

**Title 13. Libraries, Archives, and Cultural Resources**  
**Chapter VIII. Old State House Commission, Division of Arkansas Heritage,**  
**Department of Parks, Heritage, and Tourism**  
**Subchapter A. Generally**  
**Part 80. Rules of the Old State House Commission**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"ARTICLE I.

**Subpart 1. Authority**

**13 CAR § 80-101. Enabling legislation.**

(a) Acts 1947, No. 256, creates and prescribes the functions, duties, and powers of the Old State House Commission, for the purpose of providing jurisdiction over sites, buildings, and objects, past and prospective, that illustrate the history of Arkansas.

(b) The act directs the commission to undertake a number of specific functions relative to historic sites, buildings, and objects:

(1) Secure, collate, and preserve:

(A) Drawings;

(B) Plans;

(C) Photographs; and

(D) Other data;

(2) Make surveys for the purpose of determining which possess value as illustrative of state history;

(3) Make diligent researches to obtain accurate historical facts and information;

(4) Acquire in the name of the state by:

(A) Gift;

- (B) Purchase; or
  - (C) Otherwise;
  - (5) Restore, reconstruct, rehabilitate, preserve, and maintain;
  - (6) Operate and manage for the benefit of the public; and
  - (7) Develop educational services and programs to make available to the public
- facts and information.

**Authority.** Arkansas Code § 13-7-205.

**13 CAR § 80-102. Authority — Division of Arkansas Heritage.**

(a) Acts 1971, No. 38, and Acts 1975, No. 1001, further prescribe the duties and powers of the Old State House Commission.

(b) Acts 1975, No. 1001, transferred the commission to the Division of Arkansas Heritage under a type 1 transfer, defined in Acts 1971, No. 38.

(c)(1) In reference to the commission, a type 1 transfer allows the commission to retain exactly the same powers, authorities, duties, and functions prescribed by Acts 1947, No. 256, as amended.

(2) All budgeting, purchasing, and related management functions are, however, to be performed under the direction and supervision of the Director of the Division of Arkansas Heritage.

(d) As specified by Acts 1971, No. 38, and Acts 1975, No. 1001, the commission retains its policymaking and program functions, while the division controls management and administrative functions.

**Authority.** Arkansas Code § 13-7-205.

**13 CAR § 80-103. The Old State House, 300 W. Markham Street, Little Rock.**

(a) Acts 1947, No. 256, specifically transferred responsibility for the Arkansas State War Memorial Building (also known as Old State House and Arkansas's First State Capitol) to the Old State House Commission.

(b) Acts 1979, No. 614, reestablished 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 times preserving its architectural design.

**Authority.** Arkansas Code § 13-7-205.

**13 CAR § 80-104. Trapnall Hall, 423 East Capitol Avenue, Little Rock.**

(a) Acts 1947, No. 256, allows the Old State House Commission to acquire, in the name of the state, historic buildings.

(b) Trapnall Hall was donated to the commission in 1976 by the Junior League of Little Rock.

**Authority.** Arkansas Code § 13-7-205.

**13 CAR § 80-105. Preservation restriction (easement) program.**

(a) Acts 1975, No. 882, provided that the Director of the Old State House Commission or the office of the Arkansas Historic Preservation Program of the Old State House Commission approve the creation, modification, or termination of preservation restrictions.

(b) Acts 1977, No. 480, established the Arkansas Historic Preservation Program as an agency of state government separate from the commission.

(c) As a result, the commission retained the function of administering the preservation restriction program because of its statutory authority to acquire property in the name of the state.

(d) The Arkansas Historic Preservation Program continues, however, to provide technical assistance in the form of review, recommendation, and monitoring of properties subject to Acts 1975, No. 882, upon the request of the director.

(e) All inquiries on the program should be directed to the director.

**Authority.** Arkansas Code § 13-7-205.

## **Subpart 2. Administration**

### **13 CAR § 80-201. Old State House Commission.**

#### **(a) Scope.**

(1) The Old State House Commission:

(A) Serves as the policymaking authority for the programs that it oversees:

(i) The Old State House;

(ii) Trapnall Hall; and

(iii) The preservation restriction program; and

(B) Establishes rules for its activities.

(2) 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 Division of Arkansas Heritage.

(3) It delegates certain function to staff through the Director of the Old State House Commission.

(4) The commission considers the addition of new programs and alterations to existing programs under its statutory jurisdiction.

#### **(b) Members.**

(1) The six (6) members of the commission are appointed by the Governor, one (1) from each congressional district and two (2) from the state at large.

(2) They are selected for their knowledge of and interest in the history of the state and must be citizens of the state.

#### **(c) Terms.**

(1) Commission members are appointed for nine-year terms.

(2) Each member continues to hold office until his or her successor qualifies.

(3) 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.

(4) Appointees must accept office in writing within fifteen (15) days, or the appointment becomes void and the Governor again appoints.

(d) **Absences.**

(1) According to Arkansas Statutes § 6-603, any commission member who is absent from two (2) successive regular meetings, without a satisfactory excuse to the Governor, may be subject to removal from the commission by the Governor.

(2) Any commission member absent from three (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 or her membership from the commission, and the Governor shall fill the vacancy as described in subsections (b) and (c) of this section.

(e) **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.

(f) **Code of ethics.** Actions of commission members are guided by the principles and requirements of Acts 1979, No. 570, an Act to Establish a Code of Ethics for Public Officials and Employees, and for other purposes, and by Acts 1947, No. 256.

(g) **Officers.**

(1) The Governor appoints the Chair of the Old State House Commission to serve until the expiration of his or her term on the commission or at the pleasure of the Governor.

(2) The commission selects from its members a vice chair and a secretary.

(3) The Secretary of the Old State House Commission may delegate his or her functions to the staff.

(h) **Meetings.**

(1) The commission meets quarterly during regular business hours in any location in the state.

(2) Dates of regular quarterly meetings are established for each calendar year at the last regular meeting in the previous calendar year.

(3) Special meetings may be called by the chair.

(4) Notice of regular and special meetings is made to:

(A) The press and media; and

(B) Other interested parties.

(5) All meetings are open to the public, with closed sessions allowed only for personnel-related matters.

(6) A quorum consists of four (4) members present, and a majority affirmative vote of those members is sufficient for the disposition of business.

(7) The chair may vote for quorum purposes only.

(8) Meetings are conducted according to the latest revision of Robert's Rules of Order.

(i) **Reports.**

(1) As required by Acts 1947, No. 256, 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.

(2) The commission in addition submits a report to the Governor, General Assembly, and other interested parties at the close of each fiscal year.

(j) **Committees.** The chair may appoint committees as deemed necessary to consider matters relating to each of the commission's programs.

**Authority.** Arkansas Code § 13-7-205.

**13 CAR § 80-202. Administration — Division of Arkansas Heritage.**

(a) **Director of the Division of Arkansas Heritage.** The Director of the Division of Arkansas Heritage receives notice of all regular and special meetings of the Old State House Commission, and every effort is made to coordinate commission activities with the administrative and management policies of the Division of Arkansas Heritage.

(b) **Services — Division of Arkansas Heritage.**

(1) The division provides administrative support to the commission in the form of uniform fiscal accounting and personnel management.

(2) The division further serves as a conduit for information regulating agency activity in state government.

**Authority.** Arkansas Code § 13-7-205.

**13 CAR § 80-203. Director of the Old State House Commission.**

(a) The Director of the Old State House Commission is appointed by the Director of the Division of Arkansas Heritage with the advice and consent of the Governor.

(b) The Director of the Old State House Commission is responsible for:

(1) Implementing the policies and programs determined by the Old State House Commission; and

(2) Administering the agency in accordance with the procedures of the:

(A) Director of the Division of Arkansas Heritage; and

(B) State government.

(c) The Director of the Old State House Commission:

(1) Serves as liaison to the commission and the Division of Arkansas Heritage for all agency staff; and

(2) Directs the daily operation of agency programs and employees.

**Authority.** Arkansas Code § 13-7-205.

**Subpart 3. Procedures**

**13 CAR § 80-301. Acquisition, management, and disposal of collections.**

(a) **Definitions.** As used in this section:

(1) "Accession" means the formal process used to accept and record an object as a collection item;

(2)(A) "Collections" means the general term used for all material holdings of the Old State House Commission in the name of the State of Arkansas.

(B) Specific categories are defined below;

(3) "Deaccession" means the formal process used to remove an object permanently from the collections;

(4) "Equipment collection" means those objects:

(A) Used to maintain the Old State House Commission buildings, grounds, and collections; and

(B) Listed on the state inventory;

(5) "Exhibit collections" means those objects that:

(A) Directly enhance the purpose of the Old State House Commission as stated herein; and

(B) Are governed by all the provisions of this section;

(6) "Gifts" means those objects that have been donated to the Old State House Commission and for which legal ownership has been transferred to the Old State House Commission at no cost;

(7) "Interpretive services collection" means those expendable objects that:

(A) Contribute to the educational programs of the Old State House Commission; and

(B) Are available directly to the public for examination (limited life expectancy);

(8) "Library collection" means books and other manuscript materials that can be used by the staff and public to increase their understanding of the Old State House Commission collections and Arkansas history;

(9) "Long-term loan" means the transfer of an object or group of objects that enhance the purpose of the Old State House Commission as stated herein, to the Old State House Commission for a specified period of time, but that does not involve transfer of legal ownership;

(10) "Noninventoriable equipment" means those expendable objects used to maintain the Old State House Commission buildings, grounds, and collections that are

not eligible for state inventory (cost less than twenty-five dollars (\$25.00) or have a life expectancy of less than two (2) years);

(11) "Prop collection" means those expendable objects that do not enhance directly the purpose of the Old State House Commission as stated herein, but that contribute to and enhance the visual and educational value of exhibit collection objects while they are on public exhibit (limited life expectancy); and

(12) "Temporary loan" means the transfer of an object or group of objects to the Old State House Commission for a specified time and purpose, but which does not involve a transfer of legal ownership.

(b) **Policy.** It is the policy of the commission to:

(1) 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;

(2) Require employees to act responsibly, ethically, and legally in acquiring, accepting, and disposing of historic objects;

(3) Discourage by all practical means unethical, illegal, and destructive practices with respect to collecting, transporting, and trafficking in historic materials;

(4) Obtain and maintain adequate records concerning objects in the collections, including the place and circumstances of origin and subsequent history;

(5) Rely on the competence and judgment 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; and

(6) Observe strictly the mandatory provisions and to make reasonable efforts to follow the precatory conditions that may be attached to gifts, to the extent:

(A) Required by prevailing law; and

(B) Advised by competent legal counsel.

(c) **Authority.** The authority for all transactions is vested in the Director of the Old State House Commission, except as provided herein.

(d) **Procedures.**

(1) The following procedures will be observed by and shall guide commission employees in acting in their official capacities, unless and until modified or rescinded by the commission.

(2) **Acquisition.**

(A) Objects shall not be accepted or otherwise acquired for the commission unless the following conditions are met:

(i) The objects are relevant to and consistent with the purposes and activities of the commission;

(ii) 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; and

(iii) It is intended that the objects shall remain in the collections as long as they retain their:

*(a)* Physical integrity;

*(b)* Authenticity; and

*(c)* Relevance for the purposes of the commission.

(B)(i) 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.

(ii) The commission may, however, accept objects that have been confiscated or offered to it by government authorities.

(iii)(a) The commission shall be reasonably assured that it can acquire valid and legal title to collection objects.

*(b)* 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.

(iv) In complying with these provisions, the director shall consult as widely as possible and necessary with colleagues in the state and elsewhere.

(C)(i) Title to all objects acquired for the collection shall be obtained free and clear, without restrictions as to use or future disposition.

(ii) 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.

(iii) The commission must approve any restrictions before such an acquisition is accepted.

(iv) Restrictions must be adequately documented and retained as part of the records pertaining to the object.

(v)(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 commission.

(b) Documents pertaining to gifts will bear the notarized signature of the donor and the signature of the director or the Chair of the Old State House Commission.

(vi) At the time of acquisition, the object shall be designated for one (1) of the collection categories defined in subsection (a) of this section, above.

(D)(i) 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.

(ii) Records shall include evidence that establishes the appropriateness of the acquisition within subdivisions (d)(2)(A) and (d)(2)(B) of this section, above.

(iii) 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.

**(3) Incoming loans.**

(A) Long-term loans may in rare instances be accepted by the commission, and only after consideration of the following conditions:

(i) The objects are extremely relevant to the purpose of the commission;

(ii) The objects are of unique quality consistent with commission purposes;

(iii) The condition of the object is such that maintenance and storage will not exceed museum resources; and

(iv) Loan of the object will in all probability lead to donation to the commission.

(B) Long-term loans will be:

(i) Accepted for a specified period of time;

(ii) Agreed to by the commission; and

(iii) Subject to an agreement signed by the lender and the director or chair.

(C) Temporary loans may be accepted for specific purposes and for a specified period of time and will be subject to the conditions of the agreement signed by the lender and the director or the director's designee.

(D)(i) To the extent practical, the criteria in subdivision (d)(2)(B) of this section shall also be considered in deciding whether to accept loans of objects.

(ii) In any case, with respect to loans, it shall be the responsibility of the Registrar of the Old State House Commission to obtain and retain adequate records of the terms and conditions governing the loan.

#### **(4) Appraisals.**

(A)(i) Commission employees shall not, in their official capacities, give appraisals for the purpose of establishing tax-deductible value to gifts offered to the commission.

(ii) They shall not appraise, authenticate, or identify objects under circumstances that could encourage or benefit illegal, unethical, or irresponsible traffic in such materials.

(iii) Identification and authentication may be given for professional or educational purposes only.

(B) The director or the director's designee is authorized to:

- (i) Assign values to collection objects for insurance purposes; and
- (ii) Seek appropriate professional expertise to assist in the

assignment of insurance values.

**(5) Collection care.**

(A)(i) Employees of the commission who are in direct contact with collection objects shall be cognizant of general conservation needs of the collection.

(ii) Exhibit preparators shall be responsible for providing specific conservation needs for objects placed on exhibit with the advice of the collections staff and the director.

(iii) The collections staff shall be responsible for following proper conservation methods for objects in storage.

(iv) The director shall make final decisions regarding treatment needs for individual objects.

(B) 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.

(C) The commission shall provide a fine arts insurance policy for the protection of collections in the amounts deemed appropriate by the director.

(D) Flash photography will not be permitted in areas of collection exhibit or storage without the express consent of the director.

**(6) Availability of collection.**

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

(B)(i) Public access to nonexhibit areas for collection examination will not be permitted normally.

(ii) 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.

**(7) Truth in presentation.**

(A) The collections will be used to disseminate knowledge with honesty and objectivity.

(B) They will not be used to perpetuate myths or stereotypes.

**(8) Disposal.**

(A) Procedures for objects missing from the collection shall follow those set forth in the State Accounting Manual, Part V, Chapter I, and successive rules.

(B)(i) Objects in the collection shall be retained permanently if they:

*(a)* Continue to serve the commission's purposes and activities;

and

*(b)* Can be properly:

*(1)* Stored;

*(2)* Preserved; and

*(3)* Used.

(ii) Objects may be removed from the collection and disposed of:

*(a)* When these conditions no longer prevail; or

*(b)* In the interest of improving the collections for the

commission's purposes.

(C) In considering the removal of objects from the collections, the judgment of appropriate staff members shall be sought and, to the extent practical, followed.

(D)(i) 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.

(ii) No objects belonging to the commission will be loaned to private individuals.

(iii)*(a)* Objects will be loaned only to qualified institutions where they will be exhibited and handled under proper conditions of security and safety.

*(b)* Borrowing institutions will be required to sign an agreement with the director detailing the conditions of the loan.

*(c)* Requests for objects from the collections will be considered individually, and loans will be made only at the final discretion of the director.

*(d)* Requests for loans must be submitted to the director in writing.

(E)(i) 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.

(ii) All other collection categories shall require the approval of the director.

(F)(i) Before disposing of any object from the collection, reasonable efforts shall be made to ascertain that the commission is free to do so.

(ii) 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)(1)* Objects to which precatory restrictions apply shall not be disposed of until reasonable efforts are made to comply with the restricting conditions.

*(2)* The commission will make reasonable efforts to notify the donor if it intends to dispose of the object within ten (10) years of receiving the gift or within the donor's lifetime, whichever is less; and

*(c)* If there is any question as to the intent or force of restrictions the commission will seek the advice of legal counsel.

(G) Objects removed from the collections permanently will be disposed of in accordance with the following principles, insofar as it is practical to do so:

(i) The manner of disposal shall be in the best interests of the:

*(a)* Commission;

*(b)* Public it serves;

*(c)* Public trust it represents in owning the collections; and

*(d)* Scholarly and historic communities it represents;

(ii) 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;

(iii)(a) 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:

- (1) Research;
- (2) Education; or
- (3) Exhibit.

(b) 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;

(iv) 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;

(v) Objects will not be given or sold privately to:

- (a) Employees;
- (b) Commission members; or
- (c) Their representatives; and

(vi) Objects may be acquired by employees or commission members at public sale with full disclosure.

(H) Catalogues of the commission and other records shall document the:

- (i) Removal of objects from the collection; and
- (ii) Conditions of their disposal.

**(9) Personal collecting.**

(A)(i) The commission encourages its employees to pursue personal activities related to their job responsibilities.

(ii) 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.

(iii) If an employee acquires an object through purchase that directly enhances the purposes of the commission, the commission must be given the opportunity to acquire the object within sixty (60) days of the employee's notification, at the price paid by the employee.

(B)(i) Commission employees may not use their professional positions to promote personal collecting activities.

(ii) No employee may participate in dealing, i.e., buying and selling for profit, in objects similar to those collected by the commission.

**(e) Return of collections.**

(1) Should evidence be presented to the commission that any object in its possession was acquired subsequent to the date on which this part is approved by the commission, in violation of the principles in subdivision of (d)(2)(B) of this section, the commission will investigate the circumstances.

(2) If justified by the investigation, the commission will return the object to its rightful or legal owner, to the extent that is legally possible and practical to do so.

**(f) Reversion of collections.**

(1) It is understood that the commission holds property in the name of the State of Arkansas.

(2) 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.

**Authority.** Arkansas Code § 13-7-205.

**13 CAR § 80-302. The Old State House.**

**(a) Policy.**

(1)(A) The Old State House is operated as a historic structure and museum.

(B) Its resources are used to encourage understanding and enjoyment of the state's history by all people.

(2)(A) The museum in the Old State House presents and interprets the history of Arkansas through two (2) major program areas:

- (i) The political history of the state; and
- (ii) Home life in historic Arkansas with emphasis on the period since

the time of the Civil War.

(B) Long-term exhibits are installed on topics central to:

- (i) The political history of the state;
- (ii) Home life since the Civil War; and
- (iii) The historic structure.

(C) A program of temporary exhibits is designed to expand upon the permanent exhibits and encourage return visitation.

(D) Interpretive materials and programs that further illustrate the state's history are provided to the general public and to school children.

(E) 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.

(F) The Old State House conducts research and publishes in the areas of:

- (i) State political history;
- (ii) Home life since the time of the Civil War; and
- (iii) The historic structure.

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

**(b) Public access.**

(1) The Old State House is a history museum within a historic site.

(2) Our first responsibility is to:

- (A) The building; and
- (B) Its collections and programs.

(3) Within certain limits the building is available for appropriate uses.

(4) Members of the Old State House Museum Associates receive up to a twenty percent (20%) discount on rentals.

**(c) Private use.**

(1) In addition to the public events sponsored or cosponsored by the commission and to public events that contribute directly to the purpose of the Old State House, the commission allows private use by individuals and organizations.

(2) 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.

(3) 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.

(4)(A) Applications for private use of the Old State House:

(i) Are made in writing to the Director of the Old State House Commission at least two (2) weeks prior to the event; and

(ii) Must include a complete plan for the proposed use.

(B)(i) A decision is made by the director or the director's designee based on the information provided by the applicant.

(ii) The decision is communicated in writing to the applicant within one (1) week of receipt of the request.

(C) Specific conditions governing the use of the Old State House:

(i) Will accompany the reply; and

(ii) Must be accepted by the applicant before the event.

(D) A nonrefundable charge is made, payment of which must be received before the date of the event.

(E) 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 commission.

**(d) Historic relationships.**

(1) In recognition of their participation in and contributions to the preservation of the Old State House, the commission has dedicated permanently certain exhibit areas in the Old State House to the:

(A) Arkansas Pioneers Association;

(B) United Spanish War Veterans Auxiliary, Department of Arkansas;

(C) Arkansas Federation of Women's Clubs;

(D) Arkansas Society, National Society Daughters of the American Revolution;

(E) Arkansas Division, United Daughters of the Confederacy; and

(F) Arkansas Society, United States Daughters of 1812.

(2) To affirm and preserve their unique and mutually beneficial partnerships, the commission and each of the six (6) organizations designated above will periodically negotiate, sign, and review agreements governing their continued working relationships.

**Authority.** Arkansas Code § 13-7-205.

### **13 CAR § 80-303. Trapnall Hall.**

#### **(a) Policy.**

(1) Trapnall Hall is operated as:

(A) The Governor's official reception center; and

(B) A historic structure available to the public for rental.

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

(3)(A) Trapnall Hall's exterior, grounds, and outbuildings shall conform to authentic period treatment to the extent feasible with available funds and existing memorials.

(B) 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 – 1860 period.

#### **(b) Public access.**

(1) Trapnall Hall is open regularly to the public from 9:00 a.m. until 1:00 p.m., Monday through Friday.

(2) Group tours may be arranged at other times by appointment.

(3) Trapnall Hall is closed regularly on state holidays and during private rental functions.

(4) Trapnall Hall may be closed at other times at the discretion of the Director of the Old State House Commission for reasons of public safety or security.

(5) There is no admission charge when Trapnall Hall is open to the public.

**(c) Private use.**

(1) The express purpose of Trapnall Hall is its operation as a rental facility.

(2) All inquiries and arrangements for rental are to be directed to the Trapnall Hall manager, (501) 324-9716, from 8:00 a.m. until 4:30 p.m., Monday through Friday, with the exception of the holidays noted in subsection (b) of this section, above.

(3) Procedures for private use:

(A) A nonrefundable deposit and the completed Reservation and Function Planning Guide form are required prior to confirmation of the rental;

(B) The balance of the rental fee is required on or before the date of rental;

(C) Food may not be prepared at Trapnall Hall;

(D) All events must be catered;

(E) Caterers retained by renters are bound by all rules and regulations;

(F) Alcoholic beverages may be served only by professional bartenders/waiters for a maximum of two (2) hours, unless an extension fee has been paid prior to the function;

(G) Events may exceed four (4) hours only with payment of additional fees;

(H) Dancing and heavy sound equipment are not allowed;

(I) Rice may be distributed or thrown in Trapnall Hall only if an additional clean-up charge is paid;

(J) Renters are responsible for loss or damage to the building and its contents during their events; and

(K) Complete instruction, detailed assistance, and current fees are available from the Trapnall Hall manager.

**(d) Governor's use.** Trapnall Hall is available free of charge to the Governor as his or her official reception center.

**Authority.** Arkansas Code § 13-7-205.

**13 CAR § 80-304. Preservation restriction (easement) program.**

(a) **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 Acts 1975, No. 882, and the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(b) **Definitions.** As used in this section and Acts 1975, No. 882:

(1) "Charitable corporation or trust" means any nonprofit organization that meets the criteria established and is so designated by the Old State House Commission to be a recipient of preservation restrictions established under Acts 1975, No. 882; and

(2) "Preservation restriction" means 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:

(i) Structure;

(ii) Site; or

(iii) Open space.

(c) **Determination of charitable corporation or trust.**

(1) The commission shall review all private organizations that desire to be recipients of preservation restriction to determine if they qualify under the requirements established.

(2) All such organizations shall:

(A) Be organized as nonprofit corporations under the laws of Arkansas or authorized to do business in Arkansas;

(B) Be authorized in their articles of incorporation to acquire title to property;

(C) Designate as one (1) of their primary purposes in their articles of incorporation the promotion of historic preservation;

(D) Be designated as 501(c)(3) corporations by the Internal Revenue Service; and

(E) Demonstrate the ability to administer and enforce any preservation restrictions held by them.

**(d) Evaluation of property to be subject to preservation restriction.**

(1)(A) The commission shall evaluate all property that is suggested as appropriate for a preservation restriction.

(B) 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.

(C) A National Register of Historic Places inventory nomination form shall be prepared on each piece of property to assist the commission in its deliberations.

(2) Criteria to be taken into consideration shall include, but not be limited to, the following:

(A) Listed or eligible to be listed on the National Register of Historic Places or State Register of Historic Places, or recognized locally (Quapaw Quarter Plaque, for example);

(B) Located within a National Register Historic District or one (1) established under local law;

(C) Effect on property as a result of any national, state, regional, and local comprehensive land use or development plan;

(D) Possibility of destruction without the restriction;

(E) Uniqueness of property;

(F) Public access to property; and

(G) Use of property.

(e) Procedure for creating preservation restriction:

- (1) Complete a National Register of Historic Places inventory nomination form;
- (2) Determine what shall be included in the preservation restriction (e.g., interior/exterior easement, height restriction, etc.);
- (3) Complete the sample preservation restriction form, which will be provided by the commission;
- (4) Present the documents for review and approval by the commission;
- (5) After execution of the document and signature of the Director of the Old State House Commission it shall be filed with the circuit clerk of the county in which the property is located; and
- (6) After filing, copies shall be sent to the:
  - (A) Commission;
  - (B) Property owner; and
  - (C) Recipient.

(f) **Review procedures.**

- (1) 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.
- (2) If it is found that the restriction is not being followed, the Attorney General's office shall take steps for enforcement.

(g) **Modification procedures.** Should a property owner or restriction holder request that a restriction be modified, the commission shall consider the proposed modification at a regular or special meeting to determine whether it is in the best public interest to modify the restriction.

(h) **Termination procedures.**

- (1) Should a property owner or restriction holder request that a restriction be terminated, the commission shall hold a public hearing to determine whether it is in the best public interest to cancel the restriction.
- (2) The procedures for holding a public hearing, as outlined in the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., shall be followed.

(i) **Limitations.** Nothing in this part shall be construed to imply that any restriction, easement, covenant, or condition that does not come within the purview of this part shall, on account of these provisions, be unenforceable.

**Authority.** Arkansas Code § 13-7-205.

## **Appendix A. Users Policies, Procedures, Fees, Special Usage Plans, and Special Users Agreement**

**Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/167/13CARpt.80Appendix.pdf>