

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 3/18/87

HOUSE BILL 2038

By: Representative Foster

"AN ACT TO CREATE A CAPITOL GROUNDS COMMISSION, TO HAVE JURISDICTION OVER BUILDINGS AND FACILITIES TO BE LOCATED ON THE STATE CAPITOL GROUNDS AND THE LANDSCAPING THEREOF; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. There is hereby created a "Capitol Grounds Commission", hereinafter referred to as the "Commission", to consist of the following members:

(a) the Governor or his designee;

(b) the Secretary of State or his designee;

(c) the Director of the Arkansas Historic Preservation Commission;

(d) the Chairman of the Capitol Zoning District Commission;

(e) one landscape architect in this State, to be named by the Governor from a list of three names submitted to him by the Arkansas Chapter of the American Society of Landscape Architects; and

(f) one licensed architect in this State, to be named by the Secretary of State from a list of three names submitted to him by the Arkansas Chapter of the American Institute of Architects.

In addition to the foregoing members, the President Pro Tempore of the Senate shall name one member of the Senate to serve as a non-voting member on said Commission, and the Speaker of the House of Representatives shall name one member of the House of Representatives to serve as a non-voting member on said Commission.

SECTION 2. (a) 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. 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. Provided that, 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 Committees of the Arkansas General Assembly, and said allowances shall be paid from funds appropriated for such purpose.

(b) The Commission shall meet on call of the Chairman, or upon written request of any four of its members. A majority vote of the voting members of the Commission shall be necessary for the adoption of any action by the Commission.

(c) The terms of office of the two appointive members of the Commission shall be designated by the Governor in order that the term of one member will expire on January 15, 1989 and the term of the other member shall terminate on January 15, 1991, and their successors shall be appointed for terms of four (4) years.

(d) The two non-voting legislative members of the Commission shall serve until their successors are named at the next-following regular session of the General Assembly.

SECTION 3. As used in this Act, the following terms shall have the respective meanings as provided herein, unless the context thereof clearly indicates otherwise.

(a) "State agency" shall mean any State officer, board, commission or department, or any division thereof authorized by law to engage in capital construction or improvement projects on the State Capitol Grounds.

(b) "Project" means expenditures for capital construction or for capital improvements, including landscaping on the State Capitol Grounds, but shall not include:

(i) renovations, improvements or remodeling within the interior of structures now existing on the State Capitol Grounds; or

(ii) repair or maintenance that does not substantially change the existing use of space on the State Capitol Grounds that does not add additional square footage to existing

buildings or facilities, and does not change exterior building design; or

(iii) individual plantings within an established landscaping plan that do not alter the overall plan concept.

SECTION 4. The Commission shall have the following powers and duties:

(a) 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 projects, as defined herein, to be developed by such agencies;

(b) formulate a long-range master improvement plan for capital improvement projects on the State Capitol Grounds and to review the plan from time to time to keep it up to date;

(c) recommend the acquisition of land for expansion of the State Capitol Grounds as may be required to meet the needs of State agencies;

(d) 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, and fountains on the State Capitol Grounds;

(e) adopt rules and regulations not inconsistent with this Act and other laws of this State as may be required by the federal government for grants-in-aid for capital improvement projects which may be made available to the State by the federal government;

(f) adopt such other rules and regulations as the Commission may deem necessary for the proper performance of its duties under this Act.

SECTION 5. For the purposes of this Act, 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 State Capitol Grounds;

the location or relocation of parking lots and parking facilities on the State Capitol Grounds;

the location of memorials, fountains, monuments, sculpture, and other works of art, including proposals for the relocation of any such 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 material over \$1,000.

SECTION 6. Before any State agency shall undertake a capital improvement project, as defined herein, on the State Capitol Grounds, a request shall be filed with the Commission for its review and approval of the proposed project. The Commission may require that such requests include:

- (i) architectural and landscaping plans (if appropriate) for the project;
- (ii) sufficient information to demonstrate compliance with applicable standards for development;
- (iii) sufficient information to demonstrate compliance with the Capitol Grounds Master Plan;
- (iv) sufficient information to demonstrate consistency of the project with zoning regulations of the Capitol Zoning District Commission.

Upon receipt of a request for approval of a project, the Commission shall hold a hearing for the purpose of obtaining the views of the public on the proposed project. Notices of hearings shall be mailed to interested persons, either by separate notice or by inclusion on the Commission's meeting agenda, at least ten (10) days in advance of the meeting.

If, upon review of the request for approval of the project the Commission believes that more information relating to the project is required, the Commission may postpone action on the request and may direct the requesting agency or the Commission staff to provide additional information.

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 State Capitol 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.

SECTION 7. All laws and parts of laws in conflict with this Act are hereby repealed.

/s/ W. F. Foster

