

## **Title 22. Public Property**

### **Chapter VII. Capitol Arts and Grounds Commission, Secretary of State**

#### **Subchapter A. Generally**

##### **Part 30. Administrative Rules and Procedures**

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

"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."

#### **Subpart 1. Generally**

##### **22 CAR § 30-101. Definitions.**

As used in this part:

(1)(A) "Capital improvement projects" include the location of new buildings and facilities on the State Capitol grounds, expansion or addition to existing buildings and facilities located on the State Capitol grounds, location or relocation of parking lots and parking facilities on the State Capitol grounds, location of memorials, fountains, monuments, sculptures, and other works of art, including proposals for the relocation of any fountains, memorials, or monuments and similar facilities on the State Capitol grounds, installation of lights and lighting equipment on the State Capitol grounds, 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 (\$1,000).

(B) "Capital improvement projects" do not include:

- (i) Renovations or improvements within the interior of existing structures on State Capitol grounds;
- (ii) Repair or maintenance that does not substantially change existing structures on State Capitol grounds; or
- (iii) Change of use of space or addition of square footage to existing buildings;

(2)(A) "Capitol Master Plan" means the design document for capital improvement projects as defined in this part on the State Capitol grounds.

(B) 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;

(3)(A) "Historic State Capitol grounds" include:

- (i) The grounds east of the State Capitol bordered by Seventh Street and South Martin Luther King, Jr. Drive to the south;
- (ii) Fourth Street and North Martin Luther King, Jr. Drive to the north;
- (iii) Woodlane Street to the east; and
- (iv) The State Capitol Building to the west.

(B) The Historic State 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; and

(4)(A) "State Capitol grounds" include all land, parking areas, and streets that are under the jurisdiction of the Secretary of State.

(B) This includes the land, parking areas, and streets surrounding the State Capitol Building, the Capitol Hill Building, the Grounds Operations shop, and other land that is maintained by the Secretary of State.

**Authority.** Arkansas Code § 22-3-503.

**22 CAR § 30-102. Administrative duties.**

(a) The purpose of this section is to set forth the powers and duties of the Capitol

Arts and Grounds Commission.

(b) The commission shall:

- (1) Guide the development of the State Capitol grounds by recommending a Capitol Master Plan for capital improvement projects;
- (2) Approve any modifications to the Capitol Master Plan;
- (3) 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;
- (4) Recommend the acquisition of land for such expansion of the State Capitol grounds; and
- (5) Review and recommend for display all permanent art to be placed or erected in the public areas of the State Capitol.

(c)(1) The commission shall meet at least twice a year, on the call of the Chair of the Capitol Arts and Grounds Commission, or upon written request of any four (4) of its members, to review matters concerning capital improvement project proposals.

(2) The Secretary of State shall serve as the chair.

(d)(1) The commission shall:

- (A) Review all requests for capital improvement proposals; and
  - (B) Set forth criteria for evaluation of all requests.
- (2) Following a formal request, the commission shall hold a public hearing to obtain the views of the public on a proposed project.
- (3) 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.

**Authority.** Arkansas Code § 22-3-503.

**22 CAR § 30-103. Proposal review and approval procedure.**

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

(b) **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:

(1)(A) Requests can be submitted at any time and all requests shall be made on standard forms provided by the Secretary of State.

(B) After the Secretary of State has determined that the project lies within the Capitol Arts and Grounds Commission's jurisdiction, the Secretary of State shall schedule and hold a meeting of the Capitol Arts and Grounds Commission.

(C) Successful applications shall be forwarded to a subcommittee of the Capitol Arts and Grounds Commission appointed by the Secretary of State;

**(2) Predesign conference rules and procedures for proposed projects in the State Capitol Complex.**

(A) No additional memorials and/or monuments shall be placed on historic State Capitol grounds except as provided for in the historic State Capitol grounds definition.

(B)(i) The Capitol Arts and Grounds Commission shall be consulted concerning:

- (a)* Potential sites available on the State Capitol Complex; and
- (b)* Maximum dimensions allowed for each site.

(ii) A grounds monument location map in the Capitol Master Plan defines potential locations and maximum dimensions.

(C)(i) Potential construction materials must be compatible with the design, historic importance, and building materials of the State Capitol Building.

(ii) Whenever possible, State Capitol grounds monuments shall be constructed of materials such as granite, limestone, bronze, copper, and/or steel.

(D)(i) A preliminary proposal shall be submitted to the Capitol Arts and Grounds Commission subcommittee for review.

(ii) This preliminary proposal will include:

- (a)* Preliminary design intentions; and
- (b)* Administrative arrangements to oversee the construction

project's financing.

(E)(i) The Capitol Arts and Grounds Commission shall recommend preliminary site approval.

(ii) This approval must be granted for an applicant to proceed.

(iii) A final design proposal shall be submitted to the Capitol Arts and Grounds Commission by the applicant after the predesign conference or conferences;

(3) After full review and recommendation of the final design proposal, 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:

(A) Architectural and landscaping plans, including elevations, site plans, and floor plans as appropriate, for the project;

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

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

(D) Sufficient information to allow a courtesy review by the Capitol Zoning District Commission;

(E) Sufficient information to demonstrate that the proposed project fulfills a need or demand of the citizens of Arkansas;

(F) Appropriate funding plan for the timely completion and proper maintenance of the proposed project; and

(G) Sufficient information that knowledgeable persons qualified in the field of architecture and preservation/maintenance shall be consulted by the applicant to:

(i) Determine structural soundness and durability; and

(ii) Ensure that the commemorative work meets high professional standards; and

(4) The Capitol Arts and Grounds Commission subcommittee will notify the applicant of submission to the full commission.

**(c) Proposal review procedure.**

(1) Each proposal that is submitted and found to be within the jurisdiction of the Capitol Arts and Grounds Commission will be examined at the next meeting of the

Capitol Arts and Grounds Commission.

(2) Upon receipt of a capital improvement project proposal that meets the minimum requirements, the Capitol Arts and Grounds Commission shall:

(A) Meet and review the proposal and consider all evidence presented by the proposing applicant;

(B) Ask the requesting applicant to provide additional information if the Capitol Arts and Grounds Commission believes that more information relating to the project is required; and

(C)(i) Hold a public meeting for the purpose of obtaining the views of the public on the proposed project.

(ii)(a) Notices of meeting shall be mailed to interested persons at least ten (10) days in advance of the meeting.

(b) Notice shall also be published in:

(1) Newspapers of general daily circulation; and

(2) When appropriate, various trade, industry, and professional publications.

(iii) The hearing shall:

(a) Be conducted using Robert's Rules of Order; and

(b) Afford all interested parties the opportunity to speak.

(3) Any proposal receiving a positive recommendation by the Capitol Arts and Grounds Commission shall be submitted to the Secretary of State, additional review and recommendation of the proposal to the General Assembly for legislative action.

(4) Any proposal receiving a negative recommendation by the Capitol Arts and Grounds Commission shall be submitted to the Secretary of State with an explanation of why the request was not deemed appropriate.

**(d) Proposal approval procedure.**

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

**(A) Member report.**

(i) The Capitol Arts and Grounds Commission subcommittee members

shall prepare a report for each capital improvement project proposal.

(ii) A majority vote of the full Capitol Arts and Grounds Commission shall be necessary for adoption of any action by the Capitol Arts and Grounds Commission;

(B) **Compliance with Capitol Master Plan.** The proposed project must comply with this part and the intent of the Capitol Master Plan;

(C) **Public position.**

(i) Any person may present a position or opinion at the public hearing.

(ii) The Capitol Arts and Grounds Commission members shall assess the sentiment of the public or any person presenting an opinion or position in making a decision;

(D) **Need or demand.** The proposed action must be necessary or beneficial in creating positive change that fulfills a need or demand present within the State Capitol grounds;

(E) **Legal considerations.** The proposed action must be compatible with existing laws and standard codes;

(F) **General Assembly.**

(i) The proposed capital improvement project must be submitted to and approved by the General Assembly before it is adopted.

(ii) The project will be introduced at the next General Assembly following approval by the Capitol Arts and Grounds Commission; and

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

(2)(A) The approval of the project proposal is valid for one (1) year from the adoption by the General Assembly.

(B) The capital improvement project shall be completed within one (1) year from the date of the beginning of the construction.

(C) Failure to complete the application proposal procedure within one (1) year would require a reapplication with the Capitol Arts and Grounds Commission.

(D) The Capitol Arts and Grounds Commission's decision of the recommended proposal shall be made available for public viewing.

**Authority.** Arkansas Code § 22-3-503.

**22 CAR § 30-104. Appeals.**

(a)(1) 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 ninety (90) days from the final decision of the commission.

(2) Such appeal shall be made by filing with the commission a notice of appeal specifying the grounds thereof.

(b) After an appeal has been received, the commission shall:

- (1) Hear the appeal at the next regular meeting;
- (2) Give due notice to interested parties; and
- (3) Reconsider its action within a reasonable time.

**Authority.** Arkansas Code § 22-3-503.

**22 CAR § 30-105. Amendments.**

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

- (1) Public notice of the consideration of an amendment to be published;
- (2) A public hearing to be held at least thirty (30) days following the public notice of the amendment by the Capitol Arts and Grounds Commission for the sole purpose of considering the proposed amendment; and
- (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.

**Authority.** Arkansas Code § 22-3-503.