

ARKANSAS SENATE
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 1456

"TO ALLOW THE CAPITOL ZONING DISTRICT COMMISSION TO CHARGE FEES FOR
ISSUING PERMITS FOR IMPROVEMENTS AND TO IMPOSE AND COLLECT CIVIL
PENALTIES FOR VIOLATIONS OF COMMISSION REGULATIONS."

Amendment No. 1 to House Bill No. 1456.

Amend House Bill No. 1456 as engrossed, H2/27/03:

Page 1, delete line 26, and substitute the following:

“SECTION 1. Arkansas Code § 22-3-303, concerning the powers generally of the Capitol Zoning District Commission, is amended to add an additional subsection to read as follows:

(f)(1) Beginning in January 2004, and each January of each year after, the commission shall hold a meeting within the district, open to all residents of the district, to attend and discuss the activities of the commission and its staff.

(2) The commission and staff shall present information at the annual meeting about the activities of the commission and staff during the previous year and their plans for any activities for the coming year.

(3) The annual meeting shall contain a time period for public comments from residents within the district and a notice of the meeting shall be published in a newspaper in general circulation within the district once a week for two (2) consecutive weeks at least twenty (20) days before the date of the meeting.

SECTION 2. Arkansas Code § 22-3-306 is amended to read as follows:”

AND

Page 1, line 29, delete “After” and substitute “After Except to the extent that the commission and the City of Little Rock agree to the civil enforcement of the commission’s regulations under § 22-3-308, after”

AND

Page 2, delete lines 14 through 16, and substitute the following:

“(2)(A) Each application for permit shall be accompanied by an application fee of not more than one hundred dollars (\$100), as set by the



commission.

(B) However, if a commission permit duplicates a permit required by the City of Little Rock, then the commission shall waive the commission's permit fee."

AND

Page 2, delete lines 23 through 36, and substitute the following:

"(e)(1)(A) To the extent that the commission and the City of Little Rock agree to the civil enforcement of the commission's regulations under § 22-3-308, the commission may request that the city impose a civil penalty on a person or an entity within the district up to two hundred fifty dollars (\$250) to enforce the violation of the commission's rules and regulations.

(B) After the initial violation, each day of violation afterward is a separate violation and the penalty is not to exceed one hundred dollars (\$100) per day after the initial violation.

(C) However, if a violation is corrected within a timeframe set by the commission, the city shall waive the civil penalty.

(2) After a hearing conducted in accordance with the Arkansas Administrative Procedure Act, if the commission determines that a person or entity has violated any provision of this subchapter or any regulation promulgated by the commission under this subchapter, the commission may request an enforcement action by the city to impose a civil penalty on the person or entity not to exceed the amounts prescribed in subdivision (e)(1) of this section.

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

SECTION 3. Arkansas Code § 22-3-308 is amended to read as follows:

22-3-308. Coordination by commission with other agencies.

(a) The Capitol Zoning District Commission is authorized and encouraged to coordinate the comprehensive master zoning plan, to the greatest extent it deems practical, with city, county, and other area planning agencies.

~~(b)(1)~~ The commission may enter into agreements with the City of Little Rock providing for mutual cooperation and joint regulation within the district with respect to planning and zoning; permission to build upon or otherwise use land; the enforcement of building, safety, and health codes and inspection to ensure compliance therewith; and other matters within the jurisdiction of the Capitol Zoning District Commission.

~~(2) Such agreements between the City of Little Rock and the commission may not cede the commission's final authority and responsibility over the matters entrusted to it by law.~~

(c) Upon an agreement between the City of Little Rock and the commission and the adoption of a municipal ordinance, the city may impose a civil penalty on a person or an entity within the district up to two hundred fifty dollars (\$250) to enforce the commission's rules and regulations that the city shall adopt by ordinance."

AND

Page 3, line 2, delete "SECTION 2." and substitute "SECTION 4."

AND

Page 3, lines 8 and 9, delete "costs collected,"

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senators Steele, Bisbee

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Secretary