the Office of the Secretary of State for a determination of what the future financial and/or curatorial implications of allowing this project will be. The Office of the Secretary of State shall be able to care for the project within the limitations of its capabilities and facilities. In the event that such project proposal may be located on Grounds managed by State Building Services (SBS), then SBS shall make the review for future financial and/or curatorial implications.

V. Procedures for recommendation of projects by the Commission

- A. The Chairman shall distribute copies of the project proposal to each member of the Commission within two (2) weeks of the meeting at which the project will be considered.
- B. The Commission may require project proposal to include "architectural and landscaping plans (if appropriate); sufficient information to demonstrate compliance with applicable standards for development; sufficient information to demonstrate compliance with the Capitol Grounds Master Plan; and sufficient consistency of the project with zoning regulations of the Capitol Zoning District Commission."
- C. Interested persons shall be notified of the Commission meeting at which the proposed project will be considered at least ten (10) days in advance of the meeting. Meetings will be scheduled at "the call of the Chairman, or upon written request of any four of its members."
- D. "If, upon review of the request for approval of the project, the Commission believes that more information is required, the Commission may postpone action on the request and may direct the requesting party to provide additional information."
- E. "If the Commission determines that the proposed project is consistent with the Capitol Grounds Master Plan and with Capitol Zoning District Commission regulations, and is in the best interest of the use of space on the Grounds, the Commission may grant its approval thereof, provided that the Commission may make such revisions or modifications in the plans for proposed use of such space, as the Commission deems to be in the best interest of the State of Arkansas."

"PROVIDED, NO STATE AGENCY SHALL UNDERTAKE A CAPITAL IMPROVEMENT PROJECT, AS DEFINED HEREIN, ON THE STATE CAPITOL GROUNDS UNLESS THE PROJECT IS FIRST SUBMITTED TO AND APPROVED BY THE GENERAL ASSEMBLY."

- F. "A majority vote of the voting members of the Commission shall be necessary for the adoption of any action by the Commission." Four votes constitutes a majority.
- G. Management of all monuments, memorials, fountains, and other similar improvements will be the responsibility of either the Office of the Secretary of State or State Building Services, whichever is the proper management authority for the site on which the improvements are located.
- H. The Commission will comply with the Freedom of Information Act in the conduct of its operation.

VI. Gifts and donations

- A. The Commission may accept donations in money, statuary, fountains, memorial tablets, plant materials or like items on behalf of the State for the Grounds, and in the case of money shall have the right to expend the same on the Grounds thereof, and to that end may make or cause to be made the necessary contracts for the expenditures of such funds.
- B. No money or item shall be accepted which has any legal restriction placed upon its use or disposition. All gifts or proposals for such gifts shall be approved by a majority vote of the Commission members.