

1.1 **Capitol Area Architectural and Planning Board**

1.2 **Proposed Permanent Rules Regulating Capitol Area Commemorative Artwork**

1.3 **2400.2040 DEFINITIONS.**

1.4 *[For text of subparts 1 to 3, see Minnesota Rules]*

1.5 Subp. 3a. **Addition request.** "Addition request" means the application form that an
1.6 applicant submits to the board requesting the addition of a new artwork and describing why
1.7 the applicant believes that the artwork should be added to the commemorative artwork
1.8 collection.

1.9 *[For text of subparts 4 to 8, see Minnesota Rules]*

1.10 Subp. 8a. **Applicant.** "Applicant" means a person or group that submits an application
1.11 for an addition, modification, or removal of the artwork.

1.12 Subp. 8b. **Architectural advisers.** "Architectural advisers" means the three members
1.13 of the Advisory Committee on Architecture and Planning established under Minnesota
1.14 Statutes, section 15B.11, who are responsible for advising the board on all architectural and
1.15 planning matters.

1.16 *[For text of subparts 9 to 19, see Minnesota Rules]*

1.17 Subp. 19a. **Board staff.** "Board staff" means the employees of the Capitol Area
1.18 Architectural and Planning Board, led by the executive secretary, who execute the decisions
1.19 of the board.

1.20 Subp. 19b. **Capitol grounds.** "Capitol grounds" means the exterior areas of any
1.21 state-owned land in the Capitol area including state-owned rights-of-way, the Capitol mall,
1.22 and the exterior courtyards of state-owned buildings.

2.1 Subp. 19c. **Capitol mall.** "Capitol mall" means the open space between the Department
2.2 of Transportation Building, Centennial Building, Veterans Services Building, and the Capitol,
2.3 including the lawn surrounding the Capitol.

2.4 Subp. 19d. **Commemorative artwork.** "Commemorative artwork" means a monument,
2.5 memorial, or other type of original piece in any style, expression, genre, or media that is
2.6 the unique creative expression of an artist designed to memorialize cultural, social, and
2.7 political aspects of Minnesota's history. A commemorative artwork expresses or reflects
2.8 the collective memory of an individual person, group, or event. Commemorative artwork
2.9 serves four primary functions:

2.10 A. to memorialize and remember;

2.11 B. to inform and inspire the viewer;

2.12 C. to have lasting historic and cultural significance; and

2.13 D. to accentuate and enhance the urban landscape.

2.14 Commemorative artwork may be event-based, temporary, or long-term. Any commemorative
2.15 artwork that is event-based as defined under subpart 41a is not within the scope of this
2.16 subpart.

2.17 *[For text of subparts 20 to 24, see Minnesota Rules]*

2.18 Subp. 24a. **Design framework.** "Design framework" means a plan that provides a
2.19 structure for the organized development of an area to prevent ad hoc decision-making.

2.20 Subp. 24b. **Design process.** "Design process" means the process that the board follows
2.21 after the board approves a request for the addition or modification of a commemorative
2.22 artwork to the Capitol grounds, a design review group selects a designer or design concept,
2.23 and money is raised for the design and implementation. The design process includes:

2.24 A. **schematic design:** the description of the overall design concept for an artwork;

3.1 B. design development: a refined version of the schematic design with scaled
3.2 drawings showing the architectural and site plan details and list of materials;

3.3 C. construction documents: the instructions for contractors to build the artwork;
3.4 and

3.5 D. bidding: the search for a contractor to execute the artwork, based on price and
3.6 qualifications.

3.7 Subp. 24c. Designer. "Designer" means a person recognized as the lead practitioner
3.8 in the creative vision and design development of an artwork.

3.9 *[For text of subpart 25, see Minnesota Rules]*

3.10 Subp. 25a. Disposition. "Disposition" means the termination of ownership and
3.11 possession of an artwork from the commemorative artwork collection through sale, donation,
3.12 or demolition.

3.13 *[For text of subparts 26 to 41, see Minnesota Rules]*

3.14 Subp. 41a. Lifespan. "Lifespan" means the time that an artwork is displayed in the
3.15 Capitol area, which is:

3.16 A. event-based: an artwork displayed in the Capitol area for up to 14 days;

3.17 B. temporary: an artwork displayed in the Capitol area 15 days to one year; or

3.18 C. long-term: an artwork displayed in the Capitol area for more than one year.

3.19 *[For text of subparts 42 to 50, see Minnesota Rules]*

3.20 Subp. 50a. Modification. "Modification" means a process that changes the meaning,
3.21 character, appearance, or interpretation of an artwork. A modification includes:

3.22 A. a relocation: the movement of an existing artwork to a different location in the
3.23 Capitol area;

4.1 B. a structural modification: the addition, removal, or alteration of any physical
4.2 aspect of an artwork; or

4.3 C. a recontextualization: the addition of interpretive material to an artwork, such
4.4 as additional signage.

4.5 Subp. 50b. **Modification request.** "Modification request" means an application form
4.6 that an applicant submits to the board regarding a specific artwork, describing why the
4.7 applicant is requesting to modify or relocate the artwork and requesting modification of the
4.8 artwork.

4.9 *[For text of subparts 51 to 65, see Minnesota Rules]*

4.10 Subp. 65a. **Removal.** "Removal" means the review process and decision under part
4.11 2400.2703 to remove an artwork from the Capitol grounds.

4.12 Subp. 65b. **Removal request.** "Removal request" means an application form that an
4.13 applicant submits to the board regarding a specific artwork, describing why the applicant
4.14 is requesting to remove the artwork and requesting removal of the artwork.

4.15 *[For text of subparts 66 to 69, see Minnesota Rules]*

4.16 Subp. 69a. **Spatial envelope.** "Spatial envelope" means the shared, multidimensional
4.17 space surrounding an artwork.

4.18 *[For text of subparts 70 to 88, see Minnesota Rules]*

4.19 **2400.2703 STANDARDS FOR COMMEMORATIVE ARTWORK.**

4.20 Subpart 1. **Guiding principles for commemorative artwork.**

4.21 A. **Commemorative artwork on the Capitol grounds must reflect the state's diverse**
4.22 **history and people.**

4.23 B. **The board must:**

5.1 (1) provide for public input, public access, and transparency in making
5.2 decisions about commemorative artwork on the Capitol grounds;

5.3 (2) consider the historic, architectural, and artistic integrity of the Capitol
5.4 building; and

5.5 (3) review existing commemorative artwork as needed or every ten years to:

5.6 (a) gather public input regarding the commemorative artwork collection;

5.7 (b) ensure that the artwork in the commemorative artwork collection
5.8 meet the standards and intent of parts 2400.2040 and 2400.2703.

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

5.11 Subp. 2. **Conditions for adding new artwork.** The board must consider displaying
5.12 new commemorative artwork in the Capitol area if the artwork meets all of the following
5.13 conditions:

5.14 A. there has been documented public support of the artwork;

5.15 B. the artwork has lasting statewide significance for Minnesotans;

5.16 C. the artwork is respectful of the diversity of Minnesotans;

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

5.19 E. if an individual is the subject of an artwork, the individual must:

5.20 (1) have lived in Minnesota or the geographical area now identified as
5.21 Minnesota for at least five years during the individual's life;

5.22 (2) have historical significance;

5.23 (3) be renowned and admired by Minnesotans; and

6.1 (4) have been deceased for at least ten years.

6.2 Subp. 3. **Application and review process for new artwork.**

6.3 A. An applicant requesting placement of a commemorative artwork in the Capitol
6.4 area must submit the application form available from board staff. The board must also
6.5 provide clear and accessible instructions for completing the form. When board staff receive
6.6 a completed addition of a commemorative artwork request form, board staff must provide
6.7 written confirmation of the application's receipt to the applicant. If the information required
6.8 by the application form is not complete, board staff must notify the applicant that the
6.9 application is incomplete and indicate what information is missing.

6.10 B. Board staff must review each complete application and prepare a report with
6.11 a recommendation to the board on whether to accept the application. The full board must
6.12 vote to accept or reject the application based on whether the application meets all of the
6.13 conditions in subpart 2.

6.14 (1) If the board accepts an application for an addition request, board staff
6.15 must notify the applicant. Within 14 days of the board's vote accepting the application,
6.16 board staff must notify the Department of Administration of the addition request and post
6.17 a proposal summary on the board's website.

6.18 (2) If the board rejects an application for an addition request, board staff must
6.19 notify the applicant that the board has rejected the application for an addition request and
6.20 provide reasons for the rejection.

6.21 C. After accepting an application for an addition, board staff and architectural
6.22 advisers must conduct a site selection study with the applicant for the proposal. The
6.23 Department of Administration must review and comment on proposed sites where the board
6.24 is considering displaying the commemorative artwork. Board staff and architectural advisers

7.1 must recommend a site for the proposed artwork to the full board based on the criteria for
7.2 the location of new artwork in subpart 4.

7.3 D. After board staff and advisers identify a site for the proposed artwork, the board
7.4 must hold a public hearing and must affirm through board vote that the proposal meets all
7.5 of the conditions under subpart 2. The board must notify the applicant of the board's final
7.6 decision.

7.7 E. If the board approves of the proposed artwork and the artwork's location, the
7.8 applicant must raise money or otherwise pay for the cost of conducting a design competition.
7.9 This money covers the cost of the design selection process such as promotion, publicity,
7.10 design review group expenses, and, in the case of a formal competition, awards or stipends
7.11 for the competition finalists.

7.12 F. The applicant must work with board staff and the architectural advisers to
7.13 develop a design framework document that includes:

7.14 (1) the goals and objectives of the applicant;

7.15 (2) the applicable zoning standards, project planning parameters, or design
7.16 guidelines for the selected site;

7.17 (3) the proposed budget, schedule, location, site-specific conditions, and
7.18 technical parameters;

7.19 (4) the plan for informing and engaging key stakeholders and members of
7.20 the public during the design competition; and

7.21 (5) additional competition guidelines including the composition of the design
7.22 selection group, designer qualifications, the criteria that the design selection group must
7.23 use, and submission requirements.

8.1 G. In accordance with Minnesota Statutes, section 15B.21, subdivision 3, the
8.2 board must provide testimony to the legislature on any commemorative artwork proposal
8.3 in the Capitol area seeking legislative authorization or appropriation of funding. The applicant
8.4 may be asked to testify on behalf of the applicant's proposal. This testimony must address
8.5 the proposal's alignment with the Capitol mall design framework and the Comprehensive
8.6 Plan for the Minnesota Capitol Area, which is incorporated by reference, is not subject to
8.7 frequent change, and is available on the Capitol Area Architectural and Planning Board
8.8 website.

8.9 H. Using the Capitol mall design framework and the Comprehensive Plan for the
8.10 Minnesota Capitol Area incorporated by reference under item G, the board must initiate
8.11 either an open solicitation for design proposals or a request for qualification process to select
8.12 a designer or design concept through a design competition. The board must assemble a
8.13 design review group to assist the board in selecting a designer or design concept. The design
8.14 review group must include board members, board staff, architectural advisers, Minnesota
8.15 Historical Society staff, designers, Department of Administration staff, the applicant, and
8.16 any other members that the board determines necessary to help the board select a designer
8.17 or a design concept. The design review group must review the designer or design concept
8.18 applications and vote for a designer or design concept. After the design review group's vote,
8.19 the board must review and approve of the design review group's process and decision to
8.20 ensure that the design review group followed the procedures in The Handbook of
8.21 Architectural Design Competitions, which is incorporated by reference, is not subject to
8.22 frequent change, and is available on the American Institute of Architects website.

8.23 I. Upon selection of a designer and design concept by the design review group
8.24 and before design and construction begin, the applicant must deposit with the Department
8.25 of Administration enough money to complete the project as designed and an amount equal
8.26 to 20 percent of the total estimated construction costs to cover the cost of operation, repairs,

9.1 and maintenance of the work over time. Board staff are available to offer funding advice
9.2 and provide testimony to the legislature but must not directly raise money for the applicant.

9.3 J. After funding is provided, board staff and advisers, a designer or an artist, an
9.4 applicant committee, and a Department of Administration project manager must form a
9.5 working group to monitor the design framework and budget during the schematic design
9.6 and design development phases. With guidance from the working group, the selected designer
9.7 must enter into a contract with the Department of Administration that includes a project
9.8 timeline and budget.

9.9 K. The selected designer must proceed with the schematic design and design
9.10 development phases with regular working group reviews. After receiving approval by the
9.11 executive secretary of the schematic design and design development phases, the project
9.12 must proceed with construction documents and bidding under the guidance of the working
9.13 group. The board must issue the final approval of bid documents to comply with the Capitol
9.14 mall design framework in the Comprehensive Plan for the Minnesota Capitol Area and parts
9.15 2400.2040 and 2400.2703.

9.16 Subp. 4. **Criteria for determining location of new artwork.** The board must use the
9.17 following criteria to evaluate the proposed location for a commemorative artwork in the
9.18 Capitol area:

9.19 A. The site of the proposed location must be visible to people nearby and accessible
9.20 to all members of the public.

9.21 B. The scale of the artwork must fit the artwork's location, providing familiarity
9.22 to the viewer while not being overpowering. The artwork's size must not detract from the
9.23 Capitol. The board must consider the artwork's visual and spatial relationships to the artwork's
9.24 surroundings.

9.25 C. The use of the site must not interfere with any existing artwork.

10.1 D. The use of the site must maintain and protect existing open space and the
10.2 space's public use.

10.3 E. The location must follow all applicable zoning, environmental, code, and public
10.4 safety rules and regulations.

10.5 F. The artwork must fit within the thematic organization of the Capitol grounds
10.6 and the Capitol mall design framework in the Comprehensive Plan for the Minnesota Capitol
10.7 Area, which is incorporated by reference in subpart 3, item G. The board must consider the
10.8 site's relationship to other artwork and the Capitol.

10.9 Subp. 5. Criteria for design of new artwork. The board must use the following
10.10 criteria to evaluate and guide the design of a proposed commemorative artwork:

10.11 A. The artwork must encourage engagement with the public and provide amenities
10.12 such as seating.

10.13 B. The design and setting of an artwork must consider climatic elements like
10.14 sunlight, shade, wind, and the varied Minnesota seasons.

10.15 C. An artwork must seek to enhance the beauty of the Capitol area, while respecting
10.16 the State Capitol's art and architecture. An artwork must embrace a design scheme that
10.17 complements the Capitol area's historic features.

10.18 D. An artwork's illumination must not compete with or distract from the sight of
10.19 the Capitol. If an artwork uses evening illumination, the artwork must integrate the
10.20 illumination into the artwork's design and not obstruct the view of other artwork.

10.21 E. The landscape design of an artwork must incorporate hardy, low-maintenance
10.22 plantings that are not prone to overgrowth.

11.1 F. The intended message of the artwork must be clear and understandable. The
11.2 artwork must convey a meaning of enduring value for future generations. The artwork may
11.3 incorporate signage.

11.4 G. Materials for the artwork must be visible to people nearby, durable, and
11.5 compatible with the artwork's setting. To address durability concerns, the board must give
11.6 preference to an artwork made of bronze over stainless steel. The board must give preference
11.7 to an artwork using stone, such as granite or limestone, for key features, vertical elements,
11.8 flooring, and surfaces. If an artwork uses concrete, the board must consider the artwork's
11.9 color, texture, scoring, aggregate, and density. An artwork must not include metal seating
11.10 that could cause burns. If water features and in-ground lighting are included in an artwork,
11.11 an applicant must deposit money into a maintenance and operating fund that is at least 20
11.12 percent of construction costs.

11.13 H. The proposed artwork must not interfere with any existing artwork. Any element
11.14 of the artwork other than trees must not exceed 20 feet in height.

11.15 I. The size of the artwork must reflect the artwork's importance and adhere to the
11.16 Capitol mall design framework in the Comprehensive Plan for the Minnesota Capitol Area,
11.17 which is incorporated by reference in subpart 3, item G. Due to the limited open space on
11.18 the Capitol grounds, the board must give preference to smaller commemorative artwork.

11.19 J. A freestanding artwork must affect the space in which the artwork stands. The
11.20 size of the surrounding spatial envelope must be compatible with the scale of the artwork.

11.21 K. The artwork's design, construction, materials sourcing, and maintenance must
11.22 conserve energy and water resources.

11.23 L. The design and placement of an artwork must consider contextual issues, such
11.24 as the artwork's orientation and background. The artwork's height and scale must be
11.25 appropriate to the artwork's location on the Capitol mall.

12.1 **Subp. 6. Conditions for modification or removal of an existing artwork.** The board
12.2 must consider requests for the modification or removal of an existing commemorative
12.3 artwork if one or more of the following conditions apply:

12.4 A. there has been sustained, overwhelming, and documented public objection to
12.5 the artwork;

12.6 B. the artwork does not meet the guiding principles or violates parts 2400.2040
12.7 and 2400.2703;

12.8 C. the artwork has faults in construction or requires maintenance such that the
12.9 Department of Administration is unable to properly care for or store the artwork;

12.10 D. the site for the artwork is no longer safely accessible to the public or is due to
12.11 be demolished; or

12.12 E. significant changes in the use, character, or design of the site require a
12.13 re-evaluation of the relationship of the artwork to the site.

12.14 **Subp. 7. Application and review process for modification or removal of an existing**
12.15 **artwork.**

12.16 A. An applicant requesting the modification or removal of a commemorative
12.17 artwork in the Capitol area must submit the application form available on the board website.
12.18 The board must also provide clear and accessible instructions for completing the form.
12.19 When board staff receive a modification or removal request, board staff must provide written
12.20 confirmation of receipt to the applicant. Board staff must not process incomplete applications
12.21 and must notify the applicant if the application is incomplete.

12.22 B. Board staff must determine if the modification or removal request meets one
12.23 or more of the conditions in subpart 6.

13.1 (1) If the modification or removal request meets one or more conditions in
13.2 subpart 6, board staff must notify the applicant that the application has been accepted. Within
13.3 14 days of completing the review of an application for modification or removal of an existing
13.4 artwork, board staff must notify the Department of Administration of the modification or
13.5 removal request and post a proposal summary on the board website.

13.6 (2) If the modification or removal request does not meet any of the conditions
13.7 in subpart 6, board staff must notify the applicant that the board rejected the application
13.8 and the reasons for the rejection.

13.9 C. If the board executive secretary receives a complete request form and determines
13.10 that the request meets one or more conditions in subpart 6 for modification or removal, the
13.11 board executive secretary must convene a select commemorative artwork review committee
13.12 that includes the following members appointed by the chair of the board:

13.13 (1) one board member;

13.14 (2) one architectural adviser;

13.15 (3) one person appointed by the commissioner of the Department of
13.16 Administration to represent the agency;

13.17 (4) two professionals experienced in the fields of visual art, public art, art
13.18 history, architecture, or history. One of the professionals must have knowledge of artwork
13.19 conservation;

13.20 (5) up to five additional committee members as needed for technical expertise
13.21 or to represent the public interest; and

13.22 (6) board staff that oversee and support the committee's work.

13.23 D. The commemorative artwork review committee must open a 30-day comment
13.24 period and hold at least one public meeting to gather public input regarding a proposed

14.1 modification or removal. The committee may also decide to hold additional public meetings
14.2 or gather community input using other methods. If the applicant is no longer available, the
14.3 committee must give timely notice of the public meeting to an individual or a group that
14.4 shares the applicant's values or is able to represent the applicant's perspective. At least ten
14.5 days in advance of the public hearing, the committee must give notice of the hearing to the
14.6 applicant requesting modification or removal of the artwork. The committee must give both
14.7 applicants the opportunity to testify at the public hearing.

14.8 E. The board executive secretary must prepare and post on the board website a
14.9 commemorative artwork background report that includes:

14.10 (1) a written description and images of the artwork, information about and
14.11 images of the artwork's site, and a warranty of the originality of the artwork;

14.12 (2) the origin, derivation, history, and past ownership of the artwork; the
14.13 original acquisition method and purchase price; the original intent of the artwork by the
14.14 artist or organization that advanced the artwork; and evidence of public debate, if applicable;

14.15 (3) a summary of the proposed modification or removal; and

14.16 (4) an analysis of the reasons for the proposed modification or removal and
14.17 the proposal's impact on the commemorative artwork collection.

14.18 F. Board staff must provide the commemorative artwork background report to
14.19 the commemorative artwork review committee for review and present the report to the
14.20 public in a public hearing. Each committee member must present the committee member's
14.21 views and participate in the discussion. The committee must make the committee's
14.22 recommendation to the full board for a final decision. The board must determine if an
14.23 additional 30-day comment period and second public hearing are necessary to gather further
14.24 input. Upon making the final decision concerning the request, the board must send a written
14.25 copy of the board's decision to the applicant.

15.1 G. The board executive secretary must prepare and post to the board website a
15.2 report that includes:

15.3 (1) a summary of feedback received from the public hearing and any additional
15.4 input gathered using other methods;

15.5 (2) opinions gathered from committee experts or other independent
15.6 professionals, such as conservators, engineers, architects, critics, and safety experts who
15.7 are professionally qualified to comment on the artwork and on the concern prompting review;
15.8 and

15.9 (3) a detailed budget for all aspects of the modification or removal request,
15.10 options for funding the request, and a recommendation on who should be responsible for
15.11 funding the request.

15.12 H. If the board approves the application for modification or removal and before
15.13 implementation begins, the applicant must demonstrate that funding for the project, consistent
15.14 with the estimated budget, is committed. Board staff are available to offer funding advice
15.15 and provide testimony to the legislature but may not directly raise money to fund the project.

15.16 I. If the board approves the request to modify an existing artwork, the board must
15.17 work with the Department of Administration pursuant to Minnesota Statutes, section 15B.15,
15.18 subdivision 2, paragraph (a), and the Minnesota Historical Society pursuant to Minnesota
15.19 Statutes, section 15B.34, clause (3), to initiate a request for qualification or request for
15.20 proposal process to select a design.

15.21 J. If the board approves of the request for the removal of an artwork, the Minnesota
15.22 Historical Society must determine the final disposition of the artwork pursuant to Minnesota
15.23 Statutes, section 138.68. The Minnesota Historical Society reserves the first right of refusal
15.24 for removed artwork of historic value. If the Minnesota Historical Society does not accept

16.1 the artwork, the artwork's disposition must be determined according to Minnesota Statutes,
16.2 section 138.68.

16.3 Subp. 8. **Criteria for modification of an existing artwork.** The board must use the
16.4 following criteria to evaluate requests for the modification of a commemorative artwork:

16.5 A. The proposed modification must make the artwork more welcoming and
16.6 engaging to nearby and statewide communities. The applicant, with the support of board
16.7 staff, must involve nearby and statewide communities in the conceptualization and
16.8 development of the proposed modification.

16.9 B. The proposed modification must embrace historical complexity and create
16.10 space for a productive range of responses, conversations, and interpretations.

16.11 C. The proposed modification must consider the social and cultural conditions at
16.12 the time of the artwork's addition.

16.13 D. The proposed modification must prompt reflection, conversation, and awareness
16.14 of the stories, perspectives, and experiences of historically marginalized or oppressed
16.15 communities.

16.16 E. The proposed modification must incorporate the views of all interested groups
16.17 and individuals and consider the relationship of these groups' collective history, heritage,
16.18 and values to the artwork.

16.19 F. The proposed modification must create an opportunity to increase public
16.20 understanding of and dialogue about Minnesota's history.

16.21 G. The proposed modification must enhance the artwork's function as a source of
16.22 collective identity and belonging for all Minnesotans. The proposed modification must
16.23 generate, contribute to, or enhance existing social activity in the surrounding public space.

17.1 H. The proposed modification must represent or commemorate a significant event,
17.2 group, or individual in Minnesota's history.

17.3 I. The proposed modification must respect the contributions and perspectives of
17.4 the artwork's creators and the group or individuals depicted in the artwork and the group's
17.5 or individuals' communities.

17.6 J. The proposed modification must seek to achieve peace, reconciliation, truth,
17.7 and justice for individuals, groups, and communities that are not represented or who are
17.8 misrepresented in the historical record.

17.9 K. The proposed modification must acknowledge evolving social values and
17.10 account for the views and needs of the contemporary community.

17.11 Subp. 9. **Criteria for evaluating removal of an existing commemorative**
17.12 **artwork.** The board must use the following criteria to evaluate a request for the removal
17.13 of an existing commemorative artwork:

17.14 A. community feedback about the artwork, the artwork's site, and the artwork's
17.15 condition collected at public meetings;

17.16 B. the degree to which the artwork misrepresents the state's history or has the
17.17 effect of significantly intimidating or adversely affecting a group of people;

17.18 C. the method by which the artwork was acquired and accessioned in the
17.19 commemorative artwork collection, such as by donation, loan, or commission;

17.20 D. the qualifications and professional reputation of the artist, and the artwork's
17.21 craftsmanship, conceptual content, style, and form;

17.22 E. the availability of necessary funding for conservation, maintenance, and repair
17.23 of the artwork; exhibition and storage space; real property for siting artwork; and staff
17.24 support;

18.1 F. the degree to which removal of the artwork would detract from the overall
 18.2 artistic and architectural integrity of the Capitol or Capitol area;

18.3 G. the artwork's style, form, scale, diversity, quantity, quality, longevity, and
 18.4 compatibility with the existing commemorative artwork collection, and goals of the board;

18.5 H. accessibility, public safety, and the social, cultural, historical, ecological,
 18.6 physical, and functional context of the artwork in relation to the site, both existing and
 18.7 planned;

18.8 I. issues related to liability, insurance, intellectual property rights, warranties,
 18.9 ownership, theft, vandalism, loss, indemnification, and public safety;

18.10 J. safety, the avoidance of emergencies caused by hazards, relevant construction
 18.11 schedules, and the allowance of enough time for a review process; and

18.12 K. the value of the artwork as determined by a professional appraiser.

18.13 **2400.2705 STANDARDS FOR CIVIC AND INSTITUTIONAL USES.**

18.14 Subpart 1. **Monuments, memorials, and commemorative works**
 18.15 **artwork.** Monuments, memorials, and commemorative ~~works~~ artwork structures must be
 18.16 approved for placement ~~under~~, modification, or removal according to part 2400.2703 and
 18.17 Minnesota Statutes, section 15B.05, subdivision 3.

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

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

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

18.23 ~~(3) to maintain the dignity of existing memorials;~~

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

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

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

19.7 ~~B. The commemorative work must be consistent with and meet the conditions of~~
19.8 ~~the following board documents:~~

19.9 ~~(1) Comprehensive Plan for the State Capitol Area, 1998, as amended in~~
19.10 ~~2009;~~

19.11 ~~(2) Specific Actions for Implementation of the Comprehensive Plan for the~~
19.12 ~~State Capitol Area, February 1998; and~~

19.13 ~~(3) Commemorative Works in the Capitol Area: A Framework for Initiation,~~
19.14 ~~Evaluation and Implementations of Commemorative Works in the Capitol Area, May 1993.~~

19.15 ~~These documents are incorporated by reference and are available at the board's office~~
19.16 ~~and website and the State Law Library. They are not subject to frequent change.~~

19.17 *[For text of subparts 2 and 3, see Minnesota Rules]*