



CAAPB

Capitol Area Architectural and Planning Board

NOTICE OF HEARING

In the Matter of the Proposed Permanent Rules Regulating Capitol Area Commemorative Artwork, Minnesota Rules, Chapter 2400; Revisor's ID No. R-4720; OAH Docket No. 65-9055-37789

A. What is this notice?

1. Proposed rules.

The Capitol Area Architectural and Planning Board (board) intends to adopt rules after holding a public hearing under Minnesota Rules, parts 1400.2200 to 1400.2240, and Minnesota Statutes, sections 14.131 to 14.20. The proposed rules amend Minnesota Rules, chapter 2400, and add new language on regulating commemorative artwork, which includes monuments and memorials. Specifically, the proposed rules amend Minnesota Rules, parts 2400.2040 and 2400.2705, and impose new regulations in proposed part 2400.2703.

2. Rule hearing.

An administrative law judge from the Office of Administrative Hearings (OAH) will conduct the hearing starting at **10:00 a.m. on Monday, March 14, 2022**. The hearing will continue until 4:30 p.m., or until the last person present at the hearing has had the opportunity to comment, whichever occurs first. Additional days of hearing may be scheduled, if necessary. The hearing will be held via WebEx, a video and telephone conferencing platform. Depending on the number of individuals who wish to present oral comment, time limits may be imposed. Commenters will be called in the order that they appear in the WebEx queue.

3. How to join the WebEx hearing.

You can join the hearing with video and audio through an internet connection with a computer, smartphone, or tablet. You may also participate by telephone.

To join the video hearing using a computer, smartphone, or tablet:

[Join the WebEx hearing on your device.](#)

Enter Access Code: 2488 809 8042

Enter Password: 4zwYHnqv6F3

To join by telephone (audio only):

Call toll-free, United States: 1-855-282-6330

Enter Access Code: 2488 809 8042

Enter Password: 49994678

More information about how to attend and participate in the hearing is posted on the [Capitol Area Architectural and Planning Board website](#).

What are the rules about?

The proposed new and amended rules affect the board's regulations on commemorative works. To improve the rules, the board seeks to:

1. Update Minnesota Rules, part 2400.2705, regarding the application, review, and decision process the CAAPB uses for considering the proposed addition of new commemorative works to the Minnesota Capitol grounds;
2. Add rules and procedures for people to apply for proposed modification or removal of existing commemorative works on the Minnesota Capitol grounds and for the CAAPB to review and decide on those requests;
3. Increase public information about the CAAPB commemorative works process and provide specific information throughout any application review, with updates and invitations for public input; and
4. Require specific steps for public engagement and input throughout CAAPB's review of a commemorative works proposal.

Free rule copy

A copy of the proposed rules is published in the State Register. A free copy of the rules can also be access on the [Capitol Area Architectural and Planning Board website](#).

A copy of the proposed rules is also available on the [Office of Administrative Hearings Rulemaking eComments website](#), or upon request to the CAAPB office at phone number (651)-757-1500 or caapb.input@state.mn.us.

B. What is the board's statutory authority?

The board has the statutory authority to amend and adopt rules under Minnesota Statutes, sections 15B.03, subdivision 6; and 15B.06, subdivision 1, paragraph (b).

C. What is the Statement of Need and Reasonableness?

In the Statement of Need and Reasonableness (SONAR), the board justifies why the proposed rules are needed to update the board's regulations on adding, modifying, and removing commemorative works and how the board's proposed changes are reasonable. The board also describes who the rule will affect and estimates the rule's probable costs. The SONAR is now available for review on [the Capitol Area Architectural and Planning Board website](#).

The SONAR is also available on [the Office of Administrative Hearings Rulemaking eComments website](#), or upon request to the CAAPB office at phone number (651)-757-1500 or caapb.input@state.mn.us.

D. How can I comment on the rule?

1. **How and when to comment.** You are encouraged to comment—supporting or opposing—on the proposed rule, including any specific rule part. Comments on the rules must be submitted via the [Office of Administrative Hearings Rulemaking eComments website](#). If you are unable to use the eComments website, you may submit comments by U.S. mail to Judge Ann O'Reilly, Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, or by via facsimile at fax number (651) 539-0310. ***You are strongly encouraged to submit your comments using the eComments website.***
2. **Public comment is encouraged.** The board strongly encourages public comment—especially if the proposed rule affects you—and your comments should identify which rule part you are

commenting on, the reason for the comment, and any proposed change. Any comments that you have about the legality of the proposed rule must also be made during the comment period.

E. Can the board modify the proposed rule after this notice is published?

The board may modify the proposed rules because of public comment, the hearing process, or as otherwise needed to comply with the Administrative Procedure Act. The board must support modifications with information or evidence, including public comments sent to the board or presented at the hearing. Unless the board follows the procedure under Minnesota Rules, part 1400.2110, the adopted rule may not be substantially different than the proposed rule.

F. Who conducts the hearing?

Administrative Law Judge Ann O'Reilly will conduct the hearing. To contact Judge O'Reilly, or if you have any questions about the rule hearing and procedure, you may contact Denise Collins at: Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, by telephone at 651-361-7900, by fax at 651-539-0310, or by email at denise.collins@state.mn.us.

G. What is the hearing procedure?

1. **Participating at the hearing.** At the hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either (1) orally at the hearing, or (2) in writing at any time before the hearing record closes, as described in question E.1. All presented evidence or comments should relate to the proposed rule.
2. **Commenting after the hearing.** You may also submit written comment to be recorded in the hearing record within five working days after the public hearing ends. This comment period may be extended for up to 20 calendar days after the hearing if the Judge announces an extension at the public hearing.
3. **Commenting during the rebuttal period.** After the initial post-hearing comment period described in 2.G., there is a five-working-day rebuttal period when the board and any interested person may respond in writing to any new information submitted. Additional evidence may not be submitted during the rebuttal period.
4. **How and when to submit comments.** All post-hearing comments and responses must be submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All persons submitting comments and responses must use [the Office of Administrative Hearings Rulemaking eComments website](#). If you are unable to use the eComments website, you may mail or fax your comments to the Administrative Law Judge, as described in E.1.

H. What is the adoption procedure after the hearing?

1. **Judge's report after the hearing.** After the hearing is held and the record closes, the Administrative Law Judge will issue a report on the rule.
2. **Being notified of the report.** You may ask to be notified when the Administrative Law Judge's report is available; you can make this request at the hearing or in writing to the Administrative Law Judge.
3. **Being notified when the rules are adopted and filed.** You may also ask to be notified when the board adopts the rules and when the rules are filed with the Secretary of State by making a request at the hearing or by contacting the CAAPB office at phone number (651)-757-1500 or caapb.input@state.mn.us.

I. What if I am a lobbyist?

A lobbyist must register with the State Campaign Finance and Public Disclosure Board (*see Minnesota Statutes, chapter 10A*). You may ask questions about this requirement by contacting the Campaign Finance and Public Disclosure Board at 190 Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, or phone numbers (651) 539-1180 or 1-800-657-3889.

J. Who can I contact for questions about this notice or the rule?

Please send questions to the board contact person, Merritt Clapp-Smith, by emailing caapb.input@state.mn.us, calling phone number 651-757-1500, or sending mail to the Capitol Area Architectural and Planning Board, 204 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155.

K. How can I request to be placed on the board's rulemaking list?

To be placed on the board's rulemaking list and to be notified of future rule proceedings, contact the CAAPB office at phone number (651)-757-1500 or caapb.input@state.mn.us.

L. Can I request this notice in an alternative format?

Upon request, the information in this notice can be made available in an alternative format, such as large print, braille, or audio. To make a request or if you need an accommodation to make the hearing accessible, please contact the CAAPB office at phone number (651)-757-1500 or caapb.input@state.mn.us.

ORDER

I order that the hearing be held at the date, time, and location listed according to this notice.

Date: February 7, 2022

Merritt Clapp-Smith

Merritt Clapp-Smith, Executive Secretary

Capitol Area Architectural and Planning Board