

# ARKANSAS REGISTER

## Transmittal Sheet



Sharon Priest  
Secretary of State  
State Capitol Rm. 026  
Little Rock, Arkansas 72201-1094

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Name of Agency ~~Secretary~~ ~~Commission~~ Capitol Arts & Grounds Commission

Department \_\_\_\_\_

Contact Person Ann Clements, Capitol Historian

Statutory Authority for Promulgating Rules Act 043 of 1997 ACA 22-3-503

Intended Effective Date	Date
<input type="checkbox"/> Emergency	Legal Notice Published . . . . . <u>June 10, 2000</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment . . . . . <u>July 10, 2000</u>
<input type="checkbox"/> Other	Reviewed by Legislative Council . . . . . <u>August, 2000</u>
_____	Adopted by State Agency . . . . . <u>July 10, 2000</u>

### CERTIFICATION OF AUTHORIZED OFFICER

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

[Signature]  
Signature

682-3453  
Phone Number

Chief Deputy Secretary of States Office

7/27/00  
Date

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SHARON PRIEST  
SECRETARY OF STATE  
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BY \_\_\_\_\_

**CAPITOL ARTS AND GROUNDS COMMISSION  
ADMINISTRATIVE RULES AND PROCEDURES  
DRAFT**

**KEY:** All *italicized phrases* indicate proposed additions to current rules and procedures. All [bracketed phrases] indicated proposed deletions to current rules and regulations. All (*bold, italicized phrases in parentheses*) indicate proposed additions to draft rules and regulations.

The rules and procedures have been adopted according to the provisions of the Arkansas Administrative Procedures Act by the Capitol Arts and Grounds Commission and registered with the Secretary of State. Under Act 1043 of 1997, the commission is authorized to adopt any rules and procedures in accordance with the duties and powers accorded to the commission by law. All rules and procedures shall be filed with the Arkansas Register and made available for public view as required by law.

**Definitions**

**Capital improvement projects**

*Capital improvement projects include the location of new buildings and facilities on the Capitol grounds, expansion or addition to existing buildings and facilities located on the Capitol grounds, location or relocation of parking lots and parking facilities on the Capitol grounds, the location of memorials, fountains, monuments, sculpture and other works of art, including proposals for the relocation of any fountains, memorials, or monuments and similar facilities on the State Capitol 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 State Capitol grounds and landscaping projects or changes in landscaping design on the State Capitol grounds involving an expenditure in labor and materials over one thousand dollars.*

**Move following paragraph from Administrative Duties**

Capital improvement projects do not include renovations or improvements within the interior of existing structures on State Capitol grounds, or repair or maintenance that does not substantially change existing structures on State Capitol grounds, or [repair or maintenance that does not substantially change existing use of space or add additional] *or change use of space or add square footage to existing buildings.*

**State Capitol Grounds**

*The State Capitol grounds include all land, parking areas, and streets that are under the jurisdiction of the Secretary of State. This includes the land, parking areas and street*

*surrounding the State Capitol Building, the Capitol Hill Building, the Grounds Operations shop and other land that is maintained by the Secretary of State.*

**Historic Capitol grounds**

*The Historic Capitol grounds include the grounds east of the Capitol bordered by [the] (Seventh Street and South Martin Luther King, Jr. Drive to the south; Fourth Street and North Martin Luther King, Jr. Drive to the north; Woodlane to the east; and the Capitol building to the west.) [Confederate Womens Memorial on the south and the Capitol building on the west and Woodlane Street on the east; the grounds north of the Capitol bordered by Capitol Building and North Martin Luther King, Jr. Drive; the grounds south of the Capitol bordered by the Capitol building and South Martin Luther King, Jr. Drive.] (The Historic Capitol Grounds will be monument free, except for existing monuments, site 2 and site E as designated on the Capitol Master Plan Monument Site map.)*

**Capitol Master Plan**

*The Capitol Master Plan shall be the design document for capital improvement projects as defined in these regulations on the State Capitol grounds. This plan shall be reviewed by the Capitol Arts and Grounds Commission on a periodic basis and remain on file with the Secretary of State's Office.*

**SECTION 1-101 ADMINISTRATIVE DUTIES**

The purpose of this section is to set forth the powers and duties of the Commission.

The Capitol Arts and Grounds Commission shall [maintain] *guide the development of the State Capitol grounds by recommending a Capitol Master Plan for capital improvement projects, approve any modifications to the Plan, obtain and maintain information from all persons, boards, committees, organizations, and state agencies concerning their current and anticipated future needs for space on the State Capitol grounds for the location of capital improvement projects, recommend the acquisition of land for such expansion of the State Capitol grounds, and review and recommend for display all permanent art to be placed or erected in the public areas of the State Capitol.*

The Capitol Arts and Grounds Commission shall meet at least twice a year or on call of the chairman or upon written request of any four of its members to review matters concerning capital improvement project proposals. *The Secretary of State shall serve as the chair of the Commission.*

The Capitol Arts and Grounds Commission shall [upon request, review all] *review all requests for capital improvement proposals. The Commission shall set forth criteria for evaluation of all requests. Following a formal request the Commission shall [then] hold a*

public hearing to obtain the views of the public on a proposed project. After all of the relevant evidence has been submitted and taken into account, the Commission shall discuss and vote on adoption of the proposed project.

## **SECTION 1 - 102 PROPOSAL REVIEW AND APPROVAL PROCEDURE**

The purpose of this section is to establish rules and procedures for review and approval of various capital improvement projects.

### **Request for Review Procedures**

The following procedures shall be followed by all persons, boards, committees, organizations or state agencies to obtain a review of a proposed capital improvement project.

A) [All] Requests can be submitted at any time and *all requests* shall be made on standard forms provided by the Secretary of State. After the Secretary of State has determined that the project lies within the Capitol Arts and Grounds Commission's jurisdiction, the [party] (*Secretary of State shall schedule and hold a meeting of the Capitol Arts and Grounds Commission. Successful applications shall be forwarded to a subcommittee of the Capitol Arts and Grounds Commission appointed by the Secretary of State.*) [making the request shall *schedule and hold a pre-design conference before a sub-committee of the Capitol Arts and Grounds Commission.*]

B) *Pre-design conference rules and procedures for proposed projects in the Capitol Complex.*

1) *No additional memorials and/or monuments shall be placed on historic Capitol Grounds except (as provided for in the Historic Capitol Grounds definition.)*

2) *The Capitol Arts and Grounds [sub-committee] (Commission) shall be consulted concerning potential sites available on the Capitol Complex and maximum dimensions allowed for each site. A grounds monument location map in the Capitol Master Plan defines potential locations and maximum dimensions.*

3) *Potential construction materials must be compatible with the design, historic importance and building materials of the state Capitol building. Whenever possible, Capitol grounds monuments shall be constructed of (materials such as) granite, limestone, bronze, copper and/or steel.*

4) *A preliminary proposal shall be submitted to the Capitol Arts and Grounds sub-committee for review. [at the time potential sites are reviewed.] This preliminary proposal will include:*

- a) *preliminary design intentions*
- b) *administrative arrangements to oversee construction project's [fundraising.] (financing.)*

*[5) The Capitol Arts and Grounds Commission sub-committee may recommend preliminary site approval. This approval must be granted for applicant to proceed. A final design proposal shall be submitted to the Capitol Arts and Grounds Commission sub-committee by the applicant after the pre-design conference(s). The sub-committee's review and recommendation of the final design proposal shall be submitted to the full Capitol Arts and Grounds Commission.]*

*C) After full review and recommendation of the final design proposal(,)[by] the Capitol Arts and Grounds sub-committee, [the party making the request] shall submit information to the full membership of the Capitol Arts and Grounds Commission, which includes but is not limited to:*

*(1) Architectural and landscaping plans, including elevations, site plans and floor plans [if] as appropriate, for the project;*

*(2) Sufficient information to demonstrate compliance with applicable construction standards for development;*

*(3) Sufficient information to demonstrate compliance with the Capitol Master Plan;*

*(4) Sufficient information to allow a courtesy [visit] review by the Capitol Zoning District Commission [for informational purposes].*

*(5) Sufficient information to demonstrate [ing] that the [proposal] proposed project fulfills a need or demand of the citizens of Arkansas.*

*(6) Appropriate funding plan for the timely completion and proper maintenance of the [proposal] proposed project.*

*(7) Sufficient information that knowledgeable persons qualified in the field of architecture and preservation/maintenance shall be consulted by the applicant to determine structural soundness and durability, and to assure that the commemorative work meets high professional standards.*

***(D) The Capitol Arts and Grounds sub-committee will notify the applicant of submission to the full commission.)***

**Proposal Review Procedure**

Each proposal that is submitted and found [pertinent] *to be within the jurisdiction of* the Commission will be examined at the next meeting of the Commission. Upon receipt of a capital improvement project proposal that meets the minimum requirements the Commission shall:

- (1) Meet and review the proposal and consider all evidence presented by the proposing [entity] [*sponsor*] (*applicant*);
- (2) Ask the requesting [entity] [*sponsor*] (*applicant*) to provide additional information if the Commission believes that more information relating to the project is required.
- (3) Hold a public meeting for the purpose of obtaining the views of the public on the proposed project. Notices of meeting shall be mailed to interested persons at least ten (10) days in advance of the meeting. Notice shall also be published in newspapers of general daily circulation and, when appropriate, various trade, industry and professional publications. The hearing shall be conducted using Roberts Rules of Order and shall afford all interested parties the opportunity to speak;
- (4) [A] Any proposal receiving a positive recommendation by the Commission shall be submitted to the Secretary of State, [who serves as the Commission chair,] for [submittal] *additional review* and recommendation of the proposal [and then] to the General Assembly for [final review and] *legislative action*.

(5) [A] *Any* proposal receiving a negative recommendation by the Commission shall be submitted to the Secretary of State with an explanation *of* why the request was not deemed appropriate. [A negative recommendation may also be forwarded to the Legislative Council for information purposes.]

**Proposal Approval Procedure**

The Capitol Arts and Grounds Commission shall consider the following criteria in arriving at decisions on capital improvement projects:

- (1) Member Report - The Capitol Arts and Grounds Commission *sub-committee* members shall prepare a report for each capital improvement project proposal. A majority vote of the *full* Commission shall be necessary for adoption of any action by the Commission.
- (2) Compliance with Capitol Master Plan - The proposed project must comply with the [goals] *rules and regulations* of the Capitol Arts and Grounds Commission *and the intent of the Capitol Master Plan*.

(3) Public Position - Any person may present a position or opinion at the public hearing. The Commission *members* shall assess the sentiment of the public or any person presenting an opinion or position in making [the] *a* decision.

[(4) Need or Demand - The proposed action must be necessary or beneficial in creating positive change which fulfills a need or demand present within the Capitol grounds.]

[(5)] (4) Legal Considerations - The proposed action must be compatible with existing laws *and standard codes*. [or city of Little Rock Ordinances.]

[(6)] (5) General Assembly - The proposed [capital improvement] project must be submitted to and approved by the General Assembly [before it is adopted]. The project will be introduced at the next General [Session] Assembly *following approval by the Capitol Arts and Grounds Commission*.

**(6) *Construction of approved projects shall be coordinated and monitored by the office of the Secretary of State.***

The approval of the [capital improvement] project proposal is valid for one year from the adoption by the General Assembly. The [capital improvement] project shall be completed within one year from the date of the beginning of the construction. Failure to complete the *application proposal* procedure within one year would require a reapplication with the Commission. [The Commission's decision of the recommended proposal shall be made available for public viewing.]

### **SECTION 1 - 103 APPEALS**

Any person aggrieved by actions of the Capitol Arts and Grounds Commission, through the administration of the Commission's powers and duties, may appeal within [a reasonable time such action to the Commission for reconsideration.] *90 days from the final decision of the Commission*. Such appeal shall be made by filing with the Commission a notice of appeal specifying the grounds thereof.

After [the] *an* appeal has been received, [at the next regular meeting,] the Commission shall hear the appeal *at the next regular meeting*, give due notice to [the] interested parties, and [decide the same] *reconsider its action* within a reasonable time.

### **SECTION 1 - 104 AMENDMENTS**

Amendments to the Capitol Arts and Grounds Commission's Capitol Master Plan and rules and regulations shall require:

(1) Public notice of the consideration of [the] *an* amendment shall be published.

(2) *A public hearing to be held at least thirty (30) days following the public notice of the amendment [a public hearing shall be held] by the Capitol Arts and Grounds Commission for the sole purpose of considering the proposed amendment.*

(3) *Consideration of the proposed amendment at the next regularly scheduled meeting of the Commission following the public hearing and Commission action on the proposed amendment. [to consider the proposed amendment, the commission shall act on the proposed amendment.]*



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STARRON FRIEST  
SECRETARY OF STATE  
STATE OF ARKANSAS

DEPARTMENT Capitol Arts and Grounds Commission  
DIVISION \_\_\_\_\_  
PERSON COMPLETING THIS STATEMENT Ann Clements  
TELEPHONE NO. 682-3472 FAX NO. 682-1282

FINANCIAL IMPACT STATEMENT

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Capitol Arts and Grounds Commission Rules and Regulations

- Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes \_\_\_\_\_ No X
- If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
- If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

<u>1998-99 Fiscal Year</u>		<u>1999-2000 Fiscal Year</u>	
General Revenue	_____	General Revenue	_____
Federal Funds	_____	Federal Funds	_____
Cash Funds	_____	Cash Funds	_____
Special Revenue	_____	Special Revenue	_____
Other	_____	Other	_____
Total	_____	Total	_____

- What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation?

<u>1998-99 Fiscal Year</u>	<u>1999-2000 Fiscal Year</u>
continuing level	continuing level

- What is the total estimated cost by fiscal year to the agency to implement this regulation?

<u>1998-99 Fiscal Year</u>	<u>1999-2000 Fiscal Year</u>
continuing level	continuing level

July 28, 1995