



# **CAPITOL PRESERVATION COMMISSION**

## **ADMINISTRATIVE RULES OAC 115**

**Effective July, 2006**

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## **Title 115 - State Capitol Preservation Commission**

### **Chapter 1. Commission Administration**

#### **Section**

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#### **115:1-1-1. Purpose**

(a) The State Capitol Preservation Commission (referred to hereinafter as the Commission) was created by Section 4102 of Title 74 of the Oklahoma Statutes to plan and supervise the preservation and restoration of the interior and exterior of the State Capitol Building and the Governor's Mansion. The Commission also controls the display of art objects in the public areas of the Capitol and on the first floor of the Governor's Mansion (see 115:10-1-2(b) and 115:10-1-3(g) for additional considerations regarding the Governor's Mansion).

(b) The primary powers and responsibilities of the Commission are set forth in Section 4104 of Title 74 of the Oklahoma Statutes.

(c) The Commission office is located within the Department of Central Services, Administration, Will Rogers Office Building, 2401 N. Lincoln Blvd., Suite 206, Oklahoma City, Oklahoma. Office hours are from 8:00 a.m. until 5:00 p.m., Monday through Friday, excluding legal holidays established by statute or proclamation of the Governor.

(d) The purpose of this Chapter is to outline the organization and administration of the Capitol Preservation Commission.

[Source: Added at 10 Ok Reg 2579, eff 6-25-93; Amended at 21 Ok Reg 487, eff 12-8-03 (emergency); Amended at 21 Ok Reg 2666, eff 7-11-04]

#### **115:1-1-2. Availability of records**

(a) Commission records are kept within the Department of Central Services. All records, except those documents specifically excluded by law, shall be available to the public as authorized by the Open Records Act. Documents will be available to the public for inspection during regular office hours.

(b) Persons wishing to view Commission records shall register their name, address and telephone number before the documents are viewed. The person wishing to view the documents shall state whether the documents being viewed are for a personal, business or commercial reason and shall list the documents desired for viewing.

(c) No original records shall be removed from the Commission files.

(d) Persons wishing to obtain a copy of Commission documents in the custody of the Department of Central Services shall submit a written request at least twenty-four (24) hours in advance. Documents shall be copied and a fee charged for the copies in accordance with the Open Records Act [51 O.S., Section 24A.1 et seq] and the administrative rules of the Department of Central Services.

[Source: Added at 10 Ok Reg 2579, eff 6-25-93; Amended at 21 Ok Reg 487, eff 12-8-03 (emergency); Amended at 21 Ok Reg 2666, eff 7-11-04]

### **115:1-1-3. Commission organization and administration**

(a) Meeting requirements. All meetings of the Commission are subject to the requirements of the Open Meeting Act [25 O.S., Section 1 et seq]. Committee meetings of the Commission are not required to comply with the requirements of the Open Meeting Act unless they are charged with decision making authority by the full Commission.

(b) General commission information. The information in this subsection pertains to general commission operations.

(1) Meetings. The Commission shall meet bi-monthly on the third Thursday of even numbered months at the State Capitol. An agenda shall be mailed to each member not less than seven (7) days in advance of each meeting.

(2) Emergency meetings. The chair may call such emergency meetings as may be required to deal with matters requiring urgent or emergency consideration. In the absence of the chair, the vice-chair may call such meetings.

(3) Quorum. A quorum shall consist of one half the actual members plus one, including vacancies.

(4) Election of chair and vice chair. A chair and vice-chair shall be elected or reelected for two year terms at the regularly scheduled meeting held in June each odd-numbered year, to take office July 1 of that year.

[Source: Added at 10 Ok Reg 2579, eff 6-25-93; Amended at 21 Ok Reg 487, eff 12-8-03 (emergency); Amended at 21 Ok Reg 2666, eff 7-11-04]

### **115:1-1-4. Committees**

(a) Referral of proposals to committees. All matters other than routine administration or procedural matters shall be referred to the appropriate committee for preliminary study and recommendations prior to final action by the Commission. This policy shall not apply to subject matter introduced on an emergency basis or under conditions which in the best judgment of the Commission chair or the Executive Committee should be considered by the Commission as a whole without such prior reference.

(b) Committee quorum. A quorum of each committee is not less than 50 percent of its members and must include the chair or vice chair of the committee.

(c) Committee designations. The following committees are established for the purposes outlined in this subsection. Committee chairs and vice-chairs shall be appointed by the Commission chair.

(1) Executive Committee.

(A) The Executive Committee shall consist of the following members:

(i) the elected officers of the Commission;

(ii) the State Capitol Architect and Curator;

(iii) Director of Central Services;

(iv) a representative of each appointing authority not represented by an elected officer, to be appointed by the Commission chair.

(B) The Committee will act as the Budget and Finance Committee for the Commission with responsibility for developing in conjunction with the Department of Central Services, operating and capital construction budgets for the

Capitol and Governor's Mansion. Such budget proposals shall be submitted to the Commission for approval.

(C) Other responsibilities of the Executive Committee include:

- (i) intra-commission coordination;
- (ii) coordination with the responsibilities and activities of the Capitol Architect and Curator;
- (iii) establishing internal administrative and operating procedures;
- (iv) reviewing committee reports for Commission action;
- (v) developing legislation and executive branch coordination procedures and proposed legislation as needed; and,
- (vi) other activities considered to be outside the purview of other committees.

(D) The Executive Committee is responsible for the following:

- (i) formulating policies, review, and control of all promotional material and media releases relating to responsibilities of the Commission;
- (ii) preparation of statements of goals and public relations targets;
- (iii) self-imposed restraints on public utterances;
- (iv) review and coordination of all presentations to media agencies;
- (v) production of Commission annual reports;
- (vi) developing plans and procedures for maintaining liaison and rapport with all state government agencies and departments, and for review of all such activities; and
- (vii) such other matters pertinent to a well developed and coordinated public relations effort.

(2) Art Standards Committee. The Art Standards Committee is responsible for works of art, murals, portraits, sculptures and furnishings displayed in and around the public areas of the Capitol Building and first floor of the Governor's Mansion (see 115:10-1-2(b) for additional considerations regarding the Governor's Mansion), both permanent and temporary. The Art Standards Committee shall establish standards, which include the following:

- (A) acquisitions and commissioned works;
- (B) disposition or acceptance of donated works of art; and
- (C) restoration, preservation, inventory (description and value), storage, placement and location, security, and loaning of state-owned art pieces.

(3) Architecture and Grounds Committee. The Architecture and Grounds Committee is responsible for the following:

- (A) The supervision of research, planning, and oversight of all proposed restoration, reconstruction and renovation any part of the Capitol and the Governor's Mansion (see 115:10-1-3(g) for additional considerations regarding the Governor's Mansion);
- (B) Review of all building guide and information systems (signage);
- (C) Oversight of landscaping and maintenance of the building exteriors (in conjunction with the State Department of Parks and Recreation and the Capitol Improvement Committee);
- (D) Approval and placement of all monuments and sculptures surrounding the buildings;

(E) Development and administering standards for all exterior, permanent or temporary displays.

(4) Long Range Planning Committee. The Long Range Planning Committee is responsible for the following:

(A) all planning and physical, financial, and public relations needs for the Commission programs and responsibilities that are projected for three (3) or more years in advance; and,

(B) the formulation of long range goals and objectives and recommendations for policies, procedures, programs, and budget estimates to meet approved goals and objectives.

[Source: Added at 10 Ok Reg 2579, eff 6-25-93; Amended at 11 Ok Reg 3663, eff 7-11-94; Amended at 21 Ok Reg 487, eff 12-8-03 (emergency); Amended at 21 Ok Reg 2666, eff 7-11-04]

#### **115:1-1-5. Appeals**

Any decision of the Commission may be appealed in accordance with the Oklahoma Administrative Procedures Act [75 O.S., Section 250 et seq] . Appeals must be submitted in writing to the Commission Liaison, Office of the Attorney General, within ten days of notification of the decision.

[Source: Added at 10 Ok Reg 2579, eff 6-25-93; Amended at 21 Ok Reg 487, eff 12-8-03 (emergency); Amended at 21 Ok Reg 2666, eff 7-11-04]

#### **115:1-1-6. Exemptions**

The Commission may exempt any requirement of this chapter unless statutes mandate the requirement.

(1) All requests for exemptions shall be in writing and include justification for the exception request.

(2) The Commission shall respond in writing as to the approval, conditional approval, or denial of an exemption request.

(3) Exemptions shall require the approval of a majority of the Commission.

[Source: Added at 21 Ok Reg 487, eff 12-8-03 (emergency); Added at 21 Ok Reg 2666, eff 7-11-04]

## Chapter 10 - Preservation, Restoration, Architectural and Decor Standards

### Section

**115:10-1-1 Purpose**

**115:10-1-2 Art Standards**

**115:10-1-2.1 Approval of art display**

**115:10-1-3 Architectural standards**

**115:10-1-4 Long-range planning**

**115:10-1-5 Public and interagency relations**

### **115:10-1-1. Purpose**

The purpose of this Chapter is to provide information and procedures related to the preservation, restoration, structure and decor of the State Capitol and Governor's Mansion.

[Source: Added at 10 Ok Reg 2583, eff 6-25-93; Amended at 21 Ok Reg 489, eff 12-8-03 (emergency); Amended at 21 Ok Reg 2668, eff 7-11-04]

### **115:10-1-2. Art standards**

(a) Display of art work. Only art and art objects of highest museum quality, consistent with legislative directives and approved by the Commission shall be permitted for permanent display in public areas of the Capitol.

(1) All such works of art shall be directly related to the history and culture of the State of Oklahoma.

(2) A painting, which includes portraits, landscapes or other paintings, excluding murals, shall be painted on linen with oils or acrylics.

(3) Any proposed mural work or sculptures to be placed in and around the Capitol and adjacent grounds shall comply with guidelines established by the Art Standards Committee, in conjunction with the Capitol Architect and Curator, specifically for each such display.

(4) The stained glass originally planned for the Capitol shall be the only stained glass in the Capitol.

(5) Placement of all art works in public areas of the Capitol is the sole responsibility of the Commission.

(A) A written request to move art work shall be submitted to the Art Standards Committee for review.

(B) Upon completion of the review, the Art Standards Committee will submit a written recommendation for the approval or denial of the request to the Commission.

(b) Art work in Mansion. Furnishings and art work on the first floor of the Governor's Mansion may be changed upon written approval of the Commission. Art and art objects under control of the Commission may be made available to the Mansion subject to availability and appropriate priorities. All such state-owned material as may be determined surplus to Mansion needs will be returned to the Commission for appropriate disposition.

(c) Temporary exhibits. Temporary exhibits and displays of art and art objects shall comply with the rules of this chapter, the standards of the Commission and state laws.

- (1) Temporary exhibits may be permitted for periods not longer than 15 working days except by special authority of the Commission.
  - (2) Temporary exhibits displayed in the Governor's Art Gallery are exempt from rules for permanent displays and shall have strict oversight by the Oklahoma Arts Council.
- (d) Criteria for memorializing individuals with personalized works of art in the State Capitol. Persons to be memorialized through placement of personalized works of art in the State Capitol shall be only those whose achievements and contributions to the history of Oklahoma and the Nation are of such transcending importance as to place the individual in a status clearly and generally acknowledged to be of paramount significance to the enduring history of the state. Such persons shall have been dead for a minimum of ten (10) years.
- (1) All personalized works shall comply with the rules of this chapter, standards established by the Commission and state laws.
  - (2) Potential donors shall submit a written request for approval to the Commission no less than six (6) months prior to the proposed project completion date, which includes:
    - (A) a summary describing how the subject meets the qualifications described in OAC 115:10-1-2;
    - (B) project timelines, if available;
    - (C) any information that may assist the Commission with the review of the proposed project; and
    - (D) any additional information requested by the Commission.
  - (3) Proposals for personalized works of art shall be submitted to the Commission for review and approval prior to any commitment by the sponsor(s). Any action on the part of the sponsor(s) taken prior to review and approval by the Commission shall be at the risk of the promoter(s).
  - (4) All proposals will be referred to the Arts Standards Committee for review and recommendations to the Commission.
  - (5) The Commission shall be responsible for the selection of the artist, location, size, subject and framing.
- (e) Property and security of art work. All works of art under the purview of the Capitol Preservation Commission shall be inventoried by the Capitol Preservation Commission with description, value, and location of art piece.
- (1) Complete files shall be maintained showing the location of state-owned art at all times, with proper documentation showing temporary locations such as loans, repair, or temporary display out of state buildings.
  - (2) All art work shall be stored in a controlled locked area with proper environment suitable for storage of art pieces.
  - (3) All art pieces leaving state buildings shall be checked by Building Security for proper ownership and recorded by name and piece on a security log developed by the Commission.
- (f) Development of art standards. Art standards may be developed by the Art Standards Committee and the Capitol Architect and Curator. Such standards shall be approved by the Commission. Revisions to the art standards shall require the approval of two thirds (2/3) of the Commission.

[Source: Added at 10 Ok Reg 2583, eff 6-25-93; Amended at 16 Ok Reg 2806, eff 7-12-99; Amended at 21 Ok Reg 489, eff 12-8-03 (emergency); Amended at 21 Ok Reg 2668, eff 7-11-04]

### **115:10-1-2.1. Approval of art display**

(a) Request for approval. Any foundation, group or individual interested in financing and donating an appropriate work of art to the State for use in the Capitol or the Governor's Mansion shall submit a written request for approval of a permanent display to the Commission.

(1) A request for approval shall be reviewed by the Art Standards Committee for presentation to the Capitol Architect and Curator and the Commission for discussion.

(2) Upon approval by the Commission, a formal set of guidelines will be established with participation of the potential donor and artists, if chosen.

(b) Commissioned art contract requirements. Works commissioned by the State for exhibit in the Capitol shall meet requirements contained within a written contract developed by the Art Standards Committee, in conjunction with the Capitol Architect and Curator.

(1) All such contracts and works shall be approved by the Commission.

(2) Any variation from such contract shall be reviewed and approved or disapproved by the Commission.

(c) Approval of artist. The Commission shall approve the artist of all commissioned works and provide written notice of said approval to the applicant.

(d) Solicitation of art works. Whenever possible, an open competition program will be established and utilized by the Commission to acquire special art works. Artists shall contact the Commission or the Oklahoma Arts Council when such art works are being solicited.

(e) Noncommissioned art works. Individuals interested in donating noncommissioned art works to the State shall submit a written request for review and approval to the Commission.

(1) Noncommissioned art works presented to the Commission or the State may be accepted by the Committee on behalf of the Commission for display in the State Capitol or the Governor's Mansion only if such works meet quality standards approved by the Commission.

(2) Such works may be displayed, stored, loaned to other agencies of the State or sold after three (3) years if so recommended by the Art Standards Committee.

[Source: Added at 21 Ok Reg 489, eff 12-8-03 (emergency); Added at 21 Ok Reg 2668, eff 7-11-04]

### **115:10-1-3. Architectural standards**

(a) Control of architectural modifications. It is the mandate of the Commission to insure that both the interior and the exterior of the Capitol and the Mansion, and the grounds surrounding them, are developed and maintained in superior condition as architectural statements representing the best available artistic and architectural treatment of the original design. The Commission is directed to plan and control all modifications and changes to the structures to insure appropriate restoration renovation or reconstruction.

(b) Time frame for proposed architectural modifications. Prior to consideration by the Commission, all proposals for architectural changes in any form in either the interior or

exterior of the Capitol or the Governor's Mansion shall be made in accordance with the following:

- (1) Proposals will be submitted to the Capitol Architect and Curator, through the Department of Central Services, in writing, at least 14 days prior to the next regularly scheduled Commission meeting.
- (2) Except for situations covered by 74 O.S. Section 4108, all such proposals must include the following:
  - (A) A statement of what is proposed;
  - (B) when the modification or change should be completed;
  - (C) whether funds are available;
  - (D) estimated costs if available; and,
  - (E) drawings that adequately explain the proposed modifications.
- (c) Review by committee and resolution of disputes. Proposals not in accord with established standards, plans or programs will be discussed in an attempt to reach satisfactory solutions. If agreement cannot be reached, the case will be referred by the Architecture and Grounds Committee or the Capitol Architect and Curator to the Commission for final decision.
- (d) Committee approval of changes and modification to previously approved plans. All planned and proposed changes and modifications involving structural changes or major repairs, permanent or temporary, developed or proposed by state agencies or by committees of this Commission, will be reviewed by the Architecture and Grounds Committee prior to submission to the Commission for decision. All proposed changes involving major modifications to previously approved architectural plans, or to decor, designs or standards previously approved by the Commission for all public areas will be referred to the Commission for final decision.
- (e) Committee coordination. Coordination between the Capitol Architect and Curator, the Architecture and Grounds Committee and other committees of the Commission is a joint responsibility to insure that all plans, standards and priorities are consistent with long-range goals and plans.
- (f) Coordination between Art Standards Committee and Capitol Architect and Curator. The Art Standards Committee will work directly with the Capitol Architect and Curator in developing and enforcing standards for art displays, subject to final approval by the Commission.
- (g) Special considerations for modifications to the Mansion. Modifications to the structure and decor in the non-public areas of the Governor's Mansion (other than the first floor) shall not require the prior approval of the Capitol Preservation Commission but must meet the following conditions:
  - (1) Proposed modifications must be reviewed by the Capitol Architect and Curator prior to commencement of work; and
  - (2) Proposed modifications do not affect the structural integrity or the external appearance of the Governor's Mansion.
- (h) Development of architectural standards. Architectural standards will be developed by the Architecture and Grounds Committee and Capitol Architect and Curator, and approved by the Commission. All new work shall comply with approved standards. Exceptions shall require approval of a majority of the full Commission.

(i) Revisions to architectural standards. Revisions to the architectural standards shall require a simple majority for 90 days following the promulgation of this Chapter. Thereafter, revisions shall require the approval of two thirds (2/3) of the full Commission.

[Source: Added at 10 Ok Reg 2583, eff 6-25-93; Amended at 11 Ok Reg 281, eff 10-15-93 (emergency); Amended at 11 Ok Reg 3665, eff 7-11-94]

#### **115:10-1-4. Long-range planning**

Development of plans and priorities for all programs involving major structural changes or modifications, major maintenance schedules relating to comprehensive structure and decor matters related to preservation and restoration programs shall be the responsibility of the Long-Range Planning Committee. All proposals involving such activities will be referred by the Commission chair to the Long-Range Planning Committee which will establish proposed priorities for such developments in conjunction with the Architecture and Grounds Committee and the Capitol Architect and Curator.

[Source: Added at 10 Ok Reg 2583, eff 6-25-93]

#### **115:10-1-5. Public and interagency relations**

Public and interagency support is crucial to the success of Commission programs. All committees will include public and interagency relations concerns in deliberations and planning, policies, and limit unapproved pronouncements by Commission members.

(1) Design of policies. Public relations policies and activities will be designed and proposed by the Executive Committee for application to all committees, and approved by the Commission. Policies should cover both public information and public education. Plans and policies should cover long-range, mid-term and short-range objectives.

(2) Prohibition of statements on behalf of Commission. Individual members of the Commission are not authorized to make statements on behalf of the Commission except as provided in public relation plans adopted by the Commission. All releases, official statements, responses to inquiries shall be reviewed and approved by the Executive Committee to insure coordinated information is released.

(3) Interagency relations. Each committee is responsible for determining the extent of coordination desirable and the state agencies involved as well as those legislative committees concerned. Such information will be included in reports of cases considered and in all recommendations developed by the committee. The Executive Committee has "sign off" responsibilities for all material prepared for such agencies and for interagency coordination and contacts.

[Source: Added at 10 Ok Reg 2583, eff 6-25-93; Amended at 11 Ok Reg 3665, eff 7-11-94]