

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

As Engrossed: H3/17/97

## A Bill

HOUSE BILL 2161

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By: Representatives Schexnayder, Faris, McGehee, Bond, Trammell, Hale, Angel, Wood, French, and Diane Hudson  
By: Senator Wilson

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### For An Act To Be Entitled

10 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE TITLE  
11 22, CHAPTER 3, SUBCHAPTER 5 CONCERNING THE CAPITOL GROUNDS  
12 COMMISSION; AND TO REPEAL ARKANSAS CODE 22-3-214  
13 CONCERNING THE CAPITOL ART COMMISSION; AND FOR OTHER  
14 PURPOSES."

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### Subtitle

17 "AN ACT CONCERNING THE CAPITOL GROUNDS  
18 COMMISSION AND TO REPEAL ARKANSAS CODE  
19 22-3-214 CONCERNING THE CAPITOL ART  
20 COMMISSION."

21

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

23

24 SECTION 1. Arkansas Code 22-3-501 is amended to read as follows:  
25 "22-3-501. Definitions.

26 As used in this subchapter, unless the context otherwise requires:

27 (1) State agency means any state ~~officer~~, board, commission,  
28 department, or any division thereof authorized by law to engage in capital  
29 construction or improvement projects on the State Capitol grounds;

30 (2) Project means expenditures for capital construction or for capital  
31 improvements, including landscaping on the State Capitol grounds, but shall  
32 not include:

33 (A) Renovations, improvements, or remodeling within the interior  
34 of structures now existing on the State Capitol grounds;

35 (B) Repair or maintenance that does not substantially change the  
36 existing use of space on the State Capitol grounds that does not add

1 additional square footage to existing buildings or facilities, and does not  
2 change exterior building design; or

3 (C) Individual plantings within an established landscaping plan  
4 that do not alter the overall plan concept.

5 (3) Project or capital improvement project shall mean and include:

6 (A) The location of new buildings and facilities on the State  
7 Capitol grounds;

8 (B) The expansion of or addition to existing buildings and  
9 facilities located on the State Capitol grounds;

10 (C) The location or relocation of parking lots and parking  
11 facilities on the State Capitol grounds;

12 (D) The location of memorials, fountains, monuments, sculpture,  
13 and other works of art, including proposals for the relocation of any  
14 fountains, memorials, or monuments and similar facilities on the State Capitol  
15 grounds;

16 (E) The installation of lights and lighting equipment on the  
17 State Capitol grounds;

18 (F) The location and development of streets, curbs, gutters, and  
19 sidewalks on the State Capitol grounds; and

20 (G) Landscaping projects or changes in landscaping design on the  
21 State Capitol grounds involving an expenditure in labor and material over one  
22 thousand dollars (\$1,000).

23 (4) State Capitol Grounds means all land, parking areas, and streets  
24 which are under the jurisdiction of the Secretary of State. This shall  
25 include the land, parking areas and streets surrounding the State Capitol  
26 Building, the Capitol Hill Building, the Grounds Operations shop and other  
27 land that is maintained by the Secretary of State."

28

29 SECTION 2. Arkansas Code 22-3-502 is amended to read as follows:

30 "22-3-502. Creation - Members, etc.

31 (a)(1) There is created a Capitol Arts and Grounds Commission.

32 ~~consisting of the following~~ The Commission shall be composed of thirteen (13)  
33 members as follows:

34 (A) The Governor or ~~his~~ a designee;

35 (B) The Secretary of State or ~~his~~ a designee who shall  
36 serve as Commission Chair and ex officio member;

1 (C) The Director of the Arkansas Historic Preservation  
2 ~~Commission Program~~;

3 (D) The Director of the Arkansas Department of Parks and  
4 Tourism;

5 ~~\_\_\_\_\_ (D)~~ (E) The Chairman Chair of the Capitol Zoning District  
6 Commission;

7 ~~\_\_\_\_\_ (E)~~ (F) One (1) landscape architect in this state, to be  
8 named by the ~~Governor~~ Secretary of State from a list of three (3) names  
9 submitted ~~to him~~ by the Arkansas Chapter of the American Society of Landscape  
10 Architects; and

11 ~~\_\_\_\_\_ (F)~~ (G) One (1) licensed architect in this state, to be  
12 named by the Secretary of State from a list of three (3) names submitted ~~to~~  
13 ~~him~~ by the Arkansas Chapter of the American Institute of Architects-;

14 (H) Two (2) citizen members at-large to be appointed by the  
15 Governor, who shall serve a four (4) year term;

16 (I) Two (2) citizen members at-large to be appointed by the  
17 Secretary of State, who shall serve a four (4) year term.

18 (2) In addition to the foregoing members, the President Pro  
19 Tempore of the Senate shall name one (1) member of the Senate to serve as a  
20 ~~nonvoting an ex officio~~ member on the commission, and the Speaker of the House  
21 of Representatives shall name one (1) member of the House of Representatives  
22 to serve as a ~~nonvoting an ex officio~~ member on the commission.

23 (b)(1) ~~The Governor shall serve as chairman of the commission or shall~~  
24 ~~designate some other member of the commission to serve as chairman in his~~  
25 ~~place.~~

26 ~~\_\_\_\_\_ (2)~~ Members of the commission shall serve without pay, but shall  
27 be reimbursed by Secretary of State funds for reasonable and necessary  
28 expenses ~~incurred for meals, lodging, and travel~~ in attending commission  
29 meetings and in the performance of duties of the commission, if funds are  
30 provided therefor, in accordance with the rate prescribed for state employees  
31 in state travel regulations.

32 ~~\_\_\_\_\_ (3)~~ (2) The nonvoting legislative members of the commission shall  
33 be entitled to receive per diem and mileage for attending commission meetings  
34 at the same rate as provided by law for attending meetings of the joint  
35 interim committees of the General Assembly, and the allowances shall be paid  
36 from funds appropriated for that purpose.

1 (c)(1) The commission shall meet at least twice a year or on call of  
2 the chairman or upon written request of any four (4) of its members.

3 (2) A majority vote of the voting members of the commission shall  
4 be necessary for the adoption of any action by the commission.

5 (d)(1) The terms of office of the ~~two (2)~~ four (4) appointive members  
6 of the commission shall be four (4) years. The initial at-large members  
7 appointed by the Governor and Secretary of State shall determine their terms  
8 by lot so that: one (1) member shall serve a term of two (2) years; and one  
9 (1) member shall serve a term of four (4) years.

10 (2) The two nonvoting legislative members of the commission shall  
11 serve until their successors are named at the next-following regular session  
12 of the General Assembly.

13 (3) Within ninety (90) days prior to the expiration of the term  
14 of office of each professional member, the American Society of Landscape  
15 Architects may submit to the Secretary of State, a list of three (3) names of  
16 licensed landscape architects for each position for which a term expires.  
17 Within ninety (90) days prior to the expiration of the term of office of each  
18 professional member, the American Institute of Architects may submit to the  
19 Secretary of State, a list of three (3) names of licensed architects for each  
20 position for which a term expires. Appointments expire June 30."

21

22 SECTION 3. Arkansas Code 22-3-503 is amended to read as follows:

23 "22-3-503. Powers and duties.

24 (a) The commission shall have the following powers and duties:

25 (1) To obtain and maintain information from state agencies  
26 concerning their current and anticipated future needs for space on the State  
27 Capitol grounds for the location of projects, as defined in § 22-3-501, to be  
28 developed by the agencies;

29 (2) To recommend a ~~long-range master improvement plan~~ Capitol  
30 Master Plan for capital improvement projects on the State Capitol grounds and  
31 to review the plan from time to time to keep it up to date;

32 (3) To recommend the acquisition of land for such expansion of  
33 the State Capitol grounds as may be required to meet the needs of state  
34 agencies;

35 (4) To file an annual report with the Secretary of State-;

36 ~~\_\_\_\_\_ (4) (5) To review and recommend to the Governor, the General~~

1 ~~Assembly, or~~ the Secretary of State on the location of monuments, memorials,  
2 fountains, and similar improvements on the State Capitol grounds or for the  
3 relocation of existing monuments, memorials, and fountains on the State  
4 Capitol grounds-;

5 (6) To review any permanent statue, statuary, fountain, monument  
6 or memorial tablet to be erected in the public areas of the State Capitol or  
7 on its grounds for compliance with the adopted plan;

8 (7) To review all permanent paintings or permanent mural  
9 decorations or other permanent ornament to be placed in the public areas of  
10 the State Capitol;

11 (b) The commission shall have the right to accept donations in money,  
12 pictures, paintings, statuary fountains, and memorial tablets on behalf of the  
13 state for the State Capitol Building. In cases of money donations, the  
14 commission shall have the right to expend the money in decorations, either in  
15 the building or on the grounds thereof. To that end, the commission may make  
16 all necessary contracts for the expenditure of the funds.

17 (c) Upon adoption of the Capitol Master Plan, the Secretary of State  
18 shall file one (1) copy for public display and file one (1) copy with the  
19 Joint Legislative Facilities Committee.

20 (d) Any monument on the State Capitol grounds as approved by the  
21 commission must be authorized by an act of the General Assembly."

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23 SECTION 4. Arkansas Code 22-3-504 is amended to read as follows:

24 "22-3-504. Requests - Contents, hearings, etc.

25 (a) Before any state agency shall undertake a capital improvement  
26 project, as defined in § 22-3-501, on the State Capitol grounds, a request  
27 shall be filed with the commission for its review of the proposed project.

28 (b) The commission may require that the requests include:

29 (1) Architectural and landscaping plans, if appropriate, for the  
30 project;

31 (2) Sufficient information to demonstrate compliance with  
32 applicable standards for development;

33 (3) Sufficient information to demonstrate compliance with the  
34 Capitol ~~Grounds~~ Master Plan;

35 (4) Sufficient information to demonstrate consistency of the  
36 project with zoning regulations of the Capitol Zoning District Commission.

1 (c) Upon receipt of a request for review of a project, the commission  
2 shall hold a ~~hearing~~ public meeting for the purpose of obtaining the views of  
3 the public on the proposed project. Notices of ~~hearings~~ meetings shall be  
4 mailed to interested persons, either by separate notice or by inclusion on the  
5 commission's meeting agenda, at least ten (10) days in advance of the meeting.

6 (d) If, upon review of the request for review of the project, the  
7 commission believes that more information relating to the project is required,  
8 the commission may postpone action on the request and may ask the requesting  
9 agency or the commission staff to provide additional information.

10 (e) If the commission determines that the proposed project is  
11 consistent with the Capitol ~~Grounds~~ Master Plan and with Capitol Zoning  
12 District Commission regulations and is in the best interest of the use of  
13 space on the State Capitol grounds, the commission may give favorable advice.

14 (f) No state agency shall undertake a capital improvement project, as  
15 defined in § 22-3-501, on the State Capitol grounds unless the project is  
16 first submitted to and approved by the General Assembly."  
17

18 SECTION 5. Arkansas Code 22-3-214, concerning the Capitol Art  
19 Commission, is repealed.

20 ~~"22-3-214. Capitol Art Commission.~~

21 ~~—— (a)(1) There is created the Capitol Art Commission.~~

22 ~~—— (2) The Governor is authorized to appoint two (2) citizens and the~~  
23 ~~Secretary of State is authorized to appoint two (2) citizens of the State of~~  
24 ~~Arkansas, who, together with the Secretary of State, the Speaker of the House~~  
25 ~~of Representatives or a member appointed by the Speaker, and the President Pro~~  
26 ~~Tempore of the Senate or a member appointed by the President Pro Tempore,~~  
27 ~~shall comprise the Capitol Art Commission for the State Capitol.~~

28 ~~—— (3) The commission shall serve without compensation.~~

29 ~~—— (4) The citizen members shall each serve for four (4) years.~~

30 ~~—— (5) Commission members may succeed themselves and shall serve until~~  
31 ~~their successors are appointed.~~

32 ~~—— (b)(1) No statue, statuary, fountain, monument, or memorial tablet shall~~  
33 ~~be erected in the public areas of the State Capitol or on its grounds without~~  
34 ~~the consent in writing of the commission, nor shall any paintings, mural~~  
35 ~~decorations, or other ornaments be placed in the public areas of the building,~~  
36 ~~nor shall the walls of the public areas of the building be decorated in any~~

1 ~~way without the consent of the commission. The commission may cause the~~  
2 ~~removal of any pictures, paintings, statues, monuments, memorial tablets, or~~  
3 ~~fountains and the obliteration of any decorations upon the walls of the~~  
4 ~~Capitol Building, which they may deem unworthy.~~

5 ~~— (2) The commission shall have the authority to establish by rule and~~  
6 ~~regulation those areas of the State Capitol to be considered public areas for~~  
7 ~~purposes of this section.~~

8 ~~— (c) The Capitol Art Commission shall have the right to accept donations~~  
9 ~~in money, pictures, paintings, statuary, fountains, and memorial tablets on~~  
10 ~~behalf of the state for the State Capitol Building. In cases of money~~  
11 ~~donations, the commission shall have the right to expend the money in~~  
12 ~~decorations, either in the building or on the grounds thereof. To that end,~~  
13 ~~the commission may make all necessary contracts for the expenditure of the~~  
14 ~~funds."~~

15

16 SECTION 6. All provisions of this act of a general and permanent nature  
17 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
18 Revision Commission shall incorporate the same in the Code.

19

20 SECTION 7. If any provision of this act or the application thereof to  
21 any person or circumstance is held invalid, such invalidity shall not affect  
22 other provisions or applications of the act which can be given effect without  
23 the invalid provision or application, and to this end the provisions of this  
24 act are declared to be severable.

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26 SECTION 8. All laws and parts of laws in conflict with this act are  
27 hereby repealed.

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29 */s/Rep. Schexnayder, et al*

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