

## MN Rules 2400: Addition of New Artworks in the MN Capitol Area -- **DRAFT** Comparison of Existing Policy and Proposed Rules --

### INTRODUCTION

The MN Revisor version of proposed rulemaking amendments to standards for commemorative works in the Minnesota Capitol Area shows the change between existing Rules language and proposed Rules language. Unfortunately, most of the existing standards for commemorative works are NOT written in the Rules. Instead, they are written in a separate document that is “incorporated by reference” within the Rules. The referenced document, now titled “CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD Policy for Commemorative Works in the Minnesota State Capitol Area February 2012”, is external to the Rules and was last updated in 2012, even though the Rules reference the 1993 version.

*MN Rules 2400.2705, Subp. 1.B. The commemorative work must be consistent with and meet the conditions of the following board documents: . . . (3) Commemorative Works in the Capitol Area: A Framework for Initiation, Evaluation and Implementations of Commemorative Works in the Capitol Area, May 1993. These documents are incorporated by reference and are available at the board’s office and website and the State Law Library.*

Since the MN Revisor is only able to show changes to the Rules language itself, it misses showing the changes between existing language in the external policy document and the proposed language to be in the rules. **This document fills that gap.** The existing policy only addresses Addition of Commemorative Works and therefore is compared only to the proposed rules regarding.

The existing policy document shown on the following pages includes a large amount of background text, in addition to the core language of the standards, criteria, and process steps. Paragraphs of background text are not appropriate in rules language, but will be carried forward in CAAPB information materials about commemorative works that will be provided to interested parties and potential applicants.

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## HOW TO USE THIS DOCUMENT

### FORMATTING DIFFERENTIATES EXISTING AND PROPOSED LANGUAGE

- Existing policy or rules language
  - Leads each section of this document
  - Font - Times New Roman, black text
- Proposed rules
  - Located below the existing language it relates to
  - Identified under “PROPOSED RULES REFERENCE”
  - General information - Calibri font, blue text
  - Direct quote of proposed language – Calibri font, blue text, in ITALICS

### TYPES OF RATIONALE

There are several general reasons for proposed revision of the existing policy language to the proposed rules language:

- **Simplify or Clarify Language** - Legibility, simplicity or clarity of specific language; often to meet Rule writing protocols
- **Remove Duplication** - Removal of redundancy or duplication;
- **Eliminate Unneeded Language** - Elimination of unnecessary language;
- **Comply with Comp Plan** - Compliance with 2040 Comprehensive Plan for the Minnesota State Capitol Area, adopted June 2021;
- **Implement Input** – Implement public input, findings and recommendations of the two commemorative works task forces; or
- **Other**

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**EXISTING MN RULES**

2400.2705 STANDARDS FOR CIVIC AND INSTITUTIONAL USES.

Subpart 1. Monuments, memorials, and commemorative works. Monuments, memorials, and commemorative works structures must be approved for placement under Minnesota Statutes, section 15B.05, subdivision 3.

A. All commemorative works for the Capitol area must meet the following objectives:

(1) to preserve the integrity of the Capitol area;

PROPOSED RULES REFERENCE:

➤ Subp. 1 Guiding Principles . . . .

*"C. All decisions about commemorative artwork must account for the historic, architectural, and artistic integrity of the Capitol building and grounds."*

➤ Subp. 9. Criteria for Removal. . . . .

*"F. The degree to which removal of the artwork would detract from the overall artistic and architectural integrity of the Capitol or Capitol area."*

(2) to ensure that such works are appropriately designed, constructed, and located;

These items are addressed throughout the proposed rules.

(3) to maintain the dignity of existing memorials;

PROPOSED RULES REFERENCE:

➤ 2400.2703. Subp.5. Criteria for design of new artwork.

*"C. An artwork must seek to enhance the beauty of the Capitol area, while respecting the State Capitol's art and architecture. To the extent possible, an artwork must embrace a design scheme that is the Capitol area's historic features."*

(4) to ensure that the subject is of lasting significance to the people of the state;

PROPOSED RULES REFERENCE:

➤ 2400.2703. Subp.2. Conditions for adding new artwork.

*"B. the artwork has lasting statewide significance for Minnesotans"*

(5) to reflect the diversity of the state's people and culture, yet not be partisan in nature; and

PROPOSED RULES REFERENCE:

➤ 2400.2703. Subp.2. Conditions for adding new artwork.

*"C. the artwork is respectful of the diversity of Minnesotans"*

(6) to provide an enriching experience that illuminates underlying values and broadens understanding of the state's heritage and culture.

PROPOSED RULES REFERENCE:

➤ 2400.2703. Subp.2. Conditions for adding new artwork. . . . .

*"D. viewing the artwork provides a rich experience to broaden the understanding of Minnesota's shared history, heritage, and culture"*

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**CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD  
Policy for Commemorative Works in the Minnesota State Capitol Area  
February 2012**

**Section 1) THE ACT OF COMMEMORATION**

The primary intent of a commemorative work (statues, monuments, or memorials) is to memorialize: to remember the cultural, social and political aspects of the lives of Minnesotans. Commemorative works are more than objects; they express ideas embodied in a variety of physical forms, events and locations. The role and responsibility of the commemorative work is two-fold:

1) To preserve and commemorate the diverse people of Minnesota and their values.

**PROPOSED RULES REFERENCE:**

- 2400.2040 Definitions, Subp. 19d. Commemorative artwork.  
*"...Commemorative artwork serves four primary functions: A. to memorialize and remember..."*
- 2400.2703. Subp.2. Conditions for adding new artwork. . . .  
*"C. the artwork is respectful of the diversity of Minnesotans;"*  
*"D. viewing the artwork provides a rich experience to broaden the understanding of Minnesota's shared history, heritage, and culture"*

2) To inform and enrich its urban context with an added meaning and significance.

**PROPOSED RULES REFERENCE:**

- 2400.2040 Definitions  
Subp. 19d. Commemorative artwork. . . .  
*"Commemorative artwork serves four primary functions: . . . .*  
*B. to inform and inspire the viewer; . . .*  
*D. to accentuate and enhance the urban landscape."*

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**Section 2) THE URBAN CONTEXT**

Commemorative works can animate and inform the public realm, contributing not only to the identity of an urban area but also serving to articulate the urban fabric. Throughout the Twin Cities, a variety of urban design frameworks exist which provide unique locations for a variety of types and subjects of commemorative works. The placement of commemorative works at key locations within these settings can serve to strengthen the connections between the Capitol Area, Saint Paul, the Capital City, and Minneapolis. The linked park system, designed by Horace Cleveland at the turn of the 20<sup>th</sup> century, is the largest of these concepts. The uniqueness of Saint Paul and its primary landmarks—the Capitol, the Cathedral, and the downtown skyline—afford opportunities for commemorative works within this triangle. Within the Capitol Area, several design frameworks affect placement of commemoratives; these are listed in the following hierarchical order:

- (1) the 1998 Comprehensive Plan for the Capitol Area and the 2009 Comprehensive Plan Amendment (hereafter referred to collectively as the Comprehensive Plan),
- (2) the 1986 Design for the Completion of the Capitol Mall and the Mall Design Framework, and
- (3) small area plans, such as the Summit Park and East Capitol Area Design Framework Study for Urban Development, 1992.

Within the Capitol Area, there exists a plan that organizes spaces in a somewhat thematic manner, with greater clarity and more definition as one gets closer to sites on the Capitol Mall or those areas immediately surrounding the Capitol Building. These include:

- the upper Mall, between Cedar and Martin Luther King Boulevard for noteworthy executive, judicial or legislative leaders
- the lower half of the lower Mall, forming an area around the Veterans Services building for recognition of veterans and public safety efforts at keeping peace
- those lawn areas along John Ireland Boulevard for Minnesotans of importance
- those lawn areas along Cedar Street, south of Martin Luther King Boulevard for gardens recognizing special cultural achievements
- those areas to the immediate east or west of the Capitol, including Leif Erikson and Cass Gilbert Parks, for public assembly
- those open spaces along key vehicular, transit, or pedestrian approaches to the Capitol for temporary installations

Understanding and respect for the applicable design studies is imperative to the successful placement of commemoratives. They provide a structure for organized development, serving to prevent ad hoc decision-making.

**PROPOSED RULES REFERENCE:**

Section 2 in the existing policy talks about why commemorative works are important to the urban landscape around the Capitol Area. This is carried into the Proposed Rules through the Definition of Commemorative Artwork, by identifying it as one of four primary functions.

- 2400.2040 Definitions, Subp. 19d. Commemorative artwork. "Commemorative artwork". . . .  
*"Commemorative artwork serves four primary functions: . . . D. to accentuate and enhance the urban landscape."*

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**Section 3) HISTORY OF COMMEMORATIVE WORKS IN THE CAPITOL AREA**

Although Capitol Building architect Cass Gilbert had a vision for a tradition of commemorative works (statues, monuments, or memorials) in the Capitol Area, the first commemorative was not installed until 1912. This is the statue of Governor John Johnson located just south of the Capitol steps. A statue of Governor Knute Nelson followed in 1928, is also at these south steps.

The tradition came alive after World War II with the creation of the Veterans Service Building and the Court of Honor. Some current Capitol Area commemorative works were contributed intact by sponsoring groups. Examples of these are works honoring Christopher Columbus (1931), Leif Erickson (1949), and Charles Lindbergh (1985).

More recently the State has been involved from the initial inception of a commemorative work's concept, through its siting and design, under the auspices of the Capitol Area Architectural and Planning Board (CAAPB). Examples of these are the Minnesota Vietnam Veterans Memorial (1992), the Roy Wilkins Memorial (1995), the Peace Officers Memorial (1995), the Korean Veterans Memorial (1998), the Woman Suffrage Memorial Garden (1999), the World War II Memorial (2006), and the Minnesota Workers Memorial (2010).

This renewed interest in memorials has accelerated to the point where it is necessary to develop an overall plan for orderly and appropriate development of future commemorative works in the Capitol Area. This plan will also stress the need to maintain the dignity of existing commemorative works (reference Appendix c).

Commemorative works do not have to solely be works of art; they can be events, ceremonies, or a grove of trees. In addition existing features or elements not now commemorative works could be dedicated and renamed. For example, the CAAPB's 1977 naming of Cass Gilbert Park in honor of the Capitol's architect. The reflecting pool at the Veterans Service Building, the freeway overpasses, other landscape features, unnamed state office buildings or installations within existing buildings might serve as new commemorative works. Consideration should also be given to adopting elements of the Capitol Mall Design Framework as commemorative works (reference Appendix d).

A variety of commemorative works exists in the Capitol Area, yet they all have in common four primary functions:

- to memorialize, to cause remembrance,
- to inform, to inspire,
- to be of lasting historic and cultural significance, and
- to punctuate and enhance the urban landscape.

**PROPOSED RULES REFERENCE:**

Section 3 explains the history of commemorative works in the Capitol Area. The only words related to policy or standards are identified in the four primary functions. This language is carried into the Proposed

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Rules through the Definition of Commemorative Artwork. The small changes in phrasing were recommended by the MN Revisor.

- *“2400.2040. Subp. 19d. Commemorative artwork. "Commemorative artwork" means a monument, memorial, or other type of original piece in any style, expression, genre, or media that is the unique creative expression of an artist designed to memorialize cultural, social, and political aspects of Minnesota's history. A commemorative artwork expresses or reflects the collective memory of an individual person, group, or event. Commemorative artwork serves four primary functions:
  - A. to memorialize and remember;
  - B. to inform and inspire the viewer;
  - C. to have lasting historic and cultural significance; and
  - D. to accentuate and enhance the urban landscape.”*

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**Section 4) THE ROLE OF THE CAAPB**

The Capitol Area Architectural and Planning Board (CAAPB) is the planning and design review agency which makes decisions concerning the physical character as well as placement of commemorative works within the Capitol Area. In this capacity, the CAAPB must fulfill certain legal responsibilities concerning commemorative works (see MN Statutes 15B).

Included within these obligations are the responsibilities:

- to understand and respect the space limitations of the Capitol Area;  
PROPOSED RULES REFERENCE:
  - Subp. 4. Criteria for determining location of new artwork
- to maintain the dignity and integrity of existing commemorative works;  
PROPOSED RULES REFERENCE:
  - Subp. 1 Guiding Principles for commemorative artwork. . . .  
*“C. All decisions about commemorative artwork must account for the historic, architectural, and artistic integrity of the Capitol building and grounds.*
  - Subp. 9. Criteria for evaluating removal of an existing commemorative artwork. . . .  
*“F. The degree to which removal of the artwork would detract from the overall artistic and architectural integrity of the Capitol or Capitol area.”*
- to create a framework for orderly and appropriate development of commemorative works in the Capitol Area, within the framework of its Comprehensive Plan;  
PROPOSED RULES REFERENCE:  
The “framework of its Comprehensive Plan” refers to the Capitol Mall Design Framework which is part of the Comprehensive Plan). References to complying with it are provided in:
  - Subp. 3. Application...new artwork. G., H. and L.,
  - Subp. 4. Criteria...new artwork. E.
- to serve as a resource to assist any individual, agency, or organization, including the Legislature, considering a commemorative work; and  
PROPOSED RULES REFERENCE:  
The intent to “assist any individual, agency, or organization” this is covered by the entirety of proposed MN Rules 2400.2703.
  - Specific mention of “Legislature” is in Subp. 3. Application and review process for new artwork.  
*“G. In accordance with Minnesota Statutes, Section 15B.21, subdivision 3, the board must provide testimony to the legislature on any commemorative artwork proposal in the Capitol area seeking legislative authorization or appropriation of funding. . . .”*
- to select designs or designers as required by state law.  
PROPOSED RULES REFERENCE:
  - Subp. 3. Application and review process for new artwork.  
*“H. . . . the board must initiate either an open solicitation for design proposals or a request for qualification process to select a designer or design concept through a design competition. . . .”*



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**Section 5) OBJECTIVES FOR COMMEMORATIONS**

- 1) to be appropriately located, designed, and constructed.

**PROPOSED RULES REFERENCE:**

Eliminate because location, design and construction considerations are addressed in Subp. 4. Criteria for Location, and in Subp. 5. Criteria for Design.

- 2) to be of lasting significance to the people of Minnesota

**PROPOSED RULES REFERENCE:**

- Subp. 2. Conditions for adding new artwork . . . .

*“C. the artwork has lasting statewide significance for Minnesotans; . . .”*

- 3) to reflect the diversity of Minnesota’s people providing a rich experience broadening the understanding of Minnesota’s heritage and culture.

**PROPOSED RULES REFERENCE:**

- Subp. 2. Conditions for adding new artwork . . . .

*“C. the artwork is respectful of the diversity of Minnesotans;”*

*“D. viewing the artwork provides a rich experience to broaden the understanding of Minnesota's shared history, heritage, and culture; . . .”*

- 4) to cooperate with other authorities to develop opportunities for proposed commemorative works which may be located outside the Capitol Area.

N/A – No reference in proposed rules.

Rationale - Commemorative works outside the Capitol Area are not the subject of these Rules.

- 5) to assure the maintenance and operations of existing commemoratives through the establishment of a dedicated fund as described in Section 8, item #7. [Section 8, item #7 -- An amount equal to 20% of the total estimated construction cost shall be paid to the State to offset the costs of perpetual maintenance of the commemorative project. The funds shall be deposited into a revolving and dedicated fund established by the State.]

**PROPOSED RULES REFERENCE:**

- Subp.3. Application...new artwork

*“J. applicant must deposit with the Department of Administration enough money to complete the project as designed and an amount equal to 20 percent of the total estimated construction costs to cover the costs of operation, repairs and maintenance of the work over time.”*

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- 6) that existing commemoratives within the Capitol Area found incompatible with CAAPB objectives and Comprehensive Plan policies may be considered for relocation.

**PROPOSED RULES REFERENCE:**

Existing policy Section 5, item 6 (text above) is the only language mentions potential removal of existing commemorative works. It states that incompatibility with the Comprehensive Plan and CAAPB objectives may be grounds for removal, but there is no specificity on what objectives to review or elements of the Comprehensive Plan to consider. The Proposed rules fill this gap, in the following parts:

- 2400.2040 Definitions, Subp. 19d. Commemorative artwork.
- 2400.2703, Subp. 1 Guiding principles for commemorative artwork.
- 2400.2703, Subp. 6. Conditions for modification or removal of an existing work.
- 2400.2703, Subp. 9. Criteria for evaluating removal of an existing commemorative artwork.

- 7) that a proposal commemorating an individual will be considered only after the person has been deceased for at least ten (10) years.

**PROPOSED RULES REFERENCE:**

- Subp. 2. Conditions for adding new artwork.  
*“E. if an individual is the subject of an artwork, the individual must: . . .  
(4) have been deceased for at least ten years.”*

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**Section 6) SITE SELECTION CRITERIA**

The commemorative work should have a clear justification for its proposed location in the Capitol Area.

The CAAPB will determine site selection based upon these criteria:

- 1) Does the commemorative work’s site fit the thematic organization for commemorative works in the Comprehensive Plan?

**PROPOSED RULES REFERENCE:**

- Subp. 4. Criteria for determining location of new artwork.  
*“E. . . . The artwork must fit within the thematic organization of the Capitol grounds and the Capitol mall design framework found in the Comprehensive Plan for the Minnesota Capitol Area. . . .”*

- 2) Will the commemorative fit within the organization of the Capitol Mall?

**PROPOSED RULES REFERENCE:**

- Subp. 4. Criteria for determining location of new artwork.  
*“B. The scale of the artwork must fit the artwork’s location, providing familiarity to the viewer while not being overpowering. The artwork’s size must not detract from the Capitol. The board must consider the artwork’s visual and spatial relationships to the artwork’s surroundings.”*

- 3) Will the commemorative work on this site provide an opportunity for urban design composition, that is, establish relationships with existing axes, vistas, entry points, and landmarks?

**PROPOSED RULES REFERENCE:**

- Subp. 4. Criteria for determining location of new artwork.  
*“B. The scale of the artwork must fit the artwork’s location, providing familiarity to the viewer while not being overpowering. The artwork’s size must not detract from the Capitol. The board must consider the artwork’s visual and spatial relationships to the artwork’s surroundings.”*  
*“E. . . . The board must consider the site’s relationship to other artwork and the Capitol.”*

- 4) Is the site visible and accessible to the public? Are the levels of visibility and accessibility appropriate to the commemoration?

**PROPOSED RULES REFERENCE:**

- Subp. 4. Criteria for determining location of new artwork.  
*“A. The site must be visible and accessible to all members of the public.”*

- 5) Will the utilization of this site interfere with, or encroach upon, any existing commemorative work?

**PROPOSED RULES REFERENCE:**

- Subp. 4. Criteria for determining location of new artwork.

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*“C. The use of the site must not interfere with any existing artwork.”*

6) Will selection of this site preserve and protect existing and proposed open space and its public use?

**PROPOSED RULES REFERENCE:**

➤ Subp. 4. Criteria for determining location of new artwork.

*“D. The use of the site must maintain and protect existing open space and the space’s public use.”*

Additional issues may become apparent in the process of site selection for a specific commemoration, and thus should be considered. State land on the Capitol campus is under the custodial control of the Department of Administration. Administration should be consulted to determine if proposed sites impact maintenance and operations or opportunities for locating state facilities in the future.

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**Section 7) DESIGN CRITERIA**

The following design issues will be considered when evaluating a proposal and during its design development:

**LEGIBILITY AND MEANING:** The intended message of the commemoration should be clear and understandable regardless of type or style of work. The work should convey meaning of enduring value for future generations.

**PROPOSED RULES REFERENCE:**

- Subp. 5. Criteria for design of new artwork.  
*"F. The intended message of the artwork must be clear and understandable. The artwork must convey a meaning of enduring value for future generations. The artwork may incorporate signage."*

**APPROACHABILITY:** Commemorative works should be designed to permit people to engage with them, and because they often are gathering points, they should be designed to provide amenities such as seating when appropriate.

**PROPOSED RULES REFERENCE:**

- Subp. 5. Criteria for design of new artwork.  
*"A. The artwork must encourage public engagement by the public and provide amenities such as seating."*

**SIZE AND SCALE:** While the size of a commemorative work is usually a reflection of its importance, there should be a match between the size of the commemorative work, and adherence to the Capitol Mall Design Framework.

**PROPOSED RULES REFERENCE:**

- Subp. 5. Criteria for design of new artwork.  
*"J. The size of the artwork must reflect the artwork's importance and adhere to the Capitol mall design framework and the Comprehensive Plan for the Minnesota Capitol Area. Due to limited open space, the board must give preference to smaller commemorative artwork."*

**SPATIAL ENVELOPES:** Freestanding commemorative works, through their presence, affect the territory in which they stand. The size of the surrounding spatial envelope should be considered since it is directly related to the scale of the work.

**PROPOSED RULES REFERENCE:**

- Subp. 5. Criteria for design of new artwork.  
*"K. A freestanding artwork must affect the space in which the artwork stands. The size of the surrounding spatial envelope must be compatible with the scale of the artwork."*

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**SETTING:** The space surrounding a commemorative work should be designed to provide a compatible setting while respecting the surrounding mall landscape design, and intended public functions, not interfering with any existing commemorative work.

**PROPOSED RULES REFERENCE:**

- Subp. 5. Criteria for design of new artwork.  
*“H. Artworks must be designed to be compatible with its immediate surrounding spaces, with respect to the Capitol mall landscape design and with respect to the intended public functions and activities of the mall.”*

**MATERIALS:** Materials should be chosen for their durability, sculptural qualities, visibility and compatibility with their setting. Stainless steel is discouraged in favor of bronze for durability; for the same reason, granite, limestone and other real stone are preferred at all times or at least for any key or vertical elements of the commemorative. Every effort should be made to see that the flooring or surface material is also of the highest quality possible, such as stone. If concrete is used, special consideration should be given to color, texture, scoring, aggregate, and density.

**PROPOSED RULES REFERENCE:**

- Subp. 5. Criteria for design of new artwork.  
*“G. Materials for the artwork must be durable, visible, and compatible with the artwork's setting. To address durability concerns, the board must give preference to an artwork made of bronze over stainless steel. The board must give preference to an artwork using stone, such as granite or limestone, for key features, vertical elements, flooring, and surfaces. If an artwork uses concrete, the board must consider the artwork's color, texture, scoring, aggregate, and density. An artwork may not include metal seating that could cause burns. If water features and in-ground lighting are included in an artwork, an applicant must deposit a maintenance and operating fund that is at least 20 percent of construction costs.”*

**VISUAL CONTEXT:** Visual works are perceived in relationship to their context and thus their design and placement should consider such contextual issues as orientation, and background. Height and scale should be appropriate to the location on the mall.

**PROPOSED RULES REFERENCE:**

- Subp. 5. Criteria for design of new artwork.  
*“I. The proposed artwork must not interfere with any existing artwork. Any element of the artwork other than trees must not exceed 20 feet in height.”*  
*“M. The design and placement of an artwork must consider contextual issues, such as orientation and background. The artwork's height and scale must be appropriate to the artwork's location on the Capitol mall.”*

**CLIMATIC CONTEXT:** The design of commemorative works and their settings should consider issues of

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sunlight and shade, wind, and the variety of Minnesota seasons.

**PROPOSED RULES REFERENCE:**

- Subp. 5. Criteria for design of new artwork.  
*“B. The design and setting of an artwork must consider climatic elements like sunlight, shade, wind, and the varied Minnesota seasons.”*

**EVENING ILLUMINATION:** Commemorative works may be enhanced with night illumination integral to the work’s design and not obtrusive to other works. The overall goal must be to make the space secure and safe for the visitor.

**PROPOSED RULES REFERENCE:**

- Subp. 5. Criteria for design of new artwork.  
*“D. An artwork's illumination must not compete with or distract from the sight of the Capitol. If the artwork uses evening illumination, the artwork must integrate the illumination into the artwork's design and not obstruct the view of other artwork.”*

**LANDSCAPE DESIGN:** Commemorative works landscape design shall incorporate hardy, low maintenance plantings that are not prone to overgrowth.

**PROPOSED RULES REFERENCE:**

- Subp. 5. Criteria for design of new artwork.  
*“E. The landscape design of an artwork must incorporate hardy, low-maintenance plantings that are not prone to overgrowth.”*

**CAUTIONARY NOTES:** Due to limited open space, smaller commemoratives are encouraged. No element other than trees should exceed 20 feet in height, and incorporation of flagpoles or other structures is discouraged. Metal seating that could cause burns is not recommended. Water features and in-ground lighting are subject to a more substantial maintenance and operating fund (larger than the regular 20% of construction). Illumination must in no way compete with or distract from the sight of the Capitol Building. Primary focus is daytime use. Commemoratives to a single person are reserved for Minnesotans of importance.

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**Section 8) PROCEDURES FOR INITIATING AND IMPLEMENTING A COMMEMORATIVE WORK**

The following procedures shall apply to any agency, individual or organization requesting the placement of a statue, monument, memorial or other commemorative work on public land in the Capitol Area.

The requesting agency, individual or organization (herein referred to as applicant) may request professional, technical and planning assistance from the CAAPB; payment for these services may be required by the CAAPB pursuant to state law, Minnesota Statutes 15B.17.

If an applicant is seeking state funding, it will need a legislative appropriation. It is recommended that an applicant seek this funding after the CAAPB has given site approval.

The following is a step-by-step description of these procedures:

- 1) The applicant requesting placement of a commemorative work on public land in the Capitol Area must submit a written proposal to the CAAPB's Executive Secretary. This proposal shall explain the nature of the commemorative work, the applicant's objectives, and describe any general programmatic needs for the commemorative. The CAAPB shall notify the Minnesota Department of Administration of the proposal.

**PROPOSED RULES REFERENCE:**

- Subp. 3. Application and review process for new artwork.  
*"A. An applicant requesting placement of a commemorative artwork in the Capitol area must submit the application form available from board staff. The board must also provide clear and accessible instructions for completing the form. When board staff receive a completed addition of a commemorative artwork request form, board staff must provide written confirmation of receipt to the applicant. Board staff may not process incomplete applications and must notify an applicant if the application is incomplete."*

- 2) If, as determined by the CAAPB staff in consultation with the Board's Architectural Advisors, the proposed commemorative work meets the requirements of OBJECTIVES FOR COMMEMORATIONS (Section 5), the CAAPB will proceed with a site selection study for the proposal, in consultation with the Department of Administration's review and comment on proposed sites.

**PROPOSED RULES REFERENCE:**

- Subp. 3. Application and review process for new artwork.  
*"B. Board staff must determine if an addition request meets the conditions specified in subpart 2.  
(1) If the addition request meets all of the conditions in subpart 2, board staff must notify the applicant, and within 14 days must notify the Department of Administration of the addition request and post a proposal summary on the board website."*



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*(2) If an application fails to meet all conditions in subpart 2, board staff must notify the applicant that the board has declined the addition request and the reasons for rejection. After the board has rejected an applicant's application, the applicant may resubmit the application or request further review of the application by the full board."*

*"C. After accepting an application for an addition, board staff and architectural advisers must conduct a site selection study with the applicant for the proposal. The Department of Administration must review and comment on proposed sites where the board is considering displaying the commemorative artwork. Board staff and architectural advisers must recommend a site for the proposed artwork to the full board based on the criteria for location of new artwork in subpart 4."*

- 3) Upon the CAAPB staff and Architectural Advisors recommendation of a site, the Board will consider site approval for a commemorative work in accordance with SITE SELECTION CRITERIA (Section 6), and also approve a design selection process to be executed by CAAPB staff in consultation with the Architectural Advisors, per Minnesota Statute 15B.10.

**PROPOSED RULES REFERENCE:**

- Subp. 3. Application and review process for new artwork.  
*"D. After board staff and advisers identify a site for the proposed artwork, the board must hold a public hearing and must affirm through board vote that the proposal meets all of the conditions under subpart 2. The board must notify the applicant of the board's final decision."*

- 4) The Design Selection Process yields a design concept which then must receive Board approval. Also, pursuant to state law, at a phase of the development of the commemorative's design, the Board will review and approve the design in accordance with DESIGN CRITERIA (Section 7).

**PROPOSED RULES REFERENCE:**

- Subp. 3. Application and review process for new artwork.  
*"F. The applicant must work with board staff and the architectural advisers to develop a design framework document that includes:*
- (1) the goals and objectives of the applicant;*
  - (2) the applicable zoning standards, project planning parameters, or design guidelines for the selected site;*
  - (3) the proposed budget, schedule, location, site-specific conditions, and technical parameters;*
  - (4) the plan for informing and engaging stakeholders and members of the public during the design competition; and*
  - (5) additional competition guidelines including composition of the design selection group, designer qualifications, criteria to be used by the design selection group, and submission requirements."*

*"H. Using the Capitol mall design framework in the Comprehensive Plan for the Minnesota Capitol Area, the board must initiate either an open solicitation for design proposals or a request for*

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*qualification process to select a designer or design concept through a design competition. A jury must include board members, board staff, architectural advisers, Minnesota Historical Society staff, designers, Department of Administration staff, the applicant, and any other members that the board determines necessary to help it select a designer and design concept. The design review group must review the design options and vote for a design concept."*

*"I. The board must review and approve of the jury's process and decision to ensure that the design review group followed the procedures in The Handbook of Architectural Design Competitions, which is incorporated by reference, is not subject to frequent change, and is available on the American Institute of Architects website."*

- 5) Construction of a commemorative work, even if the design has been given preliminary CAAPB approval, may not begin to progress through the stages of schematic design, design development, construction documents and bidding, all in cooperation with the Department of Administration, until sufficient funds have been deposited with the State to allow completion of the project as designed.

**PROPOSED RULES REFERENCE:**

- Subp. 3. Application and review process for new artwork.

*"E. If the board approves of the proposed artwork and the artwork's location, the applicant must raise enough money to pay for the cost of conducting a design competition. This money covers the design selection process elements, such as promotion, publicity, design review group expenses, and in the case of a formal competition, awards or stipends for the competition finalists."*

- 6) An amount equal to 20% of the total estimated construction cost shall be paid to the State to offset the costs of perpetual maintenance of the commemorative project. The funds shall be deposited into a revolving and dedicated fund established by the State.

**PROPOSED RULES REFERENCE:**

- Subp. 3. Application and review process for new artwork.

*"J. Upon selection of a designer and design concept by the design review group and before design and construction begin, the applicant must deposit with the Department of Administration enough money to complete the project as designed and an amount equal to 20 percent of the total estimated construction costs to cover the costs of operation, repairs and maintenance of the work over time. Board staff are available to offer funding advice and provide testimony to the legislature but may not directly raise money for the applicant."*

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**Existing Policy NOTES --The following outlines the general CAAPB approach to commemoratives described previously, from a proposal, concept inception, design, and through construction.**

**PROPOSED RULES REFERENCE**

- The items below are a summary of the steps described and addressed on previous pages of this document.
- Item 5 is the one exception; it which was not clearly covered in Section 8 in the Existing policy. Therefore, the corresponding parts of the Proposed Rules are addressed under Item 5.

1) Applicants requesting a commemorative work on the Capitol Mall must submit a written proposal to the Board's Executive Secretary.

2) Proposal Submission and Acceptance:

- scope and nature of commemorative
- goals and objectives of commemorative
- general programmatic needs, schedule, and estimated cost

CAAPB staff and Architectural Advisors approve proposal based upon Comprehensive Plan

3) Site Selection Study and Design Selection Process: Architectural Advisors and CAAPB staff study and recommend a site based on the Capitol Mall Design Framework Board gives preliminary approval to a proposal and recommended site CAAPB staff and Architectural Advisors recommend a design selection process Board approves the design selection process at the same Board meeting when approval is granted for a site [\[Addressed previously in Section 8\]](#)

4) CAAPB staff executes the Design Selection Process: Board either approves or disapproves the result of the process, which yield a design concept [\[Addressed previously in Section 8\]](#)

5) Development of Design (following complete project funding) Architectural Advisors and CAAPB staff review schematic, design development, and construction documents as project develops Technical reviews by others are done prior to Board approval Board approves a phase of the design as it develops (typically prior to completion of design development)

**PROPOSED RULES REFERENCE:**

➤ Subp. 3. Application and review process for new artwork.

*"K. After funding is complete, board staff and advisers, a designer or an artist, an applicant committee, and a Department of Administration project manager must form a working group to monitor the design framework and budget through schematic design and design development phases. With guidance from the working group, the selected designer must enter into a contract with the Department of Administration that includes a project timeline and budget."*

*"L. The selected designer must proceed with the schematic design and design development phases with regular working group reviews. After approval by the executive secretary of the schematic design and design development phases, the project must proceed with construction documents and*

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*bidding under guidance of the working group. The board must issue final approval of bid documents for compliance with the Capitol mall design framework in the Comprehensive Plan for the Minnesota Capitol Area and parts 2400.2040 and 2400.2703.”*

- 6) Construction 20% of construction cost set aside for future maintenance CAAPB staff in consultation with Architectural Advisors and the Department of Administration must approve any change orders that alter design elements

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