



STATE PRESERVATION BOARD
Texas
**POLICY FOR EXHIBITS IN THE GROUND FLOOR ROTUNDA AND THE
CAPITOL EXTENSION**

- (A) **DEFINITIONS** The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.
- (1) Exhibit - Any display of artwork, including paintings, sculptures, arts and crafts; photographs; public service and general interest presentations; and historical displays.
 - (2) Public Areas of the Capitol and Capitol Extension:
 - (a) Ground Floor Rotunda (basement level of the Capitol);
 - (b) South Central Gallery on Extension level E2;
 - (c) North Central Gallery on Extension level E2.
 - (3) Public purpose - As defined in Texas Administrative Code, Title 13, Part 7, Chapter 111, §111.13(a)(3). The chief test of what constitutes a public purpose is that the public generally must have a direct interest in the purpose and the community at large is to be benefited. Campaign activities are prohibited in the public areas of the Capitol.
 - (4) State Official Sponsor - The Governor, the Lieutenant Governor, the Speaker, a State Senator, or a State Representative.
- (B) **DAMAGE FEES FOR USE OF CAPITOL AND CAPITOL EXTENSION**
- (1) The State Preservation Board (SPB) has the authority to collect damage fees for the cost of damage to the Capitol and Capitol Extension that directly results from the exhibit.
- (C) **CRITERIA FOR EXHIBIT APPROVAL**
- (1) Exhibits shall be approved and scheduled by the SPB upon the recommendation of a state official sponsor as described in subsection (A)(4) of this policy.
 - (2) Exhibits must be for a public purpose as defined in subsection (A)(3) of this policy.
 - (3) An SPB agreement form must be completed one week prior to the date being requested.
 - (4) Incomplete requests will not be considered.
 - (5) The SPB reserves the right to require the exhibitor to make aesthetic changes to the exhibit.
 - (6) Exhibit space will be assigned based primarily on the size, scope, and design of the exhibit.
Exhibits are prohibited in the Capitol Rotunda.
 - (7) Exhibitors must bear all costs of assembling, displaying, and removing exhibits. **If Capitol Extension loading dock access is needed, exhibitor must contact the Event Coordinator at least 24 hours in advance and provide the following information: type of vehicle(s) requesting access, license plate number of vehicle(s), name of driver, and time(s) and date(s) that access will be required.**
 - (8) All exhibits must be free-standing. Art and photographic exhibits must be secured to tripods, backdrops, or free-standing displays.
 - (9) Exhibits may not:
 - (a) hang from or attach to walls or railings;

- (b) lean against walls, columns or benches;
 - (c) obstruct entrances;
 - (d) interrupt traffic flow through the building;
 - (e) damage walls, woodwork, or floors;
 - (f) obstruct the view of or access to firefighting equipment or fire alarm pull stations; or
 - (g) involve the use of any flammable, hazardous, or odorous chemicals or materials, torches, or other open-flame illuminating devices or fires.
- (10) Exhibits will not be considered for display in the Capitol and Capitol Extension if they:
- (a) feature one individual's artwork for the purpose of commercially advertising that individual's artwork;
 - (b) promote a commercial enterprise or involve the exchange of money;
 - (c) have no obvious public purpose; or
 - (d) have an illegal purpose.
- (11) Exhibits may include only a basic artist information along with each piece of artwork. Distribution of business cards or other artist contact information is prohibited.
- (12) The exhibitor is responsible for the security of all exhibit items. If other than routine security provided by the Capitol DPS is needed for the exhibit, the exhibitor will bear such costs. The State of Texas, the SPB, or any employee of the SPB shall not be held liable in case of damage or loss to an exhibit while it is on display in the Capitol and Capitol Extension.
- (D) SCHEDULING EXHIBITS**
- (1) Exhibits may be displayed for up to 5 working days.
 - (2) A time extension for exhibits may be considered by the SPB if space is available.
 - (3) No more than one exhibit will be approved for display on the same day in a designated area.
- (E) INDEMNIFICATION**
- (1) Exhibit holder agrees to defend, indemnify and hold harmless the SPB, the State of Texas, all of its officers, employees and agents from any and all claims, actions, suits, demands, proceedings, costs, damages, or liabilities brought by any third party which result from the exhibit holder's presence, equipment, or use of the Capitol or the Capitol Extension.
 - (2) Exhibit holder agrees that the SPB, the State of Texas, all of its officers, employees and agents are now and hereafter relieved of any and all responsibility and liability for any and all injury, loss or damage that the exhibit holder, its agents and invitees or their property may incur as a result of or during the exhibit holder's use of the Capitol or the Capitol Extension, provided said injury, loss or damage is not the result of the negligence of an SPB employee. Therefore, exhibit holder on its own behalf and on behalf of its agents and invitees hereby agrees to hold harmless, indemnify and defend the SPB, the State of Texas, all of its officers, employees and agents from and against any and all costs, damages, fees, expenses, or liability of any type or nature related to the same.
 - (3) Exhibit holder further covenants and agrees to indemnify and to fully pay and reimburse the SPB any and all costs of replacement of damaged property, and for the restoration and repair of the Capitol or Capitol the Extension which in any way are damaged, destroyed or otherwise defaced or harmed as a result of use by the exhibit holder, its agents or invitees.



STATE PRESERVATION BOARD

REQUEST FOR EXHIBITS
IN THE CAPITOL AND
CAPITOL EXTENSION

CONTACT: Capitol Events Coordinator
(512) 463-3051
FAX (512) 475-3366

Instructions: Please complete the entire application. Incomplete applications will not be considered. If you have any questions, please contact the Capitol Events Coordinator at (512) 463-3051 or Capitol.Events@tspb.state.tx.us.

1. Check One: Ground Floor Rotunda (Capitol Building, basement level)
 South Central Gallery
 North Central Gallery

**** Exhibits are prohibited in the Capitol Rotunda.**

****There are no electrical outlets in the Central Galleries on the E2 level.**

2. Exhibit Name _____
3. Date(s) and time(s) requested _____
4. Sponsoring Organization _____
5. State Official Sponsor _____
(Required for approval of all events and exhibits at the Texas State Capitol. Must be the Governor, the Lieutenant Governor, the Speaker, a State Senator, or a State Representative. Applications are considered incomplete without a letter of sponsorship from a State Official Sponsor.)
6. Contact Name: _____
7. Address: _____
8. Phone Number _____ Fax Number _____
- Email Address _____
9. Description of the exhibit, including a detailed diagram of the dimensions of the space required.

10. Purpose of exhibit.

11. Exhibit time schedule. Please be specific.

Set up date and time: _____ End date and time: _____

I have read the State Preservation Board Policy for Exhibits in the Ground Floor Rotunda and the Capitol Extension and agree to comply with this policy. I understand that all exhibits are subject to cancellation. In addition, I understand that I am responsible for any damages to the building or grounds as a result of my exhibit.

Exhibit Holder Signature

Date

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TITLE 13

CULTURAL RESOURCES

PART 7

STATE PRESERVATION BOARD

CHAPTER 111

RULES AND REGULATIONS OF THE BOARD

RULE §111.13

Exhibitions in the Capitol and Capitol Extension

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Exhibition--Any display of artwork, including paintings, sculptures, arts and crafts; photographs; public service and general interest presentations; and historical displays.

(2) Public areas of the Capitol and Capitol Extension--The hallways, entrances, vestibules, stairways, light courts, rotundas, and other areas adjacent to and near the rotunda.

(3) Public purpose--The promotion of the public health, education, safety, morals, general welfare, security, and prosperity of all of the inhabitants or residents within the state, the sovereign powers of which are exercised to promote such public purpose or public business. The chief test of what constitutes a public purpose is that the public generally must have a direct interest in the purpose and the community at large is to be benefitted. This does not include activities which promote a specific viewpoint or issue and could be considered lobbying. Political rallies, receptions, and campaign activities are prohibited in the public areas of the Capitol.

(4) State official sponsor--The Governor, the Lieutenant Governor, the Speaker of the Texas House of Representatives, a Texas Senator, or member of the Texas House of Representatives.

(b) Fee for use of Capitol and Capitol Extension. A fee is required from persons or entities that use the Capitol and Capitol Extension, for an exhibition. The fee is in an amount set by the office of the State Preservation Board designed to recover the estimated direct and indirect costs to the state of the exhibition, including the costs of labor, materials, and utilities directly or indirectly attributable to the exhibition. The fee is required in the office of the State Preservation Board no later than 24 hours prior to the exhibit installation.

(c) Criteria for Exhibition Approval.

(1) Exhibitions shall be approved and scheduled by the office of the State Preservation Board upon the recommendation of a state official sponsor as described in subsection (a)(4) of this section.

(2) Exhibitions must be for a public purpose as defined in subsection (a)(3) of this section.

(3) Request must be accompanied by:

(A) a detailed description of the exhibit, including dimensions of the space required, and how the exhibit will be displayed;

(B) a clear photograph of the entire exhibit, preferably as it will be displayed. A scale drawing may be submitted in lieu of a photograph if a photograph is not available;

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(C) a brief statement of the purpose of the exhibit; and

(D) recommendation of a state official sponsor as described in subsection (a)(4) of this section.

(4) Incomplete requests will not be considered.

(5) Exhibits must be tastefully exhibited. Once erected, the office of the State Preservation Board reserves the right to require the exhibitor to make aesthetic changes to the exhibit.

(6) Exhibit space will be assigned based primarily on the size, scope, and design of the exhibit. Exhibitions will not be approved for display in the Capitol rotunda in order to maintain its historic presence.

(7) Exhibitors must bear all costs of assembling, displaying, and removing exhibits.

(8) All exhibits must be freestanding. Art and photographic exhibits must be secured to tripods, backdrops, or freestanding displays. Exhibits may not:

(A) hang from or attach to walls or railings;

(B) obstruct entrances;

(C) interrupt traffic flow through the building;

(D) damage walls, woodwork, or floors;

(E) obstruct the view or access to fire-fighting equipment or fire alarm pull stations; or

(F) involve the use of any flammable, hazardous, or odorous chemicals or materials, torches, or other open-flame illuminating devices or fires.

(9) Exhibits will not be considered for display in the Capitol and Capitol Extension if they:

(A) feature one individual's artwork for the purpose of commercially advertising that person's artwork;

(B) promote a commercial enterprise;

(C) have no obvious public purpose; or

(D) have an illegal purpose.

(10) If other than routine security provided by Capitol police is needed for the exhibit, the exhibitor will bear such costs. The State of Texas, the State Preservation Board, or any employee of the State Preservation Board shall not be held liable in case of damage or loss to an exhibit while it is on display in the Capitol and Capitol Extension.

(d) Scheduling exhibits.

(1) Exhibits may be displayed for up to 5 working days.

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(2) The office of the State Preservation Board may extend the display time for major exhibitions.

(3) No more than one exhibit will be approved for display on the same day in a designated area of the Capitol and Capitol Extension.

(4) A written request using State Preservation Board forms to display an exhibit must be received by the office of the State Preservation Board no later than two weeks prior to the first day of the time being requested.

Source Note: The provisions of this §111.13 adopted to be effective November 30, 1987, 12 TexReg 4297; amended to be effective November 1, 1988, 13 TexReg 5271; amended to be effective February 5, 1990, 15 TexReg 339; amended to be effective November 12, 1991, 16 TexReg 6129; amended to be effective April 12, 1994, 19 TexReg 2197; amended to be effective April 30, 2000, 25 TexReg 3524; amended to be effective July 1, 2012, 37 TexReg 4891

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CHAPTER 111

RULES AND REGULATIONS OF THE BOARD

RULE §111.15

Use of the Capitol, Capitol Extension, Capitol Grounds, and General Land Office for Film or Video Production

(a) Definition and approval of film or video production.

(1) A film or video production is defined as a sound and visual production, including a film, television program, national or multistate commercial, or digital interactive media production. The rules listed in this section do not apply to news gathering by the press.

(2) All film or video production must be approved by the office of the State Preservation Board. The office of the State Preservation Board reserves the right to deny use of the Capitol for reasons involving security, preservation of the Capitol as a national historic landmark, impact on the buildings or their occupants, and the appropriateness of the proposed activities within a public building. A decision will be made after a careful review of the content, purpose, and impact on the buildings.

(3) Film or video production for commercial advertising purposes is strictly prohibited.

(b) Scheduling of film or video production.

(1) The office of the State Preservation Board will be responsible for scheduling production dates.

(2) All production companies will be required to fill out an application and submit a letter of intent to proceed with production.

(3) The office of the State Preservation Board will require production walk-throughs to discuss security, parking, electrical, and other special needs.

(4) All production companies will be required to enter into a location agreement which outlines a production schedule, shot-sheet, liability for damages and injury, proof of insurance, preparation work, and post-production clean-up.

(5) The State Preservation Board may charge a fee, in an amount set by the executive director, for use of the Capitol, Capitol Extension, or General Land Office Building. Income from fees under this paragraph shall be used for preservation of the buildings.

(6) The State Preservation Board shall be reimbursed for staff time allocated to any filming or videoing activity, including benefits and support costs.

(7) Production activities will generally be prohibited during standard business hours (8:00 a.m. to 5:30 p.m. weekdays) and during legislative sessions.

(c) Use of the Capitol.

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(1) Film or video production activities must be compatible with the preservation of the historic preservation of the Capitol.

(2) Construction in the Capitol for production purposes is strictly prohibited.

(3) Film or video production is prohibited in the Historically Significant spaces listed: House Chamber, Senate Chamber, Original Governor's Office, Treasury, Legislative Library, Supreme Courtroom, Appeals Courtroom, Agricultural Museum Room, Secretary of State's Office, Governor's Reception Room. The Texas House of Representatives and the Texas Senate may authorize the use of video in the House Chamber or Senate Chamber for governmental purposes or special activities scheduled by the House or Senate.

(4) Attachments to or contact with furnishings, artwork, or architectural surfaces is strictly prohibited.

(5) Any film or video production aids or equipment must be freestanding with a stable base.

Source Note: The provisions of this §111.15 adopted to be effective July 20, 1988, 13 TexReg 3411; amended to be effective November 12, 1991, 16 TexReg 6129; amended to be effective April 12, 1994, 19 TexReg 2197; amended to be effective April 4, 1996, 21 TexReg 2643; amended to be effective July 1, 2012, 37 TexReg 4891

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RULE §111.17

Capitol Collections Policy

(a) Purpose. The State Preservation Board sets as its purpose to collect, preserve, protect, interpret, and maintain information on original or period objects of historical significance to the Capitol or the State of Texas, or appropriate to the early period of the Capitol's history (circa 1880-1920). The board will encourage study of its collections including publications concerning the objects, and will maintain the highest ethical standards in its interpretation of the collection.

(b) Types of collections.

(1) It is recognized the Capitol is primarily a functioning building and not a museum. As a historic structure it is appropriately the repository for a limited number of original or period objects of the highest quality and significance to the history of the building or the State of Texas, or appropriate to the early period of the Capitol's history (circa 1880-1920).

(2) Unlike museums, however, that are equipped and designed to maintain secondary research or exchange collections, the board will only maintain a primary Capitol collection including paintings, furnishings, sculpture, decorative arts, and other related artifacts. The board will acquire only artifacts that are appropriate to the purpose of the Capitol collections policy. Objects that do not meet the standards noted in paragraph (1) of this subsection may be referred to other state or appropriate depositories.

(c) Methods of acquisition.

(1) The board shall acquire its collections through purchase, gift, bequest, or any other transaction consistent with applicable state or federal requirements by which title to objects is transferred to the board.

(2) To the extent practicable, the board shall use gifts of property made to the board for the purpose specified by the grantor. The board may refuse a gift if in the board's judgment the purpose specified by the grantor conflicts with the goal of preserving the historic character of the buildings under the board's control. The office of the State Preservation Board will report to the board on new acquisitions and request the board's formal approval of the acquisitions at each meeting of the board.

(3) The board may accept loans from individuals, institutions, organizations, or foundations only if they enhance the purposes and activities of the board. Loans will only be accepted for display or use in buildings or on grounds which are under the jurisdiction of the board. As a general rule, the board shall not approve the loan of items from the Capitol collection.

(4) In addition, the board maintains the right to deaccession items from the collection. Only material that is no longer considered relevant or useful to the purposes of the board will be considered for deaccessioning.

(5) To deviate from any of the policies will require the approval of the executive director of the State

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Preservation Board, curator of the Capitol, and the board.

(d) Care and documentation of collections.

(1) The curator of the Capitol is responsible for the care of the collections. Appropriate maintenance, security, and conservation procedures shall be developed and followed.

(2) Proper records on collected material, permanent or loan, shall be maintained by the curator of the Capitol, and a report to the board on the status of the collections will be made as requested.

(e) Capitol collections management manual.

(1) A Capitol collections management manual in §111.18 of this title (relating to Capitol Collections Management Manual) shall be developed by the curator of the Capitol to effectively carry out the guidelines contained in the Capitol collections policy.

(2) The collections management manual shall expand the contents of the collections policy by detailing specific procedures for acquisitions, deaccessions, and loans. Complete accessioning, cataloguing, care, and conservation procedures shall be outlined in the manual.

(f) Standards of conduct, other Capitol collections and related materials, revisions to the policy.

(1) As a general policy, all parties shall adhere to the ethical guidelines recommended by the American Association of Museums. No member of the board, the office of the State Preservation Board, or any other individuals specified by the board shall personally receive, directly or indirectly, any favor, promise, or thing of value which could or appear to induce, discourage, or influence a recommendation, decision, or action affecting accessions, deaccessions, loans, exhibitions, or activities related to the Capitol collection. All parties shall demonstrate a good faith effort to avoid even the appearance of a conflict of interest.

(2) While the board does not have complete location control over certain historical artifacts used in legislative members' offices in the historic Capitol, all other aspects of the collections policy and collections management manual apply to all such artifacts.

(3) Any revisions to the policy must be approved by the office of the State Preservation Board, and the board.

(4) Upon recommendation of the curator of the Capitol and the executive director of the State Preservation Board, the board may approve exceptions to this policy.

(g) Items in the Capitol collection, unless on loan or in storage as provided under this chapter, shall be located in the Capitol, except that portraits originally identified with the supreme court or the court of criminal appeals initially displayed in the Capitol after 1915 shall be located, at the particular court's discretion, in the present quarters of the court to which the item is identified. An item located at the direction of a court remains part of the Capitol collection and is subject to preservation and protection by the board.

Source Note: The provisions of this §111.17 adopted to be effective January 12, 1989, 14 TexReg 56; amended to be effective April 12, 1994, 19 TexReg 2197; amended to be effective April 30, 2000, 25 TexReg 3525; amended to be effective July 1, 2012, 37 TexReg 4891

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RULE §111.18

Capitol Collections Management Manual

(a) Goals of the manual.

(1) The Capitol Collections Management Manual has been developed by the curator of the Capitol to further define the Texas Capitol collections policy, detailing the specific procedures that are to be followed to fully carry out the guidelines of the collections policy.

(2) The overall goal of the policy and the management manual is to collect, preserve, protect, interpret, and maintain information on original or period objects of historical significance to the Capitol or the State of Texas or appropriate to the early period of the Capitol's history (circa 1880-1920).

(b) Responsibility for collections.

(1) The State Preservation Board was established as an agency in 1983 to preserve, maintain, and restore the State Capitol, its contents, and grounds (Texas Government Code, Chapter 443).

(2) In order to assist the State Preservation Board and the office of the State Preservation Board in carrying out the purpose of the collections policy, the curator may consult recognized authorities or scholars in one or more of the following fields: Texas material culture; American decorative arts (19th century emphasis); Texas paintings (historical); Texas history; or a related field.

(c) Methods of acquisition.

(1) The office of the State Preservation Board shall acquire the collections through purchase, gift, bequest, or any other transaction consistent with applicable state or federal requirements by which title to objects is transferred to the board. To the extent practicable, the board shall use gifts of property made to the board for the purpose specified by the grantor. The board may refuse a gift if in the board's judgment the purpose specified by the grantor conflicts with the goal of preserving the historic character of the buildings under the board's control. The curator of the Capitol will report to the board on new acquisitions and request the board's formal approval of the acquisitions at each meeting of the board.

(2) Prior to purchase, the office of the State Preservation Board will attempt to acquire the object or comparable material through gift, bequest, or transfer. Only items which the office of the State Preservation Board feels can be given proper care for an indefinite period of time will be acquired. Items known to have questionable provenance or title or obtained through illicit trade shall not be acquired. Only when the office of the State Preservation Board has determined to the best of its ability that material has been collected, exported, or imported in compliance with the laws and regulations of the country of origin, of the federal government of the United States, and of individual states within the United States, shall material be acquired by the board. The office of the State Preservation Board will conduct its collecting activities with a reasonable certainty that its approach is consistent with the spirit and intent of these laws and programs.

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(3) If it determined that an object offered for acquisition is stolen property or has entered the United States illegally, the office of the State Preservation Board will report all pertinent facts, in writing, to the board.

(d) Donation, bequests, purchases, and other transactions.

(1) To the extent practicable, the board shall use gifts of property made to the board for the purpose specified by the grantor. The board may refuse a gift if in the board's judgment the purpose specified by the grantor conflicts with the goal of preserving the historic character of the buildings under the board's control. All encumbrances shall be stated clearly in an instrument of conveyance, shall be made part of the State Preservation Board permanent record, and shall be observed by the executive director and the curator of the Capitol of the State Preservation Board. Whenever possible donations should be accompanied by funds which will be restricted to an endowment for conservation and collection. Applicable Internal Revenue Service rules related to donations shall be adhered to by all relevant parties.

(2) In the absence of indication to the contrary, the State Preservation Board, the executive director and the curator of the Capitol shall assume that all donors are sole owners and shall have no responsibility for confirming ownership. In addition, if the donor possesses copyright to material, he shall be encouraged to relinquish and transfer to the board all right, title, and interest in copyright and transfer the exclusive rights of reproduction, adaptation, and distribution to the board. If this is not agreed upon, the material shall be treated as an encumbered donation.

(3) The board reserved the right to accept or refuse any bequest of collection material or any part thereof made to it. In reviewing a bequest, the board shall follow the same procedures as for donations.

(4) A written appraisal from a licensed appraiser shall be obtained by the curator prior to the purchase of items over \$10,000 and otherwise deemed advisable. Taking into consideration the comments of the curator of the Capitol, the office of the State Preservation Board may purchase items under \$10,000 given the availability of necessary funds. Items over \$10,000 shall require the approval of the board prior to purchase.

(5) The board may also acquire items through interagency transfer as provided by the Texas Government Code, §443.017 and other applicable state law.

(6) Any other transaction by which title to material is transferred to the board shall be approved by the board upon the recommendation of the executive director of the State Preservation Board and the curator of the Capitol.

(7) Board members or staff of the State Preservation Board shall not give appraisals, either of donations, of privately owned materials, or otherwise; however, upon request of the curator of the Capitol may suggest possible appraisers to the potential donor. In most cases, at least three appraisers should be suggested.

(8) State law provides that in most cases all records of a governmental body are open to the public following procedures established under the Open Records Act. One exception to that rule is information pertaining to appraisals or the purchase price of personal property for public purposes prior to the formal award of the contract.

(e) Deaccessioning.

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(1) The board may deaccession material in order to refine its collections and effect exchanges or purchases of material more in keeping with its purposes. All material considered for deaccessioning by the curator of the Capitol must be approved by the executive director of the State Preservation Board and the board prior to deaccession. No donated object shall be deaccessioned for any reason for two years and one day after the date of its acquisition.

(2) The procedures for deaccessioning material from the Capitol collections shall be consistent with those procedures established by Article 601b, Vernon's Civil Statutes. Items shall not be returned to donors. However, when applicable, the donor shall not be precluded from purchasing material if it is offered at public sale. The curator of the Capitol shall make a reasonable attempt to notify the donors of the material 30 days prior to any such sale. All monies received from the deaccessioning of material shall be placed in a fund restricted for acquisitions or direct care of the collections.

(3) Prior to deaccessioning, the curator of the Capitol shall determine current fair market value of the material. Two independent appraisals shall be obtained for items valued potentially over \$10,000.

(4) No board member, staff person of the office of the State Preservation Board, or other individuals designated by the board may purchase deaccessioned items from the board. Museum ethics as well as discretion should always be exercised in such instances.

(5) A complete file on all deaccessioned materials shall be maintained by the curator of the Capitol.

(6) In deaccessioning, the board shall give preference to retaining material that is part of the artistic, historical, or cultural heritage of the Capitol or the State of Texas.

(f) Loans to the board.

(1) Loans to the board shall only be approved when consistent with its programs and activities. The curator of the Capitol may accept loans to buildings and grounds under the jurisdiction of the board.

(2) Items placed in the Capitol on a short-term exhibit basis that fall under §111.13 of this title (relating to Exhibitions and Events in the Capitol Building) are not included under this manual and shall be monitored by appropriate State Preservation Board staff according to established procedures. All loans shall be for specific periods of time. Permanent or indefinite loans will not be accepted.

(3) All rules and regulations governing loans to the Capitol shall be clearly stated in a contractual document and agreed to by the lender and the office of the State Preservation Board prior to the latter's taking custody of loaned material. Items on loan for display in the Capitol shall be treated as permanent collection items, the curator of the Capitol being responsible for their maintenance and handling. However, insurance shall be carried by the lender unless other arrangements, in contractual format, are agreed upon in advance. If the loan has any unusual encumbrances, it must also be approved by the board. Items on loan for review as potential purchases or donations shall be treated as temporary custody items, and a contractual agreement with specific terms or conditions shall be completed.

(4) Every attempt shall be made to keep in yearly contact with the owner of the loaned material. In the event that the existence and location of the owner is unknown to the curator of the Capitol for longer than three years, the Texas Escheat Laws, located at the Texas Property Code Annotated, §72.101 et. seq., shall take effect and be followed by the office of the State Preservation Board. The office of the State Preservation Board shall only return lent material to the original lender or duly authorized agents. Heirs must present legal proof of ownership before the board will release lent material.

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(5) Complete records of all loan transactions shall be kept by the curator of the Capitol.

(g) Loans from the board.

(1) Since the Capitol collections consist primarily of objects that are either being used or displayed in functional or public areas of the building, and because of limitations of staff and equipment, as a general rule the loan of items from the Capitol collections will not be approved. This loan policy does not apply to items released from conservation treatment or short-term storage.

(2) Any deviation from this loan policy must be approved by the curator of the Capitol, the executive director of the State Preservation Board and the board. In order to be considered, a potential borrower preferably should be an established museum, in most cases preferably accredited by the American Association of Museums. The borrowing institution's security, climate control, and other factors will be taken into consideration during the review process. In the event a loan from the collection is approved, insurance will be carried by the borrower who will provide the board with a wall-to-wall certificate of insurance. Any exceptions must be made in advance in a contractual document. All rules and regulations governing loans from the Capitol collections will be clearly stated in a contractual document and agreed to by the borrower and the office of the State Preservation Board prior to releasing material to the borrower.

(h) Documentation of collections.

(1) Items of historical significance under the purview of the State Preservation Board will be accessioned and catalogued according to standard museum methods.

(2) In addition to an item's state inventory number or any other number, each object will be assigned a Capitol historical artifact (CHA) number. The numbers will be assigned sequentially on a yearly basis. The prefix of the number will be the year of accession, followed by a sequential number (ie. 1988.1, 1988.2, 1988.3, and so on). An "R" preceding the CHA number shall identify items that are reproductions of original Capitol furnishings items. These items will be referred to as the Reproduction Capitol Historical Artifact Collection. A label will be affixed to each item noting that it is a Capitol historical artifact. In addition, the accession number will be permanently marked on the item following accepted museum methods. An annual inventory of the collection will be conducted by the curator of the Capitol.

(3) Each accession will be promptly entered into an accession book, in order by CHA number. The accession book will contain the following information for each item: CHA number, state inventory number (or other number), name brief description and measurements, source, date of accession, and location. In addition, all accession and basic catalog information on each CHA will be entered on a computer database.

(4) A catalog report will be completed for each item and updated as required. A black-and-white (color when necessary) contact print of the object will be affixed to each report. The original catalog reports will be placed in an archival sleeve and filed in the appropriate object file. Copies of the catalog reports will be kept in notebooks in order by CHA number. Additional files on the collections will be maintained, including:

(A) object files kept in archival file folders:

(i) original catalog report;

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(ii) photographs of the object and, when generated, an eight-inch by ten-inch black-and-white photograph in archival sleeve;

(iii) copies or originals of any invoices, receipts, or other paperwork related to acquisition; and

(iv) background information and research on the object;

(B) photographic files:

(i) each CHA will be professionally photographed in 2 1/4-inch or four-inch by five-inch black-and-white format, and color when appropriate;

(ii) resulting negatives and transparencies will be labeled and kept in archival storage files by negative/transparency size, filed in CHA order;

(iii) an eight inch by ten inch black-and-white print will be developed, labeled and filed in each CHA object file as funding permits;

(iv) any additional 35mm black-and-white and color prints and negatives related to the collections will be assigned photo numbers and filed chronologically by date photographed in archival boxes;

(v) black-and-white (and color when applicable) condition photographs will be taken of any defects, flaws and/or damages to CHAs; one set will be filed in the object files, a copy set with negatives will be filed per clause (iv) of this subparagraph.

(C) maintenance log:

(i) a ledger will be maintained noting each repair or maintenance made to a CHA, including work done, by whom, cost, completion date, and photo numbers of any supporting photographic documentation;

(ii) this information will also be added to the collections computer database file for the affected CHA.

(D) deaccession files:

(i) a ledger listing all deaccessions in chronological order will be maintained;

(ii) background deaccession file information will be kept in the appropriate object file.

(E) room files (where applicable):

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- (i) layout of each room with each object noted on diagram;
- (ii) copies of catalog reports;
- (iii) list of any loan items in room; and
- (iv) memos or other information related to the room.

(5) To assist in the public's understanding and appreciation of the Capitol collections, upon completion of the Capitol Interior Preservation Project, descriptive catalogues should be prepared for the various rooms where the objects are displayed (as applicable), providing both general information as well as specific data on each object in the room. At an appropriate point, funding should be secured to publish a permanent printed catalog of the Capitol's collections.

(6) Documentation shall also be maintained on the loan collections. The numbering system will consist of an "L" designating a loan, followed by a sequential number, determined by the order of the loan, followed by the year the loan was accepted; (L2.1993, L3.1993). The loans will be entered into a separate accessions book, clearly labeled loan collection. Files for each loan object will be maintained, including a simplified catalog report, the original signed loan agreement and other related paperwork, and a snapshot photograph. Information on loan objects should be included in the room catalogues mentioned in paragraph (5) of this subsection.

(7) To safeguard the primary documentation files, copies of the collections database printout and CHA catalog reports shall be deposited with the Texas State Archives and updated on a quarterly basis.

(i) Care of collections and amendments.

(1) The curator of the Capitol is responsible for the care of the collections. Maintenance, repair, or restoration of objects in the collections shall be approved by the curator. All such work will be noted in the maintenance log, and the catalog reports will be updated as necessary, and repair receipts and invoices filed in the object files.

(2) As outlined in the Texas Government Code, §443.017, the State Preservation Board can require a state agency or other state entity to transfer certain items of historical significance from that state or entity's inventory to State Preservation Board inventory. The following additional procedures shall be followed to assist the curator in the care of such items.

(A) The curator of the Capitol shall provide to the appropriate personnel charged with property responsibility at each applicable state agency a list of all items being used by their agency that are Capitol historical artifacts under State Preservation Board inventory. This list shall include the object's state inventory number, its Capitol historical artifact number, and location.

(B) The appropriate personnel must inform the curator if they wish to change the location of a Capitol historical artifact. Such items may only be moved or handled under the direct supervision of State Preservation Board curatorial staff.

(C) The appropriate personnel must contact the curator to request any maintenance or restoration work on a Capitol historical artifact. Such work must be approved, supervised, and/or coordinated by the State Preservation Board curatorial staff.

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(D) Deaccessioning (selling, disposing of, or otherwise deleting from inventory) of any Capitol historical artifact can only be approved and coordinated by the State Preservation Board (see subsection (e) of this section).

(3) At least every five years, the curator shall contract with a qualified conservator(s) to survey the collections and to prepare a report on their condition. The curator will maintain all reports on conservation actions taken by conservators and update the files accordingly.

(4) Due to the fact that the Capitol is a functioning state office building, the office of the State Preservation Board shall coordinate security, atmospheric and emergency concerns with the Capitol police. Museum standards will be followed when feasible and practical, including the development of an emergency procedures manual addressing staff responsibilities in the event of theft, flood, fire, storm, explosion, war, and nuclear disaster.

(5) The provisions of the manual may be revised, deleted, and amended upon the approval of the curator of the Capitol and the executive director of the State Preservation Board, and the State Preservation Board.

Source Note: The provisions of this §111.18 adopted to be effective January 12, 1989, 14 TexReg 56; amended to be effective November 12, 1991, 16 TexReg 6129; amended to be effective April 12, 1994, 19 TexReg 2197; amended to be effective April 30, 2000, 25 TexReg 3525; amended to be effective July 1, 2012, 37 TexReg 4891

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RULE §111.19

Recognition of Donors

(a) Definition and prohibited forms of recognition.

(1) Within the Capitol and General Land Office Building, no permanent recognition shall be given to any donor or group of donors. Permanent recognition is defined as architectural or decorative detailing attached permanently to the Capitol or the General Land Office Building, or attached permanently to furnishings or decorative arts that make up the Capitol collection.

(2) No plaques or other donor recognition of any kind shall be placed on the exterior of the State Capitol Building, General Land Office Building, or on the grounds of the Capitol complex.

(b) Methods of recognition.

(1) All recognition of donors shall be reviewed by the office of the State Preservation Board.

(2) Donors may be recognized by letters, certificates of appreciation, in printed material, and by other means determined by the board. Donors of \$50,000 or more will be listed as major donors.

(3) Donors may be recognized at an event or events directly related to the Capitol restoration and approved by the office of the State Preservation Board.

Source Note: The provisions of this §111.19 adopted to be effective February 22, 1991, 16 TexReg 771; amended to be effective November 12, 1991, 16 TexReg 6129; amended to be effective April 12, 1994, 19 TexReg 2197.

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RULE §111.20

Use of the Capitol Grounds

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Event--Any performance, ceremony, presentation, or activity held on the grounds.

(2) Public purpose--The promotion of the public health, education, safety, morals, general welfare, security, and prosperity of all of the inhabitants or residents within the state, the sovereign powers of which are exercised to promote such public purpose or public business. The chief test of what constitutes a public purpose is that the public generally must have a direct interest in the purpose and the community at large is to be benefitted. This does not include activities which promote a specific viewpoint or issue and could be considered lobbying. Political rallies, receptions, and campaign activities are prohibited on the Grounds.

(3) Capitol grounds--The area within the historic cast iron fencing; the area lying between the fencing and city streets that is owned by the state; the esplanade just outside the east entrance to the Capitol between the gateposts and San Jacinto Street; the Old General Land Office Building grounds between 11th and 12th Streets and the Capitol's eastern iron fence and the State Insurance Building; the area bordered by 11th Street to the south, Colorado Street to the east, Lavaca Street to the west, and the Westgate Building property to the north; property north of the Capitol bordered by Colorado Street on the west, San Jacinto Street on the east and 15th Street on the north, which is not occupied with other state buildings, or the Texas Employment Workforce Commission Building property and accompanying terraces. Street right-of-ways within these boundaries include 14th Street and Congress Avenue.

(4) State official sponsor--The Governor, the Lieutenant Governor, the Speaker of the Texas House of Representatives, a Texas Senator, or a member of the Texas House of Representatives.

(b) Fee for use of Capitol grounds. A fee is required from persons or entities that use the grounds of the Capitol for an event or other scheduled activity. The fee is in an amount set by the office of the State Preservation Board designed to recover the estimated direct and indirect costs to the state of the event or activity, including the costs of labor, materials, and utilities directly or indirectly attributable to the event or activity. The fee is required in the office of the State Preservation Board no later than 24 hours prior to the event.

(c) Criteria for Approval of Grounds Events.

(1) All Capitol grounds events will be approved and scheduled by the office of the State Preservation Board upon the recommendation of a state official sponsor as described in subsection (a)(4) of this section.

(2) All events must have a clear public purpose as described in subsection (a)(2) of this section.

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(3) An event of the grounds of the Capitol should not exceed 3 hours in length and should conclude by 9:00 p.m.

(4) Events will not be approved if they:

(A) promote a commercial enterprise;

(B) obstruct entrances or interrupt traffic flow through the building;

(C) obstruct the view of or access to fire fighting equipment, fire alarm pull stations, or fire hydrants;

(D) involve the use of flammable, hazardous or odorous chemicals or materials;

(E) involve use of signs or placards attached to objects that might cause damage to the building or its contents.

(5) Intended use may not interfere with any legislative session or regular use of the grounds of the Capitol for transaction of state business.

(6) Sound equipment, chairs, podiums, tents, or other equipment required for ceremonies, presentations, or performances must be approved by the office of the State Preservation Board, but furnished and installed by the requesting party. Installation approval is subject to inspection.

(7) The State of Texas, the State Preservation Board, or any employee of the State Preservation Board are not liable for any injury which may occur to any person during any event on the Capitol grounds.

(8) Security requirements other than that routinely provided by Capitol police are the responsibility of the organizers; however, the office of the State Preservation Board must approve any additional security arrangements.

(9) Fund-raising on the premises is not allowed unless the fund-raising directly benefits the Capitol or unless it is part of the gubernatorial inaugural, or a similar event approved by the board, and the funds are used to help defray the costs of the event.

(10) With the exception of businesses authorized by the State Preservation Board to operate in the Capitol, vendors and/or the promotion of a commercial enterprise involving the exchange of money are prohibited.

(d) Scheduling events.

(1) No more than two events will be scheduled for the Capitol grounds in one working day.

(2) A written request to schedule an event on the Capitol grounds must be received by the office of the State Preservation Board one week before the date requested.

(3) Requests must be accompanied by the State Preservation Board event agreement form and be accompanied by:

(A) a detailed description of the event, including equipment and props to be used, and anticipated length and scope;

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- (B) a brief statement of the purpose of the event;
- (C) the areas on the Capitol Grounds being requested for the event;
- (D) a list of all electrical equipment and power requirements for each piece of equipment;
- (E) a recommendation from the state official sponsor as described in subsection (a)(4) of this section.

(4) Incomplete requests will not be considered.

(5) No signs or placards displayed or available for display during the event may be carried into the Capitol building. No signs or placards may be attached to any part of the Capitol, including but not limited to fences, lampposts, trees, etc. except as approved by the board.

(6) A properly approved and signed request to use the grounds for a lawful public purpose shall constitute tacit acceptance by the organizer of all legal and financial liability for any damage to state property, or for any personal injury, caused by the described activity, or occurring as the approximate result of the activity.

(7) Approval shall not be granted when it is determined from the request that physical damage to state property (including but not limited to the Capitol's exterior walls, doors, windows or lighting, monuments, fencing, lampposts, walkways, driveways, curbs, signage, irrigation system, trees, grass, plants, or flower beds) may result from the described activity. No torches, candles, or other open-flame illuminating devices or fires are allowed for use on the grounds.

(8) Upon completion of the event, organizers will be held responsible for clean-up of the area. State Preservation Board will conduct an inspection of the area to determine whether it was adequately cleaned. The organizer(s) will be responsible for the costs of any additional clean-up or damage repair. The organizer(s) may be present at this inspection by contacting the office of the State Preservation Board.

Source Note: The provisions of this §111.20 adopted to be effective March 21, 1989, 14 TexReg 1277; amended to be effective February 5, 1990, 15 TexReg 339; amended to be effective September 6, 1990, 15 TexReg 4897; amended to be effective November 12, 1991, 16 TexReg 6129; amended to be effective April 12, 1994, 19 TexReg 2197; amended to be effective April 30, 2000, 25 TexReg 3526; amended to be effective July 1, 2012, 37 TexReg 4891

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RULE §111.22

Definitions of Capitol Grounds

(a) As stated in the Texas Government Code, Chapter 443, §443.007(a)(2), General Powers and Duties of the Board, the board shall "define the buildings' grounds, except that the grounds may not include another state office building."

(b) As defined by the State Preservation Board, the Capitol grounds include all area within the historic cast iron fencing; the area lying between the fencing and city streets that is owned by the state; the esplanade just outside the east entrance to the Capitol between the gateposts and San Jacinto Street; the Old General Land Office Building grounds between 11th and 12th Streets and the Capitol's eastern iron fence and the State Insurance Building; the area bordered by 11th Street to the south, Colorado Street to the east, Lavaca Street to the west, and the Westgate Building property to the north; property north of the Capitol bordered by Colorado Street on the west, San Jacinto Street on the east and 15th Street on the north, which is not occupied with other state buildings, or the Texas Workforce Commission Building property and accompanying terraces. Street right-of-ways within these boundaries include 14th Street and Congress Avenue.

Source Note: The provisions of this §111.22 adopted to be effective September 6, 1990, 15 TexReg 4897; amended to be effective April 12, 1994, 19 TexReg 2197; amended to be effective April 30, 2000, 25 TexReg 3527

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RULE §111.23

Fund-Raising Policy

(a) Procedures for solicitation and acceptance of contributions of funds and securities by entities other than the State Preservation Board on behalf of the board to benefit the buildings, programs and grounds under State Preservation Board authority.

(1) Purpose. To provide guidelines and establish standards of procedure for the solicitation and acceptance of contributions of funds and securities to the State Preservation Board.

(2) Procedure.

(A) All proposals for solicitation and contributions of money by entities other than the State Preservation Board must be submitted in writing to the office of the State Preservation Board for review. Approval will be deferred pending submittal of all required documentation and proper review.

(B) Letters or proposals concerning solicitations and/or contributions shall be reviewed, along with any pertinent legal documents and forms by the office of the State Preservation Board, legal counsel for the State Preservation Board, and any additional advisors considered appropriate to make recommendations for acceptance or denial. Letters must include:

(i) names and addresses of each individual, corporation, or organization (including officers and directors), soliciting and contributing funds or securities, and a copy of the group exemption letter showing compliance with Section 501(c)(3) of the Internal Revenue Code for all nonprofit corporations;

(ii) amount of funds or securities to be contributed;

(iii) source of funds or description of method of obtaining funds;

(iv) date(s) funds will be donated or securities transferred;

(v) contributors may specify their donations be used for a particular item or items, room renovation or conservation of a specific item(s). The costs will be determined by the office of the State Preservation Board and submitted in writing to the contributor. With prior approval by the executive director of the State Preservation Board, contributors may donate to the following categories:

(I) general preservation;

(II) antique and reproduction period furnishings;

(III) Capitol collection art acquisition and conservation;

(IV) preservation of the historical Capitol grounds;

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(V) educational programming;

(VI) The Bob Texas State History Museum;

(VII) other projects approved by the board;

(vi) current financial statement or annual report.

(C) Contributions will not be accepted if:

(i) the method of solicitation or the source of funds is determined by the office of the State Preservation Board to be inappropriate for contributions benefiting the Capitol or Museum;

(ii) administrative costs of solicitation effort exceed 25% of total budget;

(iii) the name of the agency project is used in acquiring funds without written approval from the executive director of the State Preservation Board;

(iv) all required documentation is not received by the executive director of the State Preservation Board or is not in compliance with City of Austin, state, or federal regulations.

(b) Acceptance of funds from events.

(1) Proposals from organizers of events must be submitted in writing 60 days prior to the event.

(2) All event proposals must include:

(A) event name, purpose, description, location, and participants;

(B) names and addresses of all sponsoring individual(s), corporations, or organizations;

(C) proposed itemized budget;

(D) amount of guaranteed minimum donation.

(3) Prior to approval of an event using the agency project name, a memorandum of agreement must be negotiated between the State Preservation Board, signed by the executive director, and the organizers of the event. The agreement must include:

(A) amount of guaranteed minimum donation;

(B) a time limit, not to exceed 120 days from the execution of the memorandum of agreement, for funds to be received by the office of the State Preservation Board;

(C) authorization by organizers for the office of the State Preservation Board to audit books of event;

(D) authorization for the office of the State Preservation Board to approve all printed materials pertaining to the event prior to their publication and distribution;

(E) proof of sufficient insurance coverage for event by the organizers;

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(F) requirement for written notification of cancellation or modification of event to be submitted in writing to the office of the State Preservation Board 30 days prior to scheduled date of the event.

(c) Other provisions.

(1) The office of the State Preservation Board may require any additional documentation considered appropriate to determine the acceptance of funds or securities from an individual(s), corporation, or organization.

(2) The State of Texas, State Preservation Board, or the employees of the State Preservation Board shall not be held liable for any expenses incurred from a solicitation effort benefiting the agency project by an individual(s), corporation, or organization.

(d) Acknowledgments. All contributions of money may be acknowledged by the following: a letter from the office of the State Preservation Board stating the amount of donation, date of the donation, and its specified category or purpose and a State Preservation Board appreciation certificate.

Source Note: The provisions of this §111.23 adopted to be effective February 22, 1991, 16 TexReg 772; amended to be effective November 12, 1991, 16 TexReg 6129; amended to be effective April 12, 1994, 19 TexReg 2197; amended to be effective April 30, 2000, 25 TexReg 3528; amended to be effective July 1, 2012, 37 TexReg 4891

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RULE §111.27

General Rules for Use of the Capitol, Capitol Extension, and Capitol Grounds

(a) Visitors and persons using the Capitol, Capitol extension, or Capitol grounds for any purpose are prohibited from:

(1) attaching signs, banners, or other displays to a part of the Capitol or to a structure, including a fence, on the grounds of the Capitol except as approved by the board;

(2) placing furniture in the Capitol or on the grounds of the Capitol for a period that exceeds 24 hours except as approved by the board;

(3) setting up or placing camping equipment, shelter, tents, or related materials in the Capitol or on the grounds of the Capitol except as approved by the board for special events;

(4) blocking ingress and egress:

(A) into the Capitol; or

(B) into rooms or hallways within the Capitol, except as approved by the board;

(5) conducting actions that pose a risk to safety;

(6) smoking in the public areas of the Capitol and Capitol extension;

(7) bringing balloons into the Capitol or Capitol extension.

(b) Visitors and persons using the Capitol, Capitol extension, or Capitol grounds for any purposes shall be required to:

(1) leave the Capitol when the building is closed to the public; and

(2) restrain pets at all times on a leash or similar device in the immediate control of the owner while on the grounds of the Capitol, except as approved by the board. All pets except Seeing Eye dogs are not permitted in the Capitol.

(c) The board may require and collect a standardized fee from a person or entity that uses the Capitol, the Capitol extension, or the grounds of the Capitol for an event, exhibit, or other scheduled activity. The fee is in an amount set by the board designed to recover the estimated direct and indirect costs to the state of the event, exhibit or activity, including the costs of labor, materials, and utilities directly or indirectly attributable to the event, exhibit, or activity. The office of the State Preservation Board shall set the amounts of fees required under this section in a uniform and nondiscriminatory manner for similar events, exhibits, or other scheduled activities.

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(d) Except as provided by this subsection, the sale or consumption of alcoholic beverages, the possession of an open container of an alcoholic beverage, or the gift of an alcoholic beverage in an open container or for on-premises consumption is prohibited in the Capitol, in the Capitol extension, and on the Capitol grounds. This prohibition does not apply to:

(1) areas not under the control of the board, including offices, reception areas, and similar areas under the control of the legislature, a legislative agency, the governor, or another state officer; or

(2) events of significant importance to the history of the Capitol that are conducted in areas under the control of the board and for which the office of the State Preservation Board has approved consumption of alcoholic beverages in response to a written request from the sponsor of the event that documents the importance of the event to the history of the Capitol.

(e) The buildings and grounds under the authority of the board shall not be used for the commercial benefit of any individual, business, corporation, special interest group or other entity.

(f) For the safety of the public, skateboarding, roller skating, roller blading, and related activities are prohibited in the building, garages, and grounds under the authority of the State Preservation Board.

(g) TV satellite trucks may not park on the Capitol drive. TV transmission cables may not be brought into the Capitol or Capitol extension.

Source Note: The provisions of this §111.27 adopted to be effective April 12, 1994, 19 TexReg 2197; amended to be effective April 30, 2000, 25 TexReg 3528; amended to be effective July 1, 2012, 37 TexReg 4891

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