

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 1456

4
5 By: Representative Elliott
6 By: Senator Steele

For An Act To Be Entitled

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9
10 AN ACT TO AUTHORIZE THE CAPITOL ZONING DISTRICT
11 COMMISSION TO CHARGE FEES FOR ISSUING PERMITS FOR
12 IMPROVEMENTS AND TO IMPOSE AND COLLECT CIVIL
13 PENALTIES FOR VIOLATIONS OF THE COMMISSION'S
14 REGULATIONS; AND FOR OTHER PURPOSES.

Subtitle

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16
17 TO ALLOW THE CAPITOL ZONING DISTRICT
18 COMMISSION TO CHARGE FEES FOR ISSUING
19 PERMITS FOR IMPROVEMENTS AND TO IMPOSE
20 AND COLLECT CIVIL PENALTIES FOR
21 VIOLATIONS OF COMMISSION REGULATIONS.

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

25
26 SECTION 1. Arkansas Code § 22-3-306 is amended to read as follows:

27 22-3-306. Authority of commission over property within district -
28 Permits.

29 (a) After the adoption of the comprehensive master zoning plan, the
30 Capitol Zoning District Commission shall have exclusive authority over the
31 zoning and regulation of the utilization of all property within the Capitol
32 Zoning District, and no planning or zoning authority or jurisdiction of any
33 subdivision of the state shall have any zoning or control authority except as
34 agreed upon by the commission.

35 (b)(1) After the adoption by the commission of the comprehensive
36 master zoning plan, the commission shall have the authority to approve or



1 disapprove the location and design of any improvements to be placed upon any
 2 land within the district, and no improvements shall be placed upon any land
 3 within the district unless the design and proposed location shall be approved
 4 by the commission.

5 (2) Such improvements shall include, but not be limited to,
 6 buildings including additions and alterations, parking lots and facilities,
 7 and all other construction whatsoever, except that the word "improvements"
 8 shall not include existing streets, alleys, or utilities and shall not
 9 include maintenance, service, or improvement thereof.

10 (c)(1) After the adoption by the commission of the comprehensive
 11 master zoning plan, no improvement of any nature nor any change of land use
 12 shall commence within the district without a permit issued by the Capitol
 13 Zoning District Commission.

14 (2) Each application for a permit shall be accompanied by an
 15 application fee of not more than two hundred fifty dollars (\$250), as set by
 16 the commission.

17 (d) Within the Capitol Zoning District, a legally existing use,
 18 building, or structure that exists at the time of the adoption of the plans
 19 and regulations authorized by this subchapter, but not in conformity with
 20 such plans and regulations, may be continued but shall not be extended or
 21 structurally altered without the approval of the Capitol Zoning District
 22 Commission.

23 (e)(1) After a hearing conducted in accordance with the Arkansas
 24 Administrative Procedure Act, if the commission determines that a person or
 25 entity has violated any provision of this subchapter or any regulation
 26 promulgated by the commission under this subchapter, the commission may
 27 impose a civil penalty on the person or entity not to exceed one thousand
 28 dollars (\$1,000) for each violation and may collect costs incurred in
 29 conducting the investigation and hearing.

30 (2) The commission may file an action in the Circuit Court of
 31 Pulaski County to collect any civil penalty imposed on a person or entity by
 32 the commission.

33 (3) If the commission prevails in the action to collect the
 34 civil penalty under subdivision (e)(2) of this section, the commission may
 35 also collect reasonable attorney's fees and costs incurred by the commission
 36 in prosecuting the action.

1 (4) Any person aggrieved by an action of the commission imposing
2 a civil penalty may appeal the decision in the manner and under the
3 procedures prescribed under the Arkansas Administrative Procedure Act for
4 judicial review of administrative decisions.

5
6 SECTION 2. Arkansas Code Title 22, Chapter 3, Subchapter 3 is amended
7 to add an additional section to read as follows:

8 22-3-314. Capitol Zoning District Fund.

9 (a) There is created a cash fund entitled the Capitol Zoning District
10 Fund, that is to be maintained in a depository bank or banks as may be
11 designated from time to time by the Capitol Zoning District Commission.

12 (b)(1) All application permit fees, civil penalties imposed, costs
13 collected, and all income, interest, and earnings on the fund, are declared
14 to be cash funds to be used solely for paying the administrative costs of
15 issuing permits for improvements and for the operations and maintenance of
16 the commission.

17 (2) The cash funds shall not be a part of the State Treasury for
18 any purpose, including, without limitation, the provisions of Arkansas
19 Constitution, Article 5, § 29, Article 16, § 12, or Arkansas Constitution,
20 Amendment 20, or any other constitutional or statutory provision.

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