

August 29, 2022

VIA EFILING ONLY

Merritt Clapp-Smith
204 Administration Building
50 Sherburne Ave
Saint Paul, MN 55155
merritt.clapp-smith@state.mn.us

Re: *In the Matter of the Proposed Rules of the Capitol Area Architectural and Planning Board Governing Capitol Area Commemorative Artwork, Minnesota Rules Chapter 2400*
OAH 65-9055-37789
Revisor R-4720

Dear Merritt Clapp-Smith:

Enclosed herewith and served upon you please find the **ORDER ON REVIEW OF RESUBMITTED RULES UNDER MINN. STAT. § 14.16 AND MINN. R. 1400.2240, SUBP. 5** in the above-entitled matter. On August 18, 2022, the Office of Administrative Hearings received for review the submissions of the Capitol Area Architectural and Planning Board as modified pursuant to the May 26, 2022, Report of Administrative Law Judge Ann C. O'Reilly. The rules, Revisor's Draft R-4720, are approved as to legality. The Office of Administrative Hearings has closed this file and is returning the rule record so that the Board can maintain the official rulemaking record in this matter as required by Minn. Stat. § 14.365. If the Capitol Area Architectural and Planning Board has not already done so, please ensure that a signed order adopting the rules is filed with the Office of Administrative Hearings. The Office of Administrative Hearings will request copies of the finalized rules from the Revisor's office following receipt of that order. The Office of Administrative Hearings will file the adopted rules with the Secretary of State, who will forward one copy to the Revisor of Statutes, one copy to the Governor, and one to the Board for its rulemaking record.

The Board's next step is to arrange for publication of the Notice of Adoption in the State Register. Two copies of the Notice of Adoption provided by the Revisor's office should be submitted to the *State Register* for publication. A permanent rule without a hearing does not become effective until five working days after Notice of Adoption is published in the State Register in accordance with Minn. Stat. § 14.27.

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If you have any questions regarding this matter, please contact Denise Collins at (651) 361-7875, denise.collins@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,

A handwritten signature in black ink that reads "Michelle Severson". The signature is written in a cursive, flowing style.

MICHELLE SEVERSON
Legal Assistant

Enclosure

cc: Legislative Coordinating Commission
Ryan Inman
Representative Mike Freiberg
Senator Mary Kiffmeyer

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Rules of the
Capitol Area Architectural and Planning
Board Governing Capitol Area
Commemorative Artwork, Minnesota
Rules Chapter 2400

**ORDER ON REVIEW OF
RESUBMITTED RULES UNDER
MINN. STAT. § 14.16 AND
MINN. R. 1400.2240, SUBP. 5**

This matter comes before the Chief Administrative Law Judge pursuant to the provisions of Minn. Stat. § 14.16, subd. 2 (2022) and Minn. R. 1400.2240, subp. 5 (2021).

This rulemaking concerns the proposed rules of the Capitol Area Architectural and Planning Board (Board) governing its determinations related to changes, improvements, and additions to commemorative works in the Minnesota Capitol Area.

In a Report dated May 18, 2022, Administrative Law Judge Ann C. O'Reilly: (1) approved portions of the proposed rules without further recommendations; (2) approved portions of the rules with technical recommendations for the Board to consider; and (3) disapproved portions of the proposed rules.¹ The Chief Administrative Law Judge concurred with the determinations of the Administrative Law Judge in a Report dated May 26, 2022.²

On August 18, 2022, the Board resubmitted its proposed rules to the Chief Administrative Law Judge for review and approval pursuant to Minn. Stat. § 14.16, subd. 2, and Minn. R. 1400.2240, subp. 5. The newly submitted rules include modifications incorporating most of the changes recommended by Judge O'Reilly, as well as new modifications.

Based upon a review of the modifications made by the Board in its August 18, 2022, resubmission and the rulemaking record,

IT IS HEREBY ORDERED THAT:

1. The defects identified in Judge O'Reilly's Report dated May 18, 2022, with respect to proposed Rules 2400.2703, subpart 3, items K and N, subpart 7, items L and M, and subpart 8, have been corrected and those rule parts are **APPROVED** with some technical recommendations from the Chief Administrative Law Judge for the Board to consider as described in the Memorandum below.

¹ Report of the Administrative Law Judge (May 18, 2022).

² Report of the Chief Administrative Law Judge (May 26, 2022).

2. In addition to the proposed rules approved by Administrative Law Judge Ann O'Reilly in her Report dated May 18, 2022, the following proposed rules, as modified by the Board in its August 18, 2022, resubmission, are **APPROVED**:

2400.2040, subp. 50b (definition of modification request)
2400.2040, subp. 64a (definition of public hearing)
2400.2040, subp. 64b (definition of public meeting)
2400.2040, subp. 65a (definition of removal)
2400.2040, subp. 65b (definition of removal request)

2400.2703, subp. 1, item B (guiding principles)

2400.2703, subp. 3, item B (staff report for new artwork application)
2400.2703, subp. 3, item C (posting new artwork application)
2400.2703, subp. 3, item D (comment period and public meeting for new artwork)
2400.2703, subp. 3, item F (site selection study for new artwork)
2400.2703, subp. 3, item G (Board meeting and vote on location for new artwork)
2400.2703, subp. 3, item H (design process funding for new artwork)
2400.2703, subp. 3, item J (legislative testimony for new artwork)
2400.2703, subp. 3, item L (project costs deposit for new artwork)
2400.2703, subp. 3, item M (working group for new artwork)
2400.2703, subp. 3, item N (final approval of new artwork)

2400.2703, subp. 4 (criteria for location of new artwork)

2400.2703, subp. 5 (criteria for design of new or modified artwork)

2400.2703, subp. 6 (conditions for modification or removal)

2400.2703, subp. 7, item B (staff report on modification or removal)
2400.2703, subp. 7, item C (posting modification or removal application)
2400.2703, subp. 7, item D (comment period and public meeting)
2400.2703, subp. 7, item E (staff recommendation and public hearing)
2400.2703, subp. 7, item F (commemorative artwork review committee)
2400.2703, subp. 7, item M (implementation of modification plan)

The Board's modifications to these rules do not render the final proposed rules substantially different from those published in the *State Register* on February 7, 2022.³

³ Minn. Stat. § 14.05, subd. 2(b)(2) (2022) ("A modification does not make a proposed rule substantially different if . . . the differences are a logical outgrowth of the contents of the notice of intent to adopt or notice of hearing and the comments submitted in response to the notice.").

3. The following proposed rules, as modified by the Board in its August 18, 2022, resubmission, are **APPROVED** with some technical recommendations for the Board to consider to improve clarity and consistency:

2400.2040, subp. 24b (definition of design process)

2400.2703, subp. 3, item A (new artwork application)

2400.2703, subp. 3, item E (staff recommendation and public hearing)

2400.2703, subp. 3, item I (design framework)

2400.2703, subp. 3, item K (design review group)

2400.2703, subp. 7, item A (application for modification or removal)

2400.2703, subp. 7, item G (artwork review committee process)

2400.2703, subp. 7, item H (background report)

2400.2703, subp. 7, item I (artwork review committee meeting and vote)

2400.2703, subp. 7, item J (final report to Board)

2400.2703, subp. 7, item K (Board decision)

2400.2703, subp. 7, item L (project costs)

2400.2703, subp. 7, item N (implementation of removal plan)

2400.2703, subp. 8, items E, M, N (criteria for modification)

2400.2703, subp. 9, items J, L (criteria for removal)

2400.2703, subp. 10 (public hearing and meeting requirements) – general comments

4. While the rule parts identified above are approved, the Chief Judge recommends technical changes to ensure consistency and clarity. These technical changes are explained in the Memorandum below. If the Board chooses to make the technical changes recommended by the Chief Judge, the Board shall submit a signed Order Adopting Rules and a copy of the final modified rule, approved as to form by the Revisor of Statutes, pursuant to Minn. Stat. § 14.16 (2022) and Minn. R. 1400.2240, subp. 10 (2021). If the Board chooses not to make the technical changes recommended by the Chief Judge, the Board may proceed under Minn. R. 1400.2240, subp. 10.

Dated: August 29, 2022



JENNY STARR
Chief Administrative Law Judge

MEMORANDUM

In its resubmissions on August 18, 2022, the Board: (1) incorporates the technical changes recommended by Judge O'Reilly in her Report of May 18, 2022; (2) includes new changes recommended by the Revisor's Office; and (3) proposes additional (i.e., new) modifications. While the Board's resubmissions largely address the issues identified in Judge O'Reilly's Report, some technical changes are recommended to the proposed rules before they are finally approved. The Chief Judge's recommendations for technical changes are redlined below, with explanations included in footnotes, where necessary.

Rule 2400.2040 Definitions

Subp. 24b. **Design process.** "Design process" means the process that the board follows after the board approves a request for the addition or modification of a commemorative artwork and includes:

A. the designer or design consultant selection and hiring process: soliciting, selecting and hiring a designer or design consultant, payment of design working group expenses, and implementing design competitions, if applicable, including publicity, promotion, awards, and stipends;⁴

B. the approval of a schematic design: the description of the overall design concept for an artwork or its modification⁵;

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

D. the review and execution of construction documents: the instructions for contractors to build the artwork or complete a modification; and

E. the bidding process: the search for a contractor to execute the artwork or modification, based on price and qualifications.

Rule 2400.2703, Subpart 3: Application and Review Process for New Artwork

A. An applicant requesting placement of a new commemorative artwork in the Capitol area must submit an addition request to the board using the application⁶ form available on the board website. The board

⁴ This recommended change attempts to incorporate the provisions deleted by the Board related to design competitions, which may be required for new artwork or modification. (See deletions made by the Board responsive to recommendation of the Revisor Office to Rule 2400.2700, subp. 3, items H and K.).

⁵ Because the Board references the design process for modifications in Rule 2400.2700, subp. 7, the definition of "design process" should also reference modifications.

⁶ These changes make Rule 2400.2703, subp. 3, item A consistent with Rule 2400.2703, subp. 7, item A.

website must provide clear and accessible instructions for completing the application form. Within ten calendar days of the board's receipt of an addition request, board staff must determine whether the application form is complete and inform the applicant of that determination. If board staff find that the application is incomplete, board staff must advise the applicant that the application is incomplete and identify what information is missing to the applicant.

E. When the 30-day comment period and public meeting are complete, board staff shall prepare a written summary of the public comments that the board received and provide a recommendation to the board on whether to accept the application and proceed to the next step in the project review process or reject the application for failing to meet all conditions set forth in subpart 2. The board shall meet and host a public hearing to invite additional public comments and to consider the addition request, staff report and recommendation, and public comments that the board received before and during the public hearing.⁷ The board shall determine whether the addition request meets all of the conditions in subpart 2 and may advance for further review. A majority vote of the full board is required to accept the application and advance it for further review.

I. The applicant must work with board staff and the board's architectural advisers to develop a design framework document that includes:

- (1) the goals and objectives of the applicant;
- (2) the applicable zoning standards, project planning parameters, or design guidelines for the selected site;
- (3) the proposed budget, schedule, location, site-specific conditions, and technical parameters;
- (4) the plan for informing and engaging key stakeholders and members of the public during the design process; and
- (5) additional design process guidelines, including the composition of the design review selection group⁸, designer qualifications,

⁷ These changes make Rule 2400.2703, subp. 3, item E consistent with Rule 2400.2703, subp. 7, item 3, as modified by the Revisor's Office.

⁸ It appears that the design review group composition is already dictated by Rule 2400.2700, subp. 3, item K.

the criteria that the design review selection group must use⁹, and submission requirements, and any competitive processes used to select the design, designer, or design concepts.¹⁰

K. Using the design framework developed according to item I and the design objectives in the Comprehensive Plan for the Minnesota Capitol Area incorporated by reference under item J, the board must initiate either an open solicitation for design proposals or a request for qualification process to select a designer or design concept through a ~~the~~ competitive process¹¹ outlined in the design framework and in accordance with the following steps:

(1) The board must assemble a design review group to assist the board with selecting a design, designer, or design concept. The design review group must include:

- a. the applicant;
- b. at least two board members;
- c. two or three architectural advisers;
- d. one person appointed by the commissioner of the Department of Administration;
- e. a representative from the Minnesota Historical Society ~~staff~~;¹²
- f. two professionals appointed by the board ~~that~~ who are experienced in the fields of visual art, public art, art history, architecture, or history; designers;
- g. two members of the public appointed by the board;

⁹ The rules themselves establish the criteria the design selection group should be using when selecting a design. The Board should consider whether the design framework document should be used to insert additional criteria into the design selection process.

¹⁰ This addition is attempting to capture the design competition reference that the Board recently added in Rule 2400.2700, subp. 3, item K.

¹¹ The design framework section (subpart 3, item I) does not address design competitions, so the Board's proposed modification inserts ambiguity into the rule. The Chief Judge is still unclear as to whether the Board intends to allow for design competitions or just leave design and designer selection to the design review group recommendation and the board.

¹² The word "staff" is still included in the Revisor's draft dated August 17, 2022. It appears to be an error.

h. up to five additional ~~committee~~¹³ members appointed by the board as needed for professional expertise; and

i. board staff to oversee and support the ~~committee's~~ design review group's¹⁴ work.

(2) The design review group must review the design proposals, designer applications, or design concept applications and vote for a design, designer, or design concept to recommend to the board.

(3) After considering the design review group's recommendations, the board must vote to approve or reject the design review group's recommendation. A majority vote of the board is required to accept a design, designer, or design concept.

Rule 2400.2703, Subpart 7: Process for Modification or Removal

A. An applicant requesting the modification or removal of a commemorative artwork in the Capitol area must submit a modification or removal request to the board using the application form available on the board's website. The board website must provide clear and accessible instructions for completing the application form. Within ten calendar days of the board's receipt of the application, board staff must determine whether the application form is complete and inform the applicant of the determination. If board staff find that¹⁵ the application is incomplete, board staff must advise the applicant that the application is incomplete and identify what information is missing to the applicant.

G.¹⁶ The commemorative artwork review committee must open a 30-day public comment period and hold at least one public meeting hosted or cohosted by board staff to gather additional input regarding the proposed modification or removal request, design or disposition plans for the artwork, and any restoration plans ~~for~~ of the removal or modification site of the subject artwork identified by the Department of Administration in item H, subitem (6).¹⁷ Using the information gathered through the public comment period and public meetings, the committee must ~~to~~ determine if the request satisfies the criteria for modification in subparts 5 and 8 or the criteria for

¹³ This is not a committee, it is a "design review group." (*Compare* Rule 2400.2700, subp. 7, item F prescribing the composition of the commemorative artwork review committee.)

¹⁴ *Id.*

¹⁵ This change is intended to parallel the similar provision in Rule 2400.2703, subp. 3, item A.

¹⁶ Note that the Board's color-coded submission of changes differs in various places from the Revisor's August 17, 2022, rules, so the Chief Judge relies upon the Revisor's August 17, 2022, version of the rules.

¹⁷ This recommended change breaks up a very long sentence and makes it more readable and understandable.

removal in subpart 9. The committee must give timely written notice of the public meeting to the applicant¹⁸ ~~requesting modification or removal of the artwork~~ and to the artist or original sponsor of the artwork ~~unless the committee is unable to notify the artist or original sponsor~~. If the committee is unable to reasonably locate ~~notify~~ the artist or original sponsor of the artwork, the committee must notify a representative of the artist or original sponsor of the ~~subject artwork as long as~~ provided the board is able to reasonably identify such a representative ~~of the artist or original sponsor~~. The committee must provide the applicant, the artist, the original sponsor, and any representative of the artist or original sponsor the opportunity to speak at a public meeting of the commemorative artwork review committee.¹⁹

H. Prior to a the first²⁰ public meeting of the commemorative artwork review committee, the board executive secretary must prepare and post on the board website a commemorative artwork background report that includes:

(1) a written description and images of the artwork that is the subject of the modification or removal request, information about and images of the artwork's location, and a warranty of the originality of the artwork;

(2) the origin, derivation, history, and past ownership of the artwork; the original acquisition method and purchase price; and the original intent of the artwork by the artist or organization that advanced the artwork;

(3) a summary of the proposed modification or removal request and the applicant's stated reasons therefore; the primary concept and design elements of the modified or removed artwork and of the surrounding site; and, in the case of a modification request, a recommendation on whether a designer or design consultant is needed to prepare a detailed plan of the modification;

(4) an analysis of the proposal's potential impact on the Capitol's commemorative artwork collection;

(5) a recitation of the criteria for modification in subparts 5 and 8 or for removal in subpart 9 that the board must use in reaching its decision to grant or deny a modification or removal request;

¹⁸ "Applicant" is a defined term in the proposed rules so it is not necessary to add "requesting modification nor removal of the artwork."

¹⁹ The recommended changes are intended to shorten and simplify the provision to make it easier to read and understand.

²⁰ This recommended change acknowledges the possibility of more than one public meeting.

(6) a memorandum from the Department of Administration on cost and implementation considerations of the proposed modification or removal plans and any restoration that may be necessary for of the removal or modification site of the artwork if it is modified or removed, pursuant to Minnesota Statutes, section 15B.15, subdivision 2, paragraph (a)²¹; and

(7) a memorandum from the Minnesota Historical Society evaluating impacts of the proposed modification or removal on the historic context and resources of the Capitol grounds and the State Capitol building, pursuant to Minnesota Statutes, section 15B.34, clause (3).

I. Board staff must provide the commemorative artwork background report to the commemorative artwork review committee prior to the committee's first²² public meeting and may present the report at the committee's public meeting. Each committee member must present the committee member's views and participate in the discussion during the public meeting. The committee shall vote and make a written recommendation to the full board on whether the board should grant or deny the modification request based on the criteria in subparts 5 and 8, or grant or deny the removal request based on the criteria in subpart 9. A committee recommendation to grant a modification request must include a recommendation on whether additional design work or a designer is needed to prepare a detailed modification plan. A committee recommendation to grant a removal request must include a recommendation on whether any restoration work will be needed on the subject artwork's site.²³ A majority vote of the committee is required for the committee to recommend granting the modification or removal request.

J. Along with the commemorative artwork review²⁴ committee's recommendation to the board, the board executive secretary must prepare for the board and post to the board website a report that includes:

(1) a summary of the public comments received at the public meetings and hearings and any additional information obtained during the application review process;

²¹ Minn. Stat. § 15B.15, subd. 2(a) (2022) merely requires the Board and the Department of Administration to have and periodically revise "standards and policies on the repair, furnishing, appearance, and cleanliness of, and change to, the public and ceremonial areas of the Capitol." It does not appear directly on point and, therefore, could cause confusion. Consequently, it is recommended that this provision be removed.

²² This recommendation acknowledges the possibility of more than one public meeting held by the committee, as is allowed under Subpart 7, Item G.

²³ This recommendation is to incorporate considerations for removal, including restoration of the artwork's site.

²⁴ Added for clarity.

(2) opinions gathered from committee experts or other independent professionals, such as conservators, engineers, architects, critics, and safety experts who are professionally qualified to comment on the artwork and on the concern prompting review that are obtained during the application review process;

(3) an evaluation of the need for additional design work for the modification or the need for restoration work if the artwork is removed²⁵ ~~and the need for forming a design review group and using the selection process under subpart 3, item K;~~²⁶ and

(4) a detailed budget for all aspects of the modification or removal request, and the applicant's stated options for funding the request.

K. After receiving the commemorative artwork review committee's recommendation and staff final report, the board must determine if another 30-day public comment period or public hearing is necessary to gather additional input. If the board determines that another opportunity for public comment or a public hearing is necessary, then the board shall make a final decision after the additional public comment period or public hearing is complete. If the board determines that no additional comment period or public hearing is needed, the board shall proceed to reach a decision by holding a public meeting at which the board shall a vote to grant or deny the request for modification or removal. The board must apply the criteria in subparts 5 and 8 when considering whether to grant or deny a request for modification. The board must apply the criteria in subpart 9 when considering whether to grant or deny a request for removal. A majority vote of the full board is required to grant a request for modification or removal of an existing commemorative artwork. If the board grants a modification request and decides that additional design work is necessary to complete the modification, the board shall assemble a design review group according to the provisions of subpart 3, item K, subitem 1,²⁷ to provide a recommendation to the board. The board shall then reconvene for final design review and approval as described in subpart 3, item ~~N~~ K, subitem 3, before granting the modification request. After making a decision concerning the request for modification or removal, the board must send a written copy of the board's decision to the applicant and the artist and

²⁵ It is recommended to address removals as well as modifications.

²⁶ Proposed Rule 2400.2703, subp. 3, item K is part of a larger process for reviewing and designing new artwork. By itself, it does not provide a full process for selecting a designer or design for a modification. Attempting to incorporate one of the various procedures from Subpart 3 (the new artwork provisions) is likely to cause confusion. This is better addressed with the Judge's recommendations in Subpart 7, Item K herein.

²⁷ This incorporates only a pertinent portion of Subpart 3, Item K and leaves out all extraneous provisions of that item to avoid confusion. Essentially, the Board is incorporating the design review group provision (paragraph 1) and the recommendation and approval provision (paragraph 3).

original sponsor of the artwork at issue, or their representatives as provided in item G.

L. If the board grants a request for modification or removal, but before implementation of the project begins, the applicant must deposit with the Department of Administration enough money to complete the modification or removal consistent with the estimated budget, including any costs for restoration of the ~~removal or modification~~ subject artwork site as identified by the Department of Administration in item H, subitem (6) to restore the area of removal, or demonstrate that public funding for the full project is committed. Board staff shall be available to provide testimony to the legislature but shall not directly raise money to fund the project.

N. If the board grants a request for the removal of a commemorative artwork on Capitol grounds, the removal must proceed in accordance with the a disposition plan approved by the board described in the request.²⁸ The Minnesota Historical Society must determine the final disposition of the removed artwork pursuant to Minnesota Statutes, section 138.68. The Minnesota Historical Society reserves the first right of refusal for removed artwork of historic value. ~~If the Minnesota Historical Society does not accept the artwork, the artwork's disposition must be determined according to Minnesota Statutes, section 138.68.~~²⁹ The All removal, disposition, and restoration work must proceed with construction documents and bidding under the supervision and direction of the Department of Administration.

Rule 2400.2703, Subpart 8: Criteria for Modification

E. The proposed modification incorporates the views of ~~all~~³⁰ interested groups and individuals and considers the relationship of these groups' collective history, heritage, and values to the artwork.

~~M. — the proposed modification meets the criteria of subpart 5;~~³¹

²⁸ The Board should be determining the disposition plan, not the applicant. The applicant can propose a plan in its application, but the Board, in conjunction with the Historical Society and Department of Administration, should dictate what should happen to the artwork and the site.

²⁹ This sentence is redundant. Under Minn. Stat. § 138.68 (2022), "The Minnesota State Historical Society shall have final authority over the disposition of any monuments, memorials or works of art removed from the State Capitol or the Capitol grounds."

³⁰ It is unlikely that any artwork would incorporate the views of all groups.

³¹ This is unnecessary and duplicative because the Board already must consider the criteria in Subpart 5 as part of its decision.

~~NM.~~ Funding is available to pay for the proposed modification, all design costs,³² and any restoration of the modification site identified by the Department of Administration in subpart 7, item H, subitem (6).

Rule 2400.2703, Subpart 9: Criteria for Removal

J. Safety, the avoidance of ~~emergencies caused by~~ hazards³³, and construction schedules;

L. The plan for returning the space left by removal of the artwork to the ~~space's~~ site's³⁴ original condition or a condition that is aesthetically consistent with the surrounding Capitol grounds.

Rule 2400.2703, Subpart 10: Public Hearing and Meeting Requirements

D. The organization and management of a public meeting under this part shall be determined by the host in collaboration with board staff.

The Board may wish to carefully consider its decision to delegate the responsibility of holding public meetings to outside entities, such as special interest groups, etc. Public meetings may require security and ample physical space, and will require the hosts to ensure that all attendees have an adequate opportunity to be heard. Non-governmental entities may not fully understand the obligations to hold fair and neutral meetings where all viewpoints can be expressed.

Conclusion

The recommendations identified above are not required but are suggested to bring clarity and consistency to the rules and to avoid potential legal issues. The rules are approved as to legality whether or not the Board chooses to incorporate these recommendations. If the Board decides to adopt these recommendations in whole or in part, it should resubmit the revised rules in the Revisor's approved form for final approval before submitting to the Secretary of State for publication. The recommendations provided herein do not render the rules substantially different from those originally published in the State Register on February 7, 2022.

J. S.

³² This addition incorporates the possibility of design costs that might be needed for some modifications.

³³ The Board would want to consider all hazards, not just emergencies.

³⁴ The word "site" is more consistent with the words used throughout the rules to describe the location of the removed artwork.