

**TITLE 320. OKLAHOMA HISTORICAL SOCIETY  
CHAPTER 10. OKLAHOMA ART IN PUBLIC PLACES DIVISION**

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 1. General Provisions

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320:10-1-2. Definitions [NEW]

Subchapter 3. General Course and Method of Operating

320:10-3-1. Division office [NEW]

320:10-3-2. Division office hours [NEW]

320:10-3-3. Communications with the Art in Public Places Division [NEW]

320:10-3-4. Meetings/quorum of the Art in Public Places Division [NEW]

320:10-3-5. Art in Public Places Guidelines [NEW]

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320:10-3-11. Conflict of interest of Oversight Committee [NEW]

320:10-3-12. Resignation of Oversight Committee members [NEW]

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320:10-3-14. Eligible projects [NEW]

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320:10-9-2. Maintenance and conservation procedures [NEW]

320:10-9-3. Process for deaccessioning or relocating a work of art [NEW]

**AUTHORITY:**

Oklahoma Art in Public Places Act; 74 O.S., Section 9030 et seq.

**DATES:**

**Adoption:**

September 20, 2006

**Effective:**

Immediately upon Governor's approval

**Expiration:**

Effective through July 14, 2007, unless superseded by another rule or disapproved by the Legislature

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

n/a

**FINDING OF EMERGENCY:**

The emergency rules are necessary to allow the Art in Public Places Division to comply with the legislation that created the program in 2004. As a newly enacted, self-funded program, it is imperative to begin functioning as per the legislation or the program will not be able to exist and fulfill its mandated mission. It is crucial to have emergency rules to establish the program's operations for the benefit of the public and all state agencies, entities and institutions.

A compelling public interest exists that requires the program to have emergency rules in place to establish the program's operations for the public's benefit as well as for all state agencies, entities and institutions.

**ANALYSIS:**

These new rules establish the necessary organization and method of operation in order to create a functioning division pursuant to the Oklahoma Art in Public Places Act (74 O.S., Section 9030 et seq). These rules also provide state agencies, institutions and entities with clarification of eligibility of capital projects and their responsibility under the Act.

**CONTACT PERSON:**

Debby Williams (405) 522-8959

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D):**

**CHAPTER 10. OKLAHOMA ART IN PUBLIC PLACES DIVISION**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**Section**

320:10-1-1. Purpose  
320:10-1-2. Definitions

**320:10-1-1. Purpose**

(a) *The Legislature recognizes the responsibility of Oklahoma to foster culture and the arts and declares that a portion of expenditures for capital projects including, but not limited to, bond issues for state construction be set aside for the acquisition of works of art to be placed in public construction or on public lands.*

(b) *The purpose of the Oklahoma Art in Public Places Act is to enhance public construction and encourage state cultural development.*

(c) *The administering agency shall be the Oklahoma Historical Society which is authorized to promulgate rules to administer the Oklahoma Art in Public Places Act. [74 O.S., Section 9030.1]*

**320:10-1-2. Definitions**

The following words or terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise:

"**Accession**" means the formal process used to accept a work of art into the Oklahoma Public Art Collection and record the artwork as a Collection item.

"**Acquisition**" means existing artwork bought or obtained.

"**Act**" means the Oklahoma Art in Public Places Act, 74 O.S., Section 9030 et seq.

"**Appointing authority**" shall be the Director or designee of the Project Agency. [74 O.S., Section 9030.2].

"**Art**", "**artwork**", or "**work of art**" means all forms of original creations of visual art, except for blasphemous material as defined by Section 901 of Title 21 of the Oklahoma Statutes or indecent or obscene material as defined by Section 1024.1 of Title 21 of the Oklahoma Statutes, including, but not limited to:

(A) *sculpture, in any material or combination of materials, whether in the round, bas-relief, high relief, mobile, fountain, kinetic, or electronic,*

(B) *painting, including murals and frescoes,*

(C) *mosaic,*

(D) *photography,*

(E) *fine crafts made from clay, fiber and textiles, wood, glass, metal, plastics or any other material, or any combination thereof,*

(F) *drawing,*

(G) *calligraphy,*

- (H) *mixed media composed of any combination of forms or media,*
- (I) *unique architectural stylings or embellishments, including architectural crafts,*
- (J) *ornamental gateways, and*
- (K) *restoration or renovation of existing works of art of historical significance* [74 O.S., Section 9030.2].

**"Art in Public Places Program Guidelines"** means the written program procedures and standards as approved by the Art in Public Places Oversight Committee.

**"Artist"** means *a practitioner in the visual arts committed to producing high quality work, as recognized by the peers and critics of the artist, on a regular basis. The term "artist" shall not include the architect of a public building under construction or any member of the architectural firm of the architect.* [74 O.S., Section 9030.2]

**"Commission"** means a task or job awarded to a person or group, especially an order to produce a particular product or piece of work.

**"Deaccession"** means the process of removing an object permanently from the Collection, usually through sale or exchange or any other transaction by which title of outgoing works of art are transferred from the Collection to another institution or individual. Under certain conditions, it may also include disposal by intentional destruction.

**"Division"** means *the Art in Public Places Division.* [74 O.S., Section 9030.2]

**"Maintenance"** means *the ongoing upkeep required for artworks to retain their structural and aesthetic integrity.* [74 O.S., Section 9030.2]

**"Oklahoma Public Art Collection"** means all accessioned works of art that have been created or purchased for, restored or renovated in accordance with the Oklahoma Art in Public Places Act.

**"Preservation"** means actions taken to retard or prevent deterioration or damage in artworks by control of their environment and/or treatment of their structure; and to maintain them in as unchanging a state as possible.

**"Project"** means *any capital expenditure, including, but not limited to, bond issues, with the purpose of renovating or constructing public buildings costing Two Hundred Fifty Thousand Dollars (\$250,000.00) or more.* [74 O.S., Section 9030.2]

**"Project agency"** means *institutions within The Oklahoma State System of Higher Education or the department, board, commission, institution, or agency of the state subject to the Oklahoma Art in Public Places Act. The legislative and judicial branches of the State of Oklahoma shall be subject to the procedures of the Oklahoma Art in Public Places Act or shall implement another process to include art in locations subject to the control of those branches. Provided, that the expenditure for commissioning art by the legislative and judicial branches shall be no less than that established by Section 6 of this act.* [74 O.S., Section 9030.2]

**"Project architect"** means *the person or firm designing the public construction project.* [74 O.S., Section 9030.2]

**"Public construction" or "public building"** means *any state building, facility, structure or park constructed, including any state-owned lands or space surrounding or integral to the building, facility, structure or park. The term "public construction" or "public building" shall not include:*

- (A) *water, sewer, public utility projects, prisons, projects with the primary purpose of complying with the standards of the Americans with Disabilities Act, and data*

*processing purchases which are not part of a public construction project and any capital projects undertaken by political subdivisions of the state as defined by paragraph 8 of Section 152 of Title 51 of the Oklahoma Statutes on buildings or land that they control, and*

(B) *capital projects subject to federal public art laws.*

*Participation in the Oklahoma Art in Public Places Act shall be permissive for road, highway turnpike, and bridge construction projects of the Department of Transportation and the Oklahoma Transportation Authority. [74 O.S., Section 9030.2]*

**"Public land"** *means a site owned by the State of Oklahoma with major public access and visibility that serves a business, social, or environmental need. [74 O.S., Section 9030.2]*

**"Relocate"** *means moving a work of art and resiting it.*

**"Renovate"** *means to restore to a former state, renew or make over.*

**"Repair"** *means those extraordinary activities required to repair or restore a malfunctioning or damaged work of art [74 O.S., Section 9030.2] or to restore by replacing a part or putting together what is torn or broken.*

**"Replacement"** *means substitution.*

**"Restoration"** *means the treatment of a deteriorated or damaged artwork to approximate, as nearly as possible, its original form, design, color, and function with minimal further sacrifice of aesthetic and historic integrity.*

**"Society"** *means the Oklahoma Historical Society. [74 O.S., Section 9030.2]*

**"Work of art", "art", or "artwork"** *means all forms of original creations of visual art, except for blasphemous material as defined by Section 901 of Title 21 of the Oklahoma Statutes or indecent or obscene material as defined by Section 1024.1 of Title 21 of the Oklahoma Statutes, including, but not limited to:*

(A) *sculpture, in any material or combination of materials, whether in the round, bas-relief, high relief, mobile, fountain, kinetic, or electronic,*

(B) *painting, including murals and frescoes,*

(C) *mosaic,*

(D) *photography,*

(E) *fine crafts made from clay, fiber and textiles, wood, glass, metal, plastics or any other material, or any combination thereof,*

(F) *drawing,*

(G) *calligraphy,*

(H) *mixed media composed of any combination of forms or media,*

(I) *unique architectural stylings or embellishments, including architectural crafts,*

(J) *ornamental gateways, and*

(K) *restoration or renovation of existing works of art of historical significance. [74 O.S., Section 9030.2]*

### **SUBCHAPTER 3. GENERAL COURSE AND METHOD OF OPERATING**

#### **Section**

320:10-3-1. Division office

320:10-3-2. Division office hours

- 320:10-3-3. Communications with the Art in Public Places Division
- 320:10-3-4. Meetings/quorum of the Art in Public Places Division
- 320:10-3-5. Art in Public Places Guidelines
- 320:10-3-6. Availability of Division records, guidelines and policies
- 320:10-3-7. Copies of official records
- 320:10-3-8. Officers of the Division
- 320:10-3-9. Oversight Committee
- 320:10-3-10. Powers and duties of the Oversight Committee
- 320:10-3-11. Conflict of interest of Oversight Committee
- 320:10-3-12. Resignation of Oversight Committee members
- 320:10-3-13. Director
- 320:10-3-14. Eligible projects
- 320:10-3-15. Excluded projects
- 320:10-3-16. Appeal procedure
- 320:10-3-17. Project agency/duties
- 320:10-3-18. Public notification of calls for entries
- 320:10-3-19. Materials submitted to the Division become property of the State of Oklahoma
- 320:10-3-20. Artwork becomes the property of the State of Oklahoma
- 320:10-3-21. Prohibition of statements on behalf of the Site Committees or Art in Public Places Oversight Committee

**320:10-3-1. Division office**

The office of the Art in Public Places Division shall be located in Oklahoma City.

**320:10-3-2. Division office hours**

The office hours of the Art in Public Places Division shall be from 8:00 a.m. to 5:00 p.m. each day except Saturday and Sunday and any legal holiday established by statute or by proclamation of the Governor.

**320:10-3-3. Communications with the Art in Public Places Division**

Every communication in writing to the Art in Public Places Division shall be addressed to the Director at the office in Oklahoma City, unless otherwise directed.

**320:10-3-4. Meetings/quorum of the Art in Public Places Division**

*Meetings shall be held at the call of the [Oversight Committee] chair . . . [and] a majority of the members present shall constitute a quorum. [74 O.S., Section 9030.3]*

**320:10-3-5. Art in Public Places Guidelines**

The Art in Public Places Division shall establish guidelines to implement the enacting legislation and the mission of the Art in Public Places Act. The Art in Public Places Guidelines will be evaluated and revised as needed. Guidelines can be viewed on the Art in Public Places Web site and copies of the guidelines are available to the public by writing or calling the Division office.

**320:10-3-6. Availability of Division records, guidelines and policies**

All rules, regulations, guidelines and other written statements of policy or interpretations formulated, adopted and used by the Division in the discharge of its functions and all final orders and decisions will be made available upon approval of written request to the Division Director.

**320:10-3-7. Copies of official records**

Copies of official records of the Art in Public Places Division may be made for \$ .25 per page. Any material of the Art in Public Places Division protected from publication by State law shall not be released.

**320:10-3-8. Officers of the Division**

*The Director of the Oklahoma Historical Society shall be the initial chair of the Committee. The officers of the Committee shall be a chair, a vice-chair, and a secretary elected at the last meeting of each fiscal year. Appointments to fill officer vacancies shall be made by the chair between elections. [74 O.S., Section 9030.3]*

**320:10-3-9. Oversight Committee**

(a) *The Oklahoma Historical Society may create an Art in Public Places Division to administer the Oklahoma Art in Public Places Act.*

(b) *There is hereby created an Art in Public Places Oversight Committee comprised of:*

- (1) *The Director of the Department of Central Services, or designee;*
- (2) *The Director of the Oklahoma Arts Council, or designee;*
- (3) *The Director of the Oklahoma Historical Society, or designee;*
- (4) *The Director of the Department of Transportation, or designee;*
- (5) *The Chancellor of the Oklahoma State Regents for Higher Education or designee;*
- (6) *One artist appointed by the Director of the Oklahoma Arts Council;*
- (7) *One architect appointed by the Director of Central Services;*
- (8) *One engineer appointed by the Director of Central Services; and*
- (9) *One museum director/curator appointed by the Director of the Oklahoma Historical Society.*

(c) *All appointed members shall serve a term of three (3) years and may be reappointed*

*for one additional three-year term. [74 O.S., Section 9030.3]*

(d) *The State Capitol Preservation Commission shall retain its administrative control over art projects for the Capitol and the Governor's Mansion as provided for in Section 4104 of Title 74 of the Oklahoma Statutes [74 O.S., Section 9030.3] following the process as outlined in the Art in Public Places Program Guidelines. The Oklahoma Art in Public Places Oversight Committee shall request periodic notification of the progress of State Capitol Preservation Commission project(s).*

(e) *The governing boards for institutions of higher education or local boards of trustees shall perform the duties of the Oversight Committee for art projects on the campuses that they oversee [74 O.S., Section 9030.3] following the process as outlined in the Art in Public Places Program Guidelines. The entities performing those duties shall give periodic notification of the progress of the project(s) to the Oklahoma Art in Public Places Oversight Committee when requested.*

**320:10-3-10. Powers and duties of the Oversight Committee**

*[T]he Oversight Committee is empowered with overseeing each of the following phases of the development and management of the Oklahoma Art in Public Places Act:*

- (1) Develop job specifications for a Division Director of the Art in Public Places Division, who shall not be subject to the Merit System of Personnel Administration;*
- (2) Make recommendations for the implementation of the Art in Public Places Program to the Director of the Oklahoma Historical Society; and*
- (3) Develop methods of selection of artists, criteria for selection, final approval of site projects, maintenance and repair of works of art, and periodic evaluation of the Program. [74 O.S., Section 9030.3]*

**320:10-3-11. Conflict of interest of Oversight Committee**

All voting Oversight Committee members must execute a conflict of interest agreement stating they will refrain from conduct which creates an appearance of impropriety or otherwise impairs their judgment in their oversight of the selection of a site, finalist or artist. If there is a conflict of interest for an Oversight Committee member on a specific project, that committee member will withdraw from participating in discussions, decision-making, or voting on that project.

**320:10-3-12. Resignation of Oversight Committee members**

If an appointed Oversight Committee member cannot meet his/her obligations to the Committee, the resignation of that member will be accepted and a replacement will be named as provided by Statute.

**320:10-3-13. Director**

The Director shall be employed by the Oklahoma Historical Society. Such other staff as is required shall be employed by the Oklahoma Art in Public Places Director who will assign their duties.

**320:10-3-14. Eligible projects**

*(a) All state agencies, including institutions within The Oklahoma State System of Higher Education, all state departments, boards, councils, and commissions shall allocate, as a nondeductible item out of any expenditures for capital projects including, but not limited to, bond issues for state construction excluding costs for bond issuance and related reserves, an amount of one and one-half percent (1 1/2%) of the expenditure to the Oklahoma Historical Society for the purpose of funding the Oklahoma Art in Public Places Act. [74 O.S., Section 9030.5]*

- (b) This allocation shall be applicable to capital projects funded with state monies including those financed by appropriations or bonds. The cost of renovation or construction must be \$250,000 or more and the maximum assessment shall not exceed \$500,000. This allocation shall be applicable to all state agency capital projects when:*
- (1) projects are approved by the appointing authority after September 1, 2004, by a formally written action of the governing board, commission or director as evidenced by official minutes; or*

- (2) projects are approved in writing by execution of the initial construction contract on or after July 1, 2006.
- (c) *The works of art commissioned pursuant to the Oklahoma Art in Public Places Act may be placed on public lands, integral to or attached to a public building or structure, or detached within or outside a public building or structure. [74 O.S., Section 9030.5]*
- (d) For the purposes of the Art in Public Places Program, each building or structure receiving state capital improvement funds is a separate project and each separate project will be evaluated and assessed on its own. Under certain circumstances and with the prior approval of the Oversight Committee, when one project agency has two or more concurrent capital improvement projects in one general location, monies allocated for the art component may be pooled.
- (e) When a building or renovation project is approved (either in official minutes or by executing the initial construction contract), the art allocation is figured on the projected costs at that time. If more state money is received but the project has not materially or substantially changed, there is not an additional assessment on those funds. In those instances, the additional funds are assumed to be for unexpected inflation, unplanned contingencies or to cover a financial deficit. If, however, the project has been altered, expanded or modified in a significant way causing the need for additional monies, then those additional state funds will be included in the Art in Public Places assessment.
- (f) If a building or renovation project is completed in predetermined phases or stages with separate funding for each phase, there is an assessment on each appropriation or bond for the specific phases. However, with prior approval of the Oversight Committee, the assessments may be pooled in order to create one significant work of art.

### **320:10-3-15. Excluded projects**

Projects not included in the assessment are those that are primarily:

- (1) Water
- (2) Sewer
- (3) ADA or code compliance
- (4) Asbestos removal
- (5) Public utility projects
- (6) Prisons
- (7) Data processing purchases which are not part of a public construction project
- (8) Capital projects of political subdivisions of the state
- (9) Capital projects subject to federal public art laws
- (10) Projects that are **solely** roof repair or replacement, HVAC system repair or replacement
- (11) Any project deemed an emergency by the Department of Central Services and as defined in 61 O.S., Section 130.

### **320:10-3-16. Appeal procedure**

Any state institution or agency has the right to appeal to the Art in Public Places Oversight Committee. Said institution or agency must submit a written letter of appeal to the Oversight Committee within thirty (30) days of receiving the decision by the Art in Public Places staff. The letter of appeal must be delivered to the Director at the Art in

Public Places office. The Oversight Committee will consider the appeal and make a final determination within thirty days of receipt of the letter of appeal.

**320:10-3-17. Project agency/duties**

(a) Project agencies *shall allocate, as a nondeductible item out of any expenditures for capital projects including, but not limited to, bond issues for state construction excluding costs for bond issuance and related reserves, an amount of one and one-half percent (1 ½%) of the expenditure to the Oklahoma Historical Society for the purpose of funding the Oklahoma Art in Public Places Act* [74 O.S., 9030.5] except as provided by the Act.

(b) Representatives from the Project Agency shall meet with the Art in Public Places Program staff to discuss the program and their project at the earliest possible date and shall provide the Art in Public Places staff with all pertinent information relative to their project as set forth in the Oklahoma Art in Public Places Program Guidelines. The Project Agency shall ensure that the project architect and general contractor work within the intent of the Art in Public Places program as described in the Oklahoma Art in Public Places Program Guidelines.

**320:10-3-18. Public notification of calls for entries**

All calls for entries will be posted on the Oklahoma Art in Public Places Web site, Oklahoma Arts Council Web site, other Web sites known for posting public art notices, as appropriate, and if requested, a hard copy will be forwarded to any individual or organization.

**320:10-3-19. Materials submitted to the Division become property of the State of Oklahoma**

All materials submitted to the Division may become the property of the State of Oklahoma unless otherwise indicated. Materials may include, but not be limited to, resumes, submissions, drawings, projection slides, CDs, models, maquettes, videos, and publications of any kind.

**320:10-3-20. Artwork becomes the property of the State of Oklahoma**

*Upon completion of installation and final acceptance, any work of art commissioned or acquired in accordance with the Art in Public Places Act shall become property of the State of Oklahoma.* [74 O.S., Section 9030.4] All accepted artwork shall be accessioned into the Oklahoma Public Art Collection.

**320:10-3-21. Prohibition of statements on behalf of the Site Committees or Art in Public Places Oversight Committee**

Individual members of the Site Committees and the Oversight Committee are not authorized to make statements on behalf of the Art in Public Places Division without prior approval of the Division Director.

**SUBCHAPTER 5. SITE COMMITTEES**

## **Section**

320:10-5-1.	Establishment of site committees
320:10-5-2.	Duties
320:10-5-3.	Composition of committee
320:10-5-4.	Conflict of interest
320:10-5-5.	Quorum
320:10-5-6.	Length of service
320:10-5-7.	Resignation

### **320:10-5-1. Establishment of site committees**

(a) *A site committee shall be appointed by the appointing authority of the project agency, except for art projects on higher education campuses, for each project and, if the project involves a facility with more than one agency, a representative from each agency shall be appointed. [74 O.S., Section 9030.4]*

(b) For projects on higher education campuses, either a committee, appointed by the governing board of the institution or the local board of trustees, shall be formed to assume the duties of the Site Committee or the board itself can assume those responsibilities in addition to their statutory duties as the Oversight Committee.

(c) *The site committee for the Capitol and the Governor's Mansion shall be the State Capitol Preservation Commission. [74 O.S., Section 9030.4]*

### **320:10-5-2. Duties**

*The site committee is charged with making recommendations to the Oversight Committee, selection of the location for the artwork, media for the artwork, artist selection, development of a project-specific educational program for tourism and public school curriculum, and coordination of the dedication ceremony. The site committee shall report back to the Oversight Committee which has final approval authority. [74 O.S., Section 9030.4]*

### **320:10-5-3. Composition of committee**

*Each site committee shall include the Art in Public Places Division Director, the project agency appointing authority or designee, and the project architect. The site committee shall also be comprised of not less than one local arts professional, one local artist, two community representatives, and one art educator who will be appointed by the project agency director. [74 O.S., Section 9030.4]*

### **320:10-5-4. Conflict of interest**

All voting and nonvoting Site Committee members must execute a conflict of interest agreement stating they will refrain from conduct which creates an appearance of impropriety or otherwise impairs their judgment in the selection of a site, finalist or artist and that they may be asked to withdraw from the Site Committee if they engage in such conduct.

### **320:10-5-5. Quorum**

A majority of the Site Committee constitutes a quorum. A quorum is required for a vote and decisions will be made by a majority vote.

**320:10-5-6. Length of service**

*The committee is limited to the duration of the project. [74 O.S., Section 9030.4]*

**320:10-5-7. Resignation**

If a committee member cannot meet his/her obligations to the respective committee, the resignation of that committee member will be accepted and a replacement will be named by the project agency director.

**SUBCHAPTER 7. FINANCIAL PROVISIONS**

**Section**

320:10-7-1.	Funding by state agencies
320:10-7-2.	Maximum assessment
320:10-7-3.	Allocations to Commissioning of Art in Public Places Revolving Fund
320:10-7-4.	Art in Public Places Administrative and Maintenance Revolving Fund
320:10-7-5.	Monies donated from private sources
320:10-7-6.	Authority to make expenditures
320:10-7-7.	Monies for commissioning of art not spent
320:10-7-8.	Transfer of funds in excess of one million dollars
320:10-7-9.	Exclusion from the Oklahoma Central Purchasing Act

**320:10-7-1. Funding by state agencies**

*All state agencies, including institutions within The Oklahoma State System of Higher Education, all state departments, boards, councils, and commissions shall allocate, as a nondeductible item out of any expenditures for capital projects including, but not limited to, bond issues for state construction excluding costs for bond issuance and related reserves, an amount of one and one-half percent (1 1/2%) of the expenditure to the Oklahoma Historical Society for the purpose of funding the Oklahoma Art in Public Places Act, except as otherwise provided by subsection B of [74 O.S., Section 9030.5]. [74 O.S., Section 9030.5]*

**320:10-7-2. Maximum assessment**

The maximum assessment for any project shall not exceed Five Hundred Thousand Dollars (\$500,000.00). This assessment shall not apply to any private donations for a capital project. This allocation shall be applicable to all state agency capital projects when:

- (1) projects are approved by the appointing authority after September 1, 2004 by a formally written action of the governing board, commission or director as evidenced by official minutes; or

(2) projects are approved in writing by execution of the initial construction contract on or after July 1, 2006.

**320:10-7-3. Allocations to Commissioning of Art in Public Places Revolving Fund**

*Of the assessment provided for in subsection A of [74 O.S., Section 9030.5], four-fifths (4/5) shall be placed in the Commissioning of Art in Public Places Revolving Fund, created in Section 7 of Enrolled Senate Bill No. 1347 of the 2<sup>nd</sup> Session of the 49<sup>th</sup> Oklahoma Legislature, for the commission of any work of art for the Oklahoma Art in Public Places Act. Institutions within The Oklahoma State System of Higher Education shall remain in complete administrative control of their four-fifths (4/5) assessment pursuant to this subsection for the acquisition of art. The remaining one-fifth (1/5) of the assessment shall be reserved for the Art in Public Places Administrative and Maintenance Revolving Fund created by Section 8 of Enrolled Senate Bill No. 1347 of the 2<sup>nd</sup> Session of the 49<sup>th</sup> Oklahoma Legislature. [74 O.S., Section 9030.5]*

**320:10-7-4. Art in Public Places Administrative and Maintenance Revolving Fund**

*Monies deposited in the Art in Public Places Administrative and Maintenance Revolving Fund shall be divided equally between the subaccounts in the fund for:*

- (1) the maintenance and repair of works of art commissioned pursuant to the Oklahoma Art in Public Places Act, and*
- (2) the administrative and educational costs incurred by the Division. [74 O.S., Section 9030.5]*

**320:10-7-5. Monies donated from private sources**

*(a) The Society shall establish a separate subaccount for each project. Monies in these subaccounts may be used to match monies from other private and public sources for commissioning art in accordance with the Oklahoma Art in Public Places Act. [74 O.S., Section 9030.6] However, all private monies donated or received from sources other than the State of Oklahoma for the commissioning, designing, fabricating, installing, dedicating, conserving, repairing or any adjunct activity shall be deposited in the appropriate Oklahoma Art in Public Places Revolving Fund for disbursement through the Art in Public Places Division.*

*(b) The total cost of the artwork for a project cannot be donated in lieu of participation in the Art in Public Places process. One and one-half percent (1 ½%) of the expenditures for capital projects must be dedicated to work(s) of art.*

**320:10-7-6. Authority to make expenditures**

*(a) All monies accruing to the credit of the Commissioning of Art in Public Places Revolving Fund and the Art in Public Places Administrative and Maintenance Revolving Fund may be budgeted and expended by the Oklahoma Historical Society. [74 O.S., Section 9030.6] [74 O.S., Section 9030.7]*

*(b) Expenditures from the funds shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment. [74 O.S., Section 9030.6] [74 O.S., Section 9030.7]*

**320:10-7-7. Monies for commissioning of art not spent**

*If there are monies from a project for the commissioning of art not spent, those monies may be pooled in the fund for the commissioning of art in, on, or near other state buildings. [74 O.S., Section 9030.6]*

**320:10-7-8. Transfer of funds in excess of one million dollars**

*Whenever the unencumbered balance in [the Art in Public Places Administrative and Maintenance Revolving F]und exceeds One Million Dollars (\$1,000,000.00), the assessment shall be placed in the Commissioning of Art in Public Places Revolving Fund to the credit of the subaccount established for the project upon which the assessment was made. [74 O.S., Section 9030.6]*

**320:10-7-9. Exclusion from the Oklahoma Central Purchasing Act**

*Artwork or art restoration projects in the administrative control of the Oversight Committee pursuant to the Oklahoma Art in Public Places Act shall not be subject to the Oklahoma Central Purchasing Act, but the projects shall be subject to a call for entries process established by the Oversight Committee. [74 O.S., Section 9030.3]*

**SUBCHAPTER 9. MANAGEMENT OF THE COLLECTION**

Section

- 320:10-9-1. Management and care of the collection
- 320:10-9-2. Maintenance and conservation procedures
- 320:10-9-3. Process for deaccessioning or relocating a work of art

**320:10-9-1. Management and care of the collection**

The Oklahoma Art in Public Places Division will adhere to professional standards of accessioning methodology, collection care and management at all times. Policies are consistent with those of the Oklahoma Historical Society and are set forth more specifically in the Oklahoma Art in Public Places Program Guidelines.

**320:10-9-2. Maintenance and conservation procedures**

Maintenance and conservation procedures are set forth in the Oklahoma Art in Public Places Program Guidelines including the required information that must be documented on every work of art in the Oklahoma Public Art Collection.

**320:10-9-3. Process for deaccessioning or relocating a work of art**

Deaccessioning or relocating a work of art will follow a process consistent with the collection management policies of the Oklahoma Historical Society and as described in the Oklahoma Art in Public Places Program Guidelines.