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STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD

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 DOCKET NO. 65-9055-37789

Met electronically via WebEx at 10:00 a.m.  
on March 14, 2022.

BEFORE: Judge Ann O'Reilly  
COURT REPORTER: Katriina Hendrickson

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1 JUDGE O'REILLY: Well, welcome, and thank  
2 you for taking your time to be here today to  
3 participate in this public rulemaking process.

4 My name is Ann O'Reilly. I'm the  
5 Administrative Law Judge assigned to this matter.  
6 Let's go to the next slide, please, Mr. Payment.

7 Today is March 14, 2022. It's a little  
8 after 10 a.m., and we're here for the public hearing  
9 In the Matter of the Proposed Rule Revisions to the  
10 Minnesota Rules Chapter 2400 Governing Commemorative  
11 Works on the Minnesota Capitol Grounds. This matter  
12 will be referred to as OAH Docket 65-9055-37789.  
13 Pay close attention to those last few numbers,  
14 37789, because we're going to be talking about how  
15 you'll search to find this case if you want to  
16 submit written comments using those numbers. So  
17 those numbers are important.

18 Again, my name is Ann O'Reilly. I'm an  
19 Administrative Law Judge with the Office of  
20 Administrative Hearings. Next slide, please.

21 The Office of Administrative Hearings is  
22 independent of the Capitol Area Architectural and  
23 Planning Board, which we'll refer to as the CAAP  
24 Board or the Board in this matter, as well as any  
25 groups or individuals who are participating in this

1 hearing. The role of our office is to provide  
2 hearings like this that are fair and inclusive to  
3 all participants. Next slide, please.

4 Among other directives of the legislature,  
5 specifically those in Minnesota Statutes Chapter 14,  
6 rulemaking hearings are conducted so that members of  
7 the public can be heard as part of the rulemaking  
8 process. I'm here to ensure that that -- that there  
9 is procedural fairness and to ensure that we are  
10 courteous to each other so that all interested  
11 persons can be heard. I'm here also to draw out  
12 knowledge from as many voices as possible. An  
13 underlying assumption in this process is that we  
14 rely on the wisdom of the group. Thus, we're  
15 grateful to you for contributing your thoughts, your  
16 experience, and your expertise to the formation of  
17 substantive rules. Rulemaking is better because of  
18 you. Next slide, please.

19 Now, here is a road map for how we're  
20 going to proceed today. I'm going to give a few  
21 more minutes of my introductory remarks. Then the  
22 panel will introduce itself. We'll hear from  
23 members of the Board's panel. The agency will  
24 introduce its exhibits and give a presentation.  
25 We'll have -- my favorite part is the public

1 questions and comments. And just to let you know,  
2 we'll adjourn today's hearing at 4:30 or whenever  
3 the last speaker present is heard, okay? Whichever  
4 comes first. That's why it's important to join the  
5 hearing right away, to get on the queue right away  
6 because after the last person who is heard, that's  
7 when we end the hearing. You have to be present  
8 here today so that we know you want to speak. Next  
9 slide, please.

10 Here's the panel that we have from the  
11 Board today. We have Merritt Clapp-Smith, the CAAPB  
12 Executive Secretary. We have Lieutenant Governor  
13 Peggy Flanagan, who is the Chair of the Board. We  
14 have Carl Crawford, who is the Chair of the Public  
15 Engagement Task Force; and Gwen Westerman, who is  
16 the Chair of the Decision Process Advisory Task  
17 Force. Next slide, please.

18 All right. Now, it's very helpful to me  
19 if, when you're giving your comments, to keep these  
20 three key issues in mind. These are the things that  
21 I consider when I'm reviewing the rules. Three  
22 biggies are: Does the agency have legal authority  
23 to adopt the rules? Has the agency fulfilled all  
24 the relevant legal and procedural requirements to  
25 promulgate the rules? And this is the other one

1 that's very big: Has the agency demonstrated need  
2 and reasonableness of each portion of the proposed  
3 rules? So when you speak to give comments, it's  
4 very important to address these things because these  
5 are what I consider. These are the three biggies.  
6 Next slide, please.

7 Here are the other considerations that are  
8 under rule and law that I will consider. And by the  
9 way, these slides will be on the granicus website,  
10 our eDockets website, or our eComments website so  
11 that you can refer back to these at any time if you  
12 want to. You can print them out. But these are the  
13 other considerations that I give. And I go through  
14 each one of these in my report, which we'll talk  
15 about in a moment. Next slide, please.

16 Now, like I was saying, that these slides  
17 will be available, so will the agency exhibits. The  
18 agency exhibits are available on the CAAP Board  
19 website. Here is the link. So any of the exhibits  
20 that they talk about, everything that they're  
21 submitting to me can be reviewed by you on that  
22 website. Next slide, please.

23 All right. Like we said, public comment  
24 is very important. That's why we make a number of  
25 ways in which people can give comment. One, you can

1 oral comment here today. That goes -- that's taken  
2 down on a transcript. It's recorded here. You'll  
3 see me, a good deal of time, writing. I have my  
4 paper here. That's how I actively listen. So if  
5 you see the top of my head, it's because I'm writing  
6 what you say. That helps me to, not only hear what  
7 you say, I process it in my mind, I write it out.  
8 Kind of a three- way where I'm ensuring that I'm  
9 actively listening to what you say, because I  
10 guarantee that my report will include the public  
11 comments that you give today. In addition to giving  
12 oral comments today, maybe you're like me and you  
13 don't feel real comfortable speaking in front of the  
14 public. That's fine.

15 You can also do written comments. And you  
16 can do those in a number of ways. You can do them  
17 electronically by going to this website. We'll call  
18 that the eComments website, and we'll talk about how  
19 to go through that website a little later. That's  
20 the best way to do it, okay, because that's, kind  
21 of, our repository of everything and you can look at  
22 what other people say, you can read what other  
23 comments are written. That's the best way to do it.  
24 But if you're not particularly comfortable with a  
25 computer, no problem. You can send them by U.S.

1 Mail to this address, attention to Denise Collins.  
2 She is our court administrator. Or you can send  
3 them by fax. Next slide, please.

4 And like I said, the eComments is our  
5 preferred method because it's kind of real-time. As  
6 soon as you put yours in, boom, everybody else can  
7 see them and respond to it. And you can read other  
8 people's. So that's why it's our preferred method.  
9 Next slide, please.

10 All right. Now, this is the important  
11 part. If you want to participate today, there is  
12 two ways. We have people joining us by telephone  
13 and we have people on computers, tablets,  
14 smartphones. If you are joining us with a video  
15 capability, you'll look to the right-hand corner of  
16 your screen and you'll see a chat button. In that  
17 chat icon, please just state your name, first and  
18 last name, and let us know that you'd like to speak.  
19 We'll put you in the queue. Please do not -- this  
20 is very important. Do not post your questions or  
21 your comments in that chat because they won't be  
22 part of this hearing. We're not going to be reading  
23 questions and comments from the chat; rather, we're  
24 using the chat to call your name so that you can  
25 present them personally.



1           If you are on the phone, press \*3 on your  
2 telephone to add yourself to the queue, and you can  
3 remove yourself by pressing \*3 again.

4           We're going to put a five-minute limit on  
5 everybody's initial comments. It's just courteous  
6 to everybody who wants to be heard or is here, just  
7 has a short period -- if people only have a short  
8 period of time to attend. It allows us to get  
9 through the first comments quickly, and then you can  
10 rejoin the queue again to speak another time, no  
11 problem. We'll just keep going through until  
12 everyone has had their say. So I guarantee we'll  
13 keep going until everybody has been able to be heard  
14 as much as they'd like.

15           So keep this in mind. This is how you get  
16 into queue. We will call you in the order that you  
17 enter the queue, so now is a good time to start  
18 getting into that queue. We're going to alternate  
19 between video callers or video attendees and  
20 telephone callers. Next slide, please.

21           All right. So here's what we're going to  
22 do. Mr. Payment will call on speakers in the order  
23 that they enter the queue, all right? He'll either  
24 call you by name or he'll mention your phone number.  
25 Because if you're calling by phone, we don't have

1 your name, so we'll give you the last digits of your  
2 phone number. And then Mr. Payment will unmute you  
3 and allow you to turn on your video. I encourage  
4 you to turn on your video. It helps me to put a  
5 face to the name. I think it's more interesting,  
6 and that's wonderful. But video -- but audio  
7 callers, no worries. We can hear you, and we will  
8 be able to interact just as easily.

9 Now, the moderator might announce who is  
10 on deck just so that you can get ready. On deck  
11 means you're next up after this current caller. So  
12 it might be Ann O'Reilly first; Ms. Logan, you're up  
13 on deck, and then Ms. Logan will start getting ready  
14 to know that she's going to be called next.

15 Let's see. I think we are the one who  
16 unmutes you, but if for some reason, we find you  
17 muted, at the bottom of your screen, you can mute  
18 and unmute yourself and stop or start your video.  
19 You'll see those little icons on the bottom of your  
20 screen.

21 All right. Now, if you're speaking here  
22 today doesn't mean that you can't offer written  
23 comments. Of course you can do both. The more  
24 comments, the better. That helps our process. Next  
25 slide, please.

1 All right. Here's some helpful hints when  
2 you are speaking. Like I told you, we have a court  
3 reporter here today taking everything down. We  
4 can't see her but she's here, and so we need to be  
5 very courteous to her. You want to start by stating  
6 and spelling your first and last name. It's also  
7 nice if you tell me where you're from, where you're  
8 calling from or where you're joining us, where you  
9 live. Speak slowly, clearly, and loudly so that the  
10 court reporter can take everything down. Remember  
11 that only audible statements will be recorded, so  
12 head nods or gestures will not be incorporated into  
13 the record. Spell any names or technical terms that  
14 you're using. Same with acronyms; if you're going  
15 to use an acronym, say the whole phrase first.

16 And what really helps me is if you  
17 specifically identify the rule parts that you  
18 support or oppose and why. And that's why we relate  
19 it back to, what are the key issues that I'm looking  
20 at. That's the framework that I look at the rules.  
21 It helps me if you frame your comment based upon  
22 that legal framework. So that's why we ask you to  
23 identify which parts of the rule you support or  
24 oppose. Next slide, please.

25 This is a legal proceeding so we ask that

1 everybody, and I totally plan that to be the case,  
2 that everybody will be courteous and respect others.  
3 That includes respecting the time limits. I'm not  
4 super strict on the time limits, but when you get to  
5 the five, over the five-minute mark, I'll let you  
6 know and I'll ask you to wrap up and then rejoin the  
7 queue to give additional comments. All right. Next  
8 slide, please.

9 Now, this is important because I'm going  
10 to walk you through our eDockets website. It's  
11 getting transformed in the next few years. But  
12 right now, this is what we have and it's a little  
13 bit tricky sometimes if you're a new user, and  
14 that's why I want to walk you through it.

15 So if you go to this website as you see at  
16 the top here, you go to that website, you'll click  
17 on -- and this is the page you'll see. Next slide,  
18 please.

19 And what you'll want to do is you'll want  
20 to sign in. So sign in using your email. You'll  
21 start with a password, and that's how you sign up.  
22 That way you'll sign up, you'll be able to make  
23 comments and see other comments in eDockets -- or  
24 eComments. So go in and do that first. Next slide,  
25 please.

1           It'll have you validate your email so  
2           you'll have to go back to your email address, just  
3           validate that it's you. That's for security  
4           purposes. And then what you'll want to do is go up  
5           -- this is where it gets a little tricky even for  
6           me. If I'm not on it very often, I forget. You  
7           have to go up into the left-hand corner and it's  
8           called Discussion. Double-click on Discussions.  
9           Next slide, please.

10           That will take you to a screen where this  
11           is where those numbers come in: 37789. Those are  
12           the docket numbers for this case. So scroll all the  
13           way down to the bottom. That's a trick. Because  
14           our eDockets, our eComments has the oldest first,  
15           which is odd. So you'll want to go down to the very  
16           bottom, scroll and look for that discussion. Then  
17           you're going to double-click on what I have circled  
18           there is View Discussions. Double-click on that.  
19           And that lets you see everything that's been filed  
20           with this case. Next slide, please.

21           Now, if you want to submit comments, you  
22           hit View Topic. These words are kind of weird.  
23           Topic, Discussions. They're not quite in line with  
24           rulemaking lingo. But don't worry about it. If you  
25           double-click on View Topic, that will take you to

1 the comments. Next slide, please.

2 All right. Here is where you can enter  
3 your comment. What's nice about this is, you can  
4 type it in as you're thinking right there. You'll  
5 have your name, your name will show up, and you'll  
6 start typing in your comments. Or, if you're like  
7 me, you like to spend some time writing your  
8 comments separately, you can upload those comments  
9 as a Word document or a PDF. You just click on  
10 Choose File, and you'll upload those comments that  
11 you've already prepared. Okay. So that's a simple  
12 tutorial of how to use eComments. Next slide,  
13 please.

14 The one thing that's really important to  
15 remember is that our comment period closes April 4,  
16 2022. So right now I'm going to extend our comment  
17 period for 20 days. The rule allows me to extend it  
18 for 20 days from the date of hearing. So I'm going  
19 to do that to April 4, 2022. Your comments must be  
20 received by 4:30 p.m. on that day. So if you put  
21 them in the mail, make sure that they're here by  
22 April 4. If you fax them, make sure that we get  
23 them before 4:30. And if you go on eDockets, make  
24 sure they're in there. Or eComments, I'm sorry;  
25 eComments is this website. Make sure we get them by

1 4:30.

2 Now, that's the initial comment period.  
3 Let's turn to the next slide. After the initial  
4 comment period closes, we have five business days  
5 for rebuttal. Now, rebuttal means you're just  
6 responding to somebody else. Nothing new, no new  
7 information. It's a reply to something else  
8 somebody said. So there is five extra days for  
9 that. So the comment period itself will close on  
10 April 11, 2022, because it's extended out for five  
11 days for that rebuttal, but it's only for rebuttal.  
12 Next slide, please.

13 All right. After July -- I'm sorry.  
14 After April 11, that's when the record closes and  
15 that's when I start preparing my report. I usually  
16 issue my report within 30 days, unless for  
17 extenuating circumstances it gets extended. My  
18 report will either approve or disapprove the rule or  
19 various parts, and you can review my rule at this  
20 website -- my report at this website. The report  
21 will be posted on the day that it's issued. So  
22 start to look for it, you know, within the 30 days  
23 from April 11. Sometimes I'm earlier, sometimes  
24 right on the dot. You know, start looking for it.  
25 Or if you register on the eComments, you can just go

1 into eComments and take a look and see what's filed.  
2 Next slide, please.

3 All right. This is just one more reminder  
4 of our comment deadlines because those are  
5 important, and the docket number. Keep those  
6 deadlines in mind. April 4 for new comments, and  
7 rebuttals on the 11th. All right. Next slide,  
8 please.

9 This is what I'm required to remind you,  
10 that lobbyists must register with the Campaign  
11 Finance and Public Disclosure Board. And any  
12 questions you have can be answered on their website.  
13 Next slide, please.

14 All right. Now is the time. If you  
15 haven't already, go into the chat, let us know that  
16 you'd like to be heard. Again, don't put your  
17 questions or comments in the chat, just your name.  
18 So we'll call you. If you're on the phone, press \*3  
19 now; we'll get you in the queue. Because your time  
20 is coming up.

21 I'm going to turn this now to Ms.  
22 Clapp-Smith, who is with the Board. Oh, I think  
23 you're muted.

24 MS. CLAPP-SMITH: All right. Am I unmuted  
25 now? Thank you.



1           Thank you, Judge O'Reilly. It's an honor  
2           to be here today. My name is Merritt Clapp-Smith,  
3           spelled M-E-R-R-I-T-T; last name, C-L-A-P-P, hyphen,  
4           Smith. I'm the Executive Secretary for the Capitol  
5           Area Architectural and Planning Board, which you'll  
6           hear referred to today as the CAAP Board. Next  
7           slide.

8           Our presentation today is in three parts  
9           covered by four presenters. Lieutenant Governor  
10          Peggy Flanagan will talk about the CAAP Board and  
11          its statutory authority. Part 2 will be Carl  
12          Crawford and Dr. Gwen Westerman, who are chairs of  
13          our task forces, and they will talk about their  
14          work. And Part 3, I will address the reasonableness  
15          of the proposed rules and amendments.

16          Here you see a list of all of the exhibits  
17          for the hearing, and there is a link where you can  
18          go onto the CAAP Board website and review all of  
19          these exhibits. Many of them are technical or  
20          procedural in nature. I would like to call  
21          attention to Exhibit C, which hopefully all of you  
22          had a chance to look at. Those are the proposed  
23          rules. And Exhibit D, the statement of need and  
24          reasonableness; we refer to it as the SONAR, and  
25          this document goes through all of the proposed

1 rules, the rationale for them, and some of the  
2 background. Do you wish me to read these each into  
3 the record? Okay.

4 All right. With that, I'm now going to  
5 turn the presentation over to the Chair of the CAAP  
6 Board, Lieutenant Governor Peggy Flanagan. Thank  
7 you.

8 JUDGE O'REILLY: Thank you.

9 MS. FLANAGAN: Thank you so much. Good  
10 morning, everyone. I am Lieutenant Governor Peggy  
11 Flanagan, and I am here today in my role as the  
12 Chair of Capitol Area Architectural and Planning  
13 Board. Thank you so much, Judge O'Reilly, for  
14 considering our proposed rules changes for  
15 commemorative works on the Minnesota Capitol  
16 grounds. And thank you also to all of the folks who  
17 are here today to comment on these proposed rules.  
18 As Judge O'Reilly said, rulemaking is better because  
19 of your participation. In my comments, I will  
20 provide some background on the Board, the authority  
21 it is granted in Minnesota statutes, along with some  
22 perspective on the process that led to these  
23 proposed rules.

24 To the content noted on this slide,  
25 Minnesota Statutes established the Board with 11

1 members in addition to myself, four appointed by the  
2 Governor, three appointed by the Mayor of St. Paul,  
3 and two each appointed by the Speaker of the House.  
4 Much of the Board's work is implemented by three  
5 excellent members and three architectural advisors.  
6 Next slide, please.

7 On the right, this slide shows the  
8 60-block defined Capitol area surrounding our  
9 Minnesota State Capitol building. For this area,  
10 the Board is responsible for the long-term planning  
11 and zoning decisions, and most relevant to our  
12 discussion today, decisions on commemorative works  
13 on the Capital grounds. As noted at the bottom of  
14 the slide, commemorative works are monuments,  
15 memories, or other artwork that commemorates a  
16 person, group, event, place, or topic. Next slide,  
17 please.

18 The relevant authority granted to the  
19 Board in Minnesota Statutes Chapter 15B are noted  
20 here. On the right, you will see the Board has  
21 previously adopted rules incorporating by reference  
22 the existing policy, which defines a process only  
23 for the addition of works to the grounds. As the  
24 Executive Secretary will explain in more detail, the  
25 proposed rules before us today would codify

1 processes in addition to consider addition,  
2 modification, and removal processes in rules. Next  
3 slide, please.

4 Minnesota Rules Chapter 2400 covers the  
5 rules by which CAAPB governs buildings, land, and  
6 uses in the Capitol area. The rules include  
7 standards and conditions for specific uses,  
8 including commemorative works. The proposed rules  
9 would amend and add to these rules, which were last  
10 updated in 2012. Next slide, please.

11 The development of the proposed rules  
12 began with the two task forces the Board established  
13 in June of 2020. The Public Engagement Task Force  
14 was tasked to establish a proactive, transparent,  
15 and public process to evaluate public opinion about  
16 commemorative works on Capitol grounds and what they  
17 convey about Minnesota, its history, and its people.  
18 The Decision Process Advisory Task Force was asked  
19 to consider updates for the process of adding new  
20 works and the potential of a new policy to address  
21 requests for modification and removal of existing  
22 works. Their final reports were submitted in  
23 November of 2021, and the proposed rules before us  
24 today reflect the culmination of their work. I am  
25 so grateful to the task chairs, Dr. Gwen Westerman

1 and Carl Crawford, who you will hear from next.

2 With that, I will turn it over to Carl  
3 Crawford to continue the presentation. Thank you.

4 MR. CRAWFORD: Thank you, Lieutenant  
5 Governor. My name is Carl Crawford, C-A-R-L,  
6 C-R-A-W-F-O-R-D, and I am the Human Rights Officer  
7 for the City of Duluth. And I was honored to be  
8 invited to chair the Engagement Task Force. Next  
9 slide.

10 We decided -- our task force had 14  
11 members, and we met four times to figure out a good  
12 way to hear from Minnesotans regarding their  
13 thoughts on the Minnesota Capitol and the  
14 commemorative works. We decided to host a series of  
15 25 listening sessions with diverse groups across the  
16 state, having two task force members hosting each  
17 conversation. We also had an online survey asking  
18 for people's thoughts on the Capitol and its  
19 commemorative works, to which 344 people replied. I  
20 hope you take the opportunity to read our report on  
21 what we heard. The report is on the CAAP Board  
22 website. Next slide, please.

23 This slide shows the major themes we  
24 heard. Most people are proud of the Capitol, which  
25 is great news, but some people don't see their

1 culture or history reflected there. In fact, over  
2 half of the respondents said they felt unwelcome at  
3 the Capitol due in part to the works on display.  
4 When we asked how their concerns could be addressed,  
5 opinions varied on what to do with the existing  
6 controversial works. Next slide.

7 I will read aloud the big picture  
8 priorities for the Minnesota Capitol that emerged  
9 from our engagement: First, represent and include  
10 marginalized communities in the Minnesota Capitol  
11 experience. Second, focus on commonalities among  
12 Minnesotans when considering commemorative works.  
13 Third, provide accurate and complete historical  
14 narratives that acknowledge invisibility,  
15 marginalization, or negative depictions. And  
16 fourth, represent diverse experiences and  
17 communities in the works displayed at the Capitol.  
18 We are glad that their voices helped shape the rules  
19 being proposed today.

20 I will now turn things over to Dr. Gwen  
21 Westerman. Thank you.

22 MS. WESTERMAN: Thank you, Carl. Judge  
23 O'Reilly and members of the public, I am Gwen  
24 Westerman, spelled G-W-E-N, W-E-S-T-E-R-M-A-N. I am  
25 a professor at Minnesota State University Mankato,

1 where I teach Technical Communications, Literature,  
2 and Humanities.

3 I served as the Chair of the Decision  
4 Process Advisory Task Force and worked with a dozen  
5 colleagues to draft potential amendments to the  
6 commemorative works policy. The topics and themes  
7 we addressed reflect those that emerged from the  
8 Engagement Task Force work. This slide identifies  
9 how we went about our task. What made us most proud  
10 of our work was that we operated by consensus, which  
11 means all the voices on the committee were heard and  
12 we developed solutions to address Minnesotans many  
13 perspectives. Next slide.

14 Here are the key recommendations that  
15 emerged from our work. I will read these aloud for  
16 the hearing transcript: Update the policy for  
17 commemorative artworks, add processes to consider  
18 modification or removal of works, make application  
19 forms and frequently asked questions publicly  
20 accessible and easy to find, review policy on a  
21 10-year basis, review artworks collection on a  
22 10-year basis with public input, and seek  
23 legislative appropriation for the CAAP Board to  
24 support implementation of the updated policy. Next  
25 slide.

1           Our task force not only focused on what  
2           the policy should address, but how. We knew that  
3           the new rules would only be as effective as people's  
4           ability to understand and use them. So a major  
5           focus on our work was to clarify the steps and  
6           describe them as simply as possible. This flow  
7           chart on the screen is too small to read at this  
8           scale, but at least gives you a representation of  
9           the steps in the rules which provide a clear path  
10          for potential addition, modification, or removal of  
11          works. Our task force also drafted easy to use  
12          application forms and recommended that the CAAP  
13          Board develop a clear webpage and frequently asked  
14          questions about the commemorative works process.  
15          Next slide.

16                 I hope my overview of the task force gives  
17                 you a good sense of the foundation of the work that  
18                 the proposed rules were built on. On behalf of the  
19                 Decision Process Advisory Task Force, it has been an  
20                 honor to serve the people of Minnesota in this  
21                 capacity. Thank you.

22                 I'll now turn the presentation over to  
23                 Merritt.

24                 JUDGE O'REILLY: Ms. Clapp-Smith, we have  
25                 you muted again.



1 MS. CLAPP-SMITH: Years of virtual  
2 meetings will pass and I'll still forget to unmute  
3 my microphone.

4 Thank you, everyone. The proposed rules  
5 clarify and update the existing process to concern  
6 new works and to introduce a process by which  
7 applications -- applicants can request that existing  
8 works be considered for reinterpretation,  
9 modification, or removal under a review process with  
10 specified steps, standards, and criteria. There are  
11 four overarching goals of the rules update.

12 The first goal is compliance with a  
13 comprehensive plan. Minnesota Statutes 15B requires  
14 activity in the Capitol to be consistent with the  
15 comprehensive plan for the Minnesota Capitol area.  
16 This was updated and adopted in 2021 following a  
17 four-year process with extensive community  
18 engagement. The new plan compels an update to  
19 Minnesota rules for the Capitol area, and this  
20 rulemaking implements the comprehensive plan  
21 priorities for commemorative works.

22 The Minnesota Capitol is a showcase for  
23 the stories of the state and its people over time  
24 and can bring recognition, representation, and pride  
25 to visitors. The first human inhabitants of this

1 land lived here around 7 to 9,000 years ago. The  
2 current collection of commemorative works on the  
3 Capitol grounds represents some chapters in the  
4 Minnesota story, while leaving other chapters untold  
5 and characters not introduced.

6 Between 1912 and 2016, 19 works have been  
7 installed on the Minnesota Capitol grounds, with the  
8 last 14 overseen by the CAAP Board. The works  
9 represent people, events, and movements. You can  
10 see shifts in the subjects of the work over time,  
11 particularly with the movement away from  
12 individuals, shown in red text, and more towards  
13 events and groups. As the story of Minnesota and  
14 its people evolves, so too should the works that  
15 represent us. We can continue to add works but  
16 physical space on the Capitol grounds is limited.  
17 The space can only show a small fraction of  
18 Minnesota's history. We have heard concern that  
19 removal or modification of works could be viewed as  
20 erasure or disremembering. This is an  
21 understandable feeling and something we all wrestle  
22 with. As time passes, our history and understanding  
23 of it expands, and we reprioritize what to teach,  
24 discuss, and celebrate. This isn't easy and people  
25 will always debate what gets added, modified, or set

1       aside. The proposed rules address this concern by  
2       requiring a significant public process to  
3       thoughtfully consider changes.

4               The fourth goal of the proposed amendments  
5       is to improve clarity and access. 68 percent of  
6       respondents to the CAAP Board survey and  
7       commemorative works disagreed with the statement: I  
8       understand who makes decisions about monuments,  
9       memorials, and works of art at the Capitol. 72  
10       percent said they would like to comment on the  
11       decisions that are made about monuments, memorials,  
12       and works.

13              How do the proposed rules improve clarity  
14       and access? One, better information and  
15       transparency about who makes the decisions and how.  
16       Two, clearly written process and standards that are  
17       easy for people to find and understand. Three,  
18       explicit opportunities for public input during the  
19       commemorative artwork review. And four,  
20       consolidating the commemorative works process and  
21       standards fully into Minnesota rules instead of  
22       having a separate document incorporated by  
23       reference.

24              I'll now go over the rule by rule  
25       amendments and reasonableness. The proposed rule

1 amendments would replace the limited commemorative  
2 works language in 2400.2705, subpart 1, with a new  
3 part 2400.2703. Standards that are currently in a  
4 referenced policy document called the Policy for  
5 Commemorative Works in the Minnesota Capitol Area,  
6 last updated in 2012, would move into the rules,  
7 eliminating the confusion of having a separate  
8 reference document.

9 Part 2400.2703, subparts 1 through 5, will  
10 address the addition of new commemorative works as  
11 the policy currently does. It includes the  
12 application process, reviews steps and standards for  
13 decisions. It's logical that the existing policy  
14 language -- or, it follows that existing policy  
15 language with some reorganization and revisions will  
16 improve clarity. In the SONAR, there's an Exhibit  
17 Number 5 which compares the existing language and  
18 the proposed language for the addition of works so  
19 that you can see how similar those are.

20 There are 17 new definitions proposed.  
21 Next slide. Seven are words that already exist in  
22 Chapter 2400 but are not defined and should be given  
23 their unique or specific meaning in Chapter 2400,  
24 with an example being: Capitol Grounds. On my  
25 slide, I still --

1 THE COURT REPORTER: You're cutting out  
2 there, or I can't hear you, Ms. Merritt.

3 MS. CLAPP-SMITH: All right. I'm back on.

4 THE COURT REPORTER: Thank you.

5 MS. CLAPP-SMITH: So 10 of the words that  
6 we've added to definitions are new to the chapter  
7 and we give their unique meaning for the rules. For  
8 instance, the term "modification" in the English  
9 language has various uses, but we have a very  
10 specific intent in Chapter 2400.

11 Guiding principles. These identify  
12 expectations or artworks on the Capitol grounds and  
13 Board role in reviewing and considering  
14 expectations. The principles re-enforce the  
15 identified purposes of the Board under Minnesota  
16 Statute 15B.01, which is, quote/unquote, to preserve  
17 and enhance the dignity, beauty, and architectural  
18 integrity of the Capitol, the buildings immediately  
19 adjacent to it, the Capitol grounds, and the Capitol  
20 area.

21 The 10-year review stipulates that the  
22 CAAP Board must proactively evaluate all  
23 commemorative works on the Capitol grounds instead  
24 of only reviewing a work if someone submits an  
25 application. Regular review can help identify

1 incongruous elements of existing commemorative works  
2 and incompatibility with the rules, enabling the  
3 Board to consider if and how to pursue next steps to  
4 address those. Ten years was selected as an amount  
5 of time over shifts -- over which shifts might occur  
6 that justify reevaluation but not so frequent that  
7 it strains our staff resources.

8 As I mentioned, the conditions for adding  
9 artwork are largely carried over from the existing  
10 policy, with one notable exception, which is a  
11 bullet number four under 5. This condition requires  
12 that commemorated individuals are directly connected  
13 to Minnesota by having lived in the geography of  
14 Minnesota for at least five years. Of the eight  
15 individuals commemorated on the grounds, only two  
16 have no direct Minnesota connection and they were  
17 among the first statues installed. A Minnesota  
18 connection is consistent with sentiments heard from  
19 the public who see the Capitol grounds as a place to  
20 celebrate things specific to Minnesotans. This  
21 condition for a Minnesota connection only applies to  
22 new works. It is not grounds in and of itself for  
23 removal of existing works.

24 Conditions for modification or removal may  
25 be made if one or more of the following conditions

1 is met. The first condition focuses on public  
2 sentiment. It requires demonstrated objection to  
3 the work that is sustained and overwhelming.

4 One written comment we received for the  
5 hearing asked what would qualify as overwhelming and  
6 wondered if its interpretation might set the bar too  
7 high. That's a really good question, and words  
8 often require some interpretation. Our intent with  
9 condition one is that most Minnesotans, if given the  
10 chance to learn and hear about the rationale for  
11 modification or removal, would be supportive. This  
12 is why specific steps for public engagements are so  
13 vital in considering applications. Perhaps we want  
14 to consider changing the word "overwhelming" to  
15 something like "widespread" or "broad-based."

16 The other conditions relate to consistency  
17 with other parts of the rules or relate to the  
18 condition of the work, its accessibility to the  
19 public, and changes that might be necessitated by  
20 changes or construction happening around it.

21 Application steps and criteria for  
22 additions, again, largely carried over from existing  
23 policy. It's important to set a clear set of  
24 criteria and application steps that are consistently  
25 used for all requests because we want to avoid

1 arbitrary and capricious decisions.

2 Subpart 3 outlines the steps. And this  
3 refers to the rules and their subparts; there are  
4 nine subparts. Subpart 3 outlines the steps for  
5 submitting, reviewing, and designing new works. It  
6 identifies the role of agency staff, CAAP Board  
7 advisors, and the public at each step. And the only  
8 change of substance is the addition of more steps  
9 for public review. Subpart 4 identifies the  
10 criteria for determining the location of new work.  
11 Again, this carries over from existing policy, as  
12 does subpart 5, the criteria for the design of new  
13 work.

14 Application steps and criteria for  
15 modification or removal. This is subpart 7, and it  
16 mirrors the structure for applications to add works,  
17 and most importantly, includes steps for public  
18 conversation input.

19 The last application requirement on this  
20 slide generated a lot of conversation during the  
21 rule drafting. As with applications for new  
22 additions, it requires applicants for modification  
23 or removal to identify funding for that activity.  
24 The difference is that in cases of modification or  
25 removal, the request may be coming from groups that



1 find the work offensive or misrepresentative of  
2 current historic understanding and, therefore,  
3 should not be asked to pay for the offense or  
4 misrepresentation to be addressed. After much  
5 discussion, the condition for funding remains, with  
6 our intent to encourage public, private and  
7 philanthropic sources to create a fund that  
8 applicants could apply to for commemorative works  
9 activities on the Capitol grounds.

10 At times, modification may serve as the  
11 appropriate method to acknowledge and explain the  
12 complexity and changing narrative of history. By  
13 retaining the work and providing more information  
14 about it, people can learn about changes over time  
15 and the lessons they bring.

16 Here you see the 11 criteria to evaluate  
17 modification requests. The criteria collectively  
18 address goals of historic accuracy, representing  
19 diverse perspectives, embracing complexity,  
20 acknowledging harms done to oppressed groups,  
21 encouraging dialogue, and promoting healing and  
22 understanding for people. The criteria respond to  
23 the extensive community input gathered by the CAAP  
24 Board during the work of the Public Engagement and  
25 Decision Process Advisory Task Forces, and they

1 reflect themes that surfaced in recent years in  
2 local and national conversations about  
3 commemoration.

4 The proposed criteria for removal must be  
5 serious and compelling, such that modification alone  
6 does not address the concern, need, or harm. The  
7 first two criteria, A and B, are based on public  
8 sentiment about the work and its representation of  
9 the state's history. They address the intellectual  
10 and emotional experience of people who interact with  
11 the work and reflect themes identified through  
12 public input and research into other examples in  
13 literature about the removal of commemorative works.  
14 There may instances when removal of works would be  
15 with the best decision for the Minnesota Capitol  
16 grounds. When removal is contemplated, it's  
17 important to understand and acknowledge why the work  
18 was originally installed and who and what it  
19 represented at the time of installation.

20 The proposed rules before you today seek  
21 to provide further opportunities for a broad  
22 representation of Minnesota and its people on the  
23 Capitol grounds. Maintaining the current collection  
24 of Capitol artworks as it exists today without a  
25 process to consider changes discounts present day

1 groups, their interests, and their historical  
2 perspectives. The proposed rules allow contemporary  
3 Minnesotans to determine the collection of artworks  
4 on the Capitol grounds which they believe best  
5 represent the state, its history, and its culture.  
6 Thank you for the opportunity to present today, look  
7 forward to hearing everyone's comments.

8 JUDGE O'REILLY: Very good. Thank you  
9 very much for that presentation.

10 Now, we come to the part where we hear  
11 from you, those who have joined us today for this  
12 public hearing. So I'm going to ask -- I think, Mr.  
13 Payment, are you going to be our moderator  
14 announcing the names of people who are to speak?

15 MS. LOGAN: I actually will do that, Lyndy  
16 Logan.

17 JUDGE O'REILLY: Okay, Ms. Logan. So  
18 who's up first and who is on deck?

19 MS. LOGAN: Prairie Island Vice President  
20 Shelley Buck is up first. And I'm going to make her  
21 a panelist. Shelly, you are able to unmute  
22 yourself, and you can turn on your camera now if you  
23 would like to. Please state your first and last  
24 name, and I believe you should spell both of those.  
25 And then next up is Auditor Julie Blaha.

1 JUDGE O'REILLY: Very good. So hold on,  
2 Ms. Buck, before we start with you, should we change  
3 the -- I'm wondering if it's just me. Do I change  
4 my own layout or are we going to change the -- I'd  
5 like to see people, kind of, primary as opposed to  
6 seeing the slide. Is there a way that we could do  
7 that?

8 MS. LOGAN: How's that?

9 JUDGE O'REILLY: That's wonderful. Now we  
10 can go back to slides if we need, if anybody in  
11 answering a question needs to pull up a slide, but I  
12 like to be able to see everybody. So Ms. Buck,  
13 you're first, and you're going to show us all how  
14 this is done by spelling your first and last name  
15 first.

16 MS. BUCK: Shelley Buck, S-H-E-L-L-E-Y, B  
17 as in boy, U-C-K.

18 (Speaking Native language.)

19 Hello, everyone. I greet you with a good  
20 heart and handshake. I am -- my Dakota name is Many  
21 Buffalo. My English name is Shelley Buck. I am  
22 Dakota from Prairie Island. And first, I'd like to  
23 thank Judge O'Reilly for giving me the time to speak  
24 on the proposed Capitol Area Architectural and  
25 Planning Board updates to the Minnesota rules. I

1 would also like to thank the Capitol Area  
2 Architectural and Planning Board for bringing  
3 forward the updates and for all the work that has  
4 gone into this.

5 The Prairie Island Indian Community agrees  
6 it is time that the process for commemorative works,  
7 both current and future, on the Capitol -- at the  
8 Capitol and on Capitol grounds reflect all of  
9 Minnesota. Everyone in the state of Minnesota  
10 should be able to voice his or her concerns to the  
11 Capitol Area Architectural and Planning Board.  
12 These updates show a sense of inclusion that has not  
13 been a part of the process before. We believe the  
14 proposal is reasonable and will allow more people to  
15 participate in the discussion of what is displayed  
16 at the Capitol and on the Capitol grounds. As of  
17 today, there is artwork in the Capitol that  
18 misrepresents my Dakota ancestors in the state's  
19 history and adversely affects the view of Native  
20 people, and as a result, contributes to the feeling  
21 by some that the Capitol is unwelcoming. The  
22 proposed updates to the rules would create an  
23 opportunity to increase public understanding of and  
24 dialogue about Minnesota's indigenous history.

25 Dakota people have been a part of the land

1 now called Minnesota for centuries. Our creation  
2 story tells us that Minnesota is the birthplace for  
3 our people. We believe this process could help  
4 bring forward our concerns for representation at the  
5 Capitol and on Capitol grounds and help display the  
6 true cultural history of Minnesota. The Capitol is  
7 supposed to be the people's house, but not all the  
8 people in Minnesota feel welcomed there. It is time  
9 that changed.

10 Again, I would like to thank you for  
11 giving me the time to speak on this matter and urge  
12 you to consider the updated Minnesota rules.

13 Pidamaya. Thank you.

14 JUDGE O'REILLY: Thank you very much. All  
15 right. Ms. Logan, who is next?

16 MS. LOGAN: I apologize. I just want to  
17 remind everybody to try to speak slower just so that  
18 everybody attending this hearing can hear us. And  
19 Julie Blaha is up next, and she's ready to go.

20 JUDGE O'REILLY: Okay. One moment, Ms.  
21 Blaha. And a reminder that when you are speaking,  
22 of course, to go slow, but to -- if you want to  
23 speak, put your name into the chat box so that we  
24 can call you in the order that you come up. Now, I  
25 don't know if you can see, there is a list that we

1 have going in the chat. So if you put your chat on,  
2 you can see that list and, kind of, where you're  
3 falling into the line. Okay, sorry to interrupt.  
4 Ms. Blaha, please state and spell your first and  
5 last name.

6 MS. BLAHA: Thank you, Judge O'Reilly. My  
7 name is Julie Blaha, J-U-L-I-E, B as in boy,  
8 L-A-H-A. And I serve as Minnesota's state auditor.  
9 In addition, I had the honor of serving on the  
10 Decision Advisory -- the Decision Process Advisory  
11 Task Force.

12 So today, I'd like to focus on the need  
13 and the reasonableness of these rules. In my  
14 experience as both the state auditor and also as a  
15 parliamentarian for a number of nonprofit groups,  
16 I've seen that beginnings get a lot of attention but  
17 changes and endings get far less. Now, that can be  
18 particularly challenging as changes and endings are  
19 often more stressful and more complicated than  
20 beginnings. When emotions run high, like when  
21 discussing changes or removal of a work -- frankly,  
22 the changes or removal of anything in a life --  
23 clear, fair, workable rules can calm difficult  
24 situations and chart a good path to solutions. This  
25 is why updated processes, particularly for

1 modification and removal, are not just needed, but  
2 essential.

3 On reasonableness. To ensure that we came  
4 to a process that was reasonable, the makeup of the  
5 team that devised the rules had a wide range of  
6 experiences and opinions on commemorative works on  
7 the Capitol grounds, as well as diversity in terms  
8 of race, ethnicity, gender, wealth, and more. For  
9 instance, our team ran from artists like the  
10 incomparable Dr. Gwen Westerman, to math nerds like  
11 myself. Now, one outcome of that diversity is a set  
12 of rules that focuses on processes that are in plain  
13 language, that are logical, and workable. As such,  
14 I believe these rules are, again, both desperately  
15 needed and reasonable, and I hope that we all put  
16 them into effect. Thank you.

17 JUDGE O'REILLY: Very good. Thank you  
18 very much. And one of the things that's helpful to  
19 me, while I get the transcript from these hearings,  
20 it's very nice if you submit your written comments.  
21 A lot of times when we're reading -- and I do the  
22 same thing, when I read from something, I speak  
23 faster so it's hard for me to keep up with you when  
24 I'm writing. So it really does help if you will  
25 submit your written comments, too, onto our



1 eComments site. So I encourage speakers to do that.  
2 So thank you very much, Ms. Blaha.

3 Now we'll turn to -- who is next, Ms.  
4 Logan?

5 MS. LOGAN: Thao Mee Xiong. I apologize  
6 if I'm saying that wrong. And Christina Woods will  
7 be after him. And you can go ahead; you're unmuted,  
8 Thao.

9 MS. XIONG: Good afternoon, everyone. My  
10 name is Thao Mee Xiong. I'm the Executive and  
11 Network Director for the Coalition of Asian American  
12 Leaders. I want to thank you for giving me the  
13 opportunity to testify this morning.

14 THE COURT REPORTER: Do you want to just  
15 remember to spell your name.

16 MS. XIONG: Oh, yes. My first name is  
17 spelled T-H-A-O, M-E-E is the first name; the last  
18 name is X-I-O-N-G.

19 I'll start with sharing a little bit about  
20 CAAL and who I am. The Coalition of Asian American  
21 Leaders, also known as CAAL, is a cross-sector,  
22 cross-ethnic, and cross-generational network of over  
23 5,500 Minnesotans from across the state. We work to  
24 harness the power of our collective -- the  
25 collective power of our communities to have a voice

1 at the state legislature and different levels of  
2 government.

3 Asian Minnesotans are one of the fastest  
4 growing populations in the state and around the  
5 country. We currently have over 350,000 Asian  
6 Minnesotans here. Asian Minnesotans also encompass  
7 over 40 diverse cultural communities, and 60 percent  
8 of that Asian population are Southeast Asian. This  
9 is very unique and different from other parts of the  
10 country that have high populations of Asian  
11 Americans. Asian Minnesotans are also the state's  
12 youngest population with a median age of 29. This  
13 is significantly younger than the average Minnesotan  
14 age of 38.

15 I provide that context to provide -- to  
16 help you understand why having a process that is  
17 inclusive and representative of the diversity in the  
18 state of Minnesota is extremely important for the  
19 future of Minnesota.

20 I want to thank the Capitol Area  
21 Architectural and Planning Board for bringing  
22 forward these proposals, which we support. And I  
23 want to thank Judge Ann O'Reilly for giving us the  
24 space to be able to provide public testimony.

25 I want to share that I started lobbying at

1 the State Capitol in 2010. That was the first  
2 legislative session that -- where I was at the  
3 Capitol almost every day pushing for domestic  
4 violence policies. And during that time, the space,  
5 the people, and the feel was extremely different. I  
6 often felt isolated and excluded from the building  
7 and the communities that were there.

8 Since the renovations in, I think now 2016  
9 or 20 -- anyway, it's been awhile. Since the  
10 renovations at the State Capitol, the feel of the  
11 State Capitol is completely different. It's been  
12 extremely welcoming to have rooms that are dedicated  
13 to different communities of color and to see  
14 different leaders of color represented. And then  
15 it's been amazing to see the diversity within our  
16 state legislature and the number of state  
17 legislators who are from communities of color.

18 And so with that, I want to say that, not  
19 only has the environment changed, but it's been  
20 extremely empowering to see the 2016 monument of the  
21 Hmong-Lao Veterans Memorial that went up. The  
22 process to get that memorial to go up took years and  
23 took a lot of financial community support in order  
24 to even get that passed under the Dayton  
25 Administration. But it has meant a lot to the

1 Southeast Asian community to have something that  
2 represents the participation and contributions that  
3 Asian Minnesotans have made in Minnesota and in the  
4 U.S.

5 So I'm reaching the five minute mark, and  
6 I want to conclude saying that CAAL supports the new  
7 process changes and agrees that the Board will  
8 benefit from having a process to consider the  
9 modification and/or removal of existing artworks in  
10 the Minnesota State Capitol grounds. We are  
11 grateful for this opportunity to speak and are  
12 available for questions or other comments. With  
13 that, I'll end. Thank you.

14 JUDGE O'REILLY: Thank you very much. I  
15 appreciate that. Is it Ms. Woods who is next?

16 MS. WOODS: Yes, I'm --

17 JUDGE O'REILLY: If you could state and  
18 spell your first and last name.

19 MS. WOODS: (Speaking Native language.)

20 Christina Woods, C-H-R-I-S-T-I-N-A,  
21 W-O-O-D-S. I am a member of the Bois Forte Nation  
22 in northern Minnesota, so Anishinaabe, and I live in  
23 my homeland in Duluth in Mesabikong. My name is  
24 Anamacikwe, and I'm known as Thunderbird Lady.

25 I am the Executive Director of the Duluth

1 Art Institute. I serve on the Minnesota State  
2 Capitol Arts Advisory Board, which is another  
3 branch, a legislative branch that oversees 12 areas  
4 within the State Capitol, and we do calls for art  
5 and we also manage, select the art that comes into  
6 the building in those 12 areas, although the  
7 pandemic has caused us to be on hiatus. We do  
8 utilize a very thoughtful and intentional inclusive  
9 lens. I also am newly appointed to the United  
10 States Senate Curatorial Advisory Board, working  
11 underneath the United States Senate Commission on  
12 Arts, and working with Senator Klobuchar as well.

13 I want to just read, first of all, from  
14 the statement of need and reasonableness because I  
15 want to frame my comments through this. There is a  
16 paragraph that you can find on page 16, and it  
17 reads: The Minnesota Capitol is a showcase for the  
18 stories of the state and its people over time and  
19 can bring recognition, representation, and pride to  
20 visitors. The current collection of commemorative  
21 works on the Capitol grounds represents only some  
22 chapters in the Minnesota story, while leaving other  
23 chapters untold and the characters not introduced.  
24 We did hear this very same paragraph earlier, and I  
25 apologize for not recalling who shared that.

1           As a descendant of ancestors who have been  
2           in the area of Minnesota for thousands of years and  
3           as a citizen of the state participating in state  
4           government, I want to highlight that much of the  
5           work at the State Capitol either erases,  
6           unremembers, or overwrites the contributions of  
7           indigenous peoples within the state of Minnesota.  
8           And this is true not just for our communities and  
9           our culture, but for many others, mostly black and  
10          brown people who have played a large role in the  
11          formation of our state. And we continue to play a  
12          large role in the success of who we are as a  
13          collective of constituencies.

14                 So I appreciate the opportunity to have a  
15          spot at the table today. And I also the appreciate  
16          the opportunity to be a facilitator within the CAAPB  
17          task force seeking input and bringing the voice of  
18          our Native nations to this process.

19                 So I'm fully in support of these changes.  
20          And I want to highlight that I feel that not only to  
21          the point of the beginnings that Auditor Blaha spoke  
22          to, I believe that this plan encompasses a very  
23          well-rounded process and is pretty much approachable  
24          to any constituency who would have concern or a  
25          group of constituencies who want to bring forward

1 their opinions and point of view on art and why  
2 something may need to be removed or something may  
3 need to be added. So I want to express that  
4 speaking for myself as being a part of group as a  
5 facilitator and as a resident of Minnesota and  
6 member of a Native nation, that this has turned out  
7 to be a very well-rounded and complete process with  
8 all the proper intersections and especially the  
9 intersection of inclusion for folks in Minnesota to  
10 have a say on what stories are missing and what  
11 stories should be added and which stories the state  
12 of Minnesota really ought to be including through  
13 art. Migwetch.

14 JUDGE O'REILLY: Thank you. Next, we'll  
15 turn to Mr. Harris; is that correct? If you could  
16 state and spell your first and last name.

17 MR. HARRIS: Oops.

18 JUDGE O'REILLY: We can hear you. Thank  
19 you.

20 MR. HARRIS: Okay. My name is David  
21 Jordan Harris, D-A-V-I-D, J-O-R-D-A-N; last name  
22 H-A-R-R-I-S. And I come to you as a citizen of  
23 Minnesota, as a working artist, and the Executive  
24 Director of RIMON, R-I-M-O-N, the Minnesota Jewish  
25 Arts Council, one of the many, many communities that

1 make up the state of Minnesota. And I'm honored to  
2 be part of this conversation and impressed with the  
3 diligence and carefulness that's gone into the  
4 preparation of these rules.

5 I would like to speak briefly not about  
6 the how, the mechanism of how these rules will be  
7 executed, but the why, the reason behind them. We  
8 all praise Minnesota for its support of the arts.  
9 And that is my lens, looking at this work through  
10 the view of art and understanding how the arts build  
11 community. And one area of national leadership for  
12 Minnesota is our support of public art and all the  
13 art located on the grounds of the Capitol is public  
14 art. It belongs to the public and it expresses the  
15 public in its optimal manifestation. As we've heard  
16 from other speakers, it doesn't always work that  
17 way. So the question is, what constitutes the  
18 public, and I would say in this area, its values and  
19 its history.

20 As we learn in every election, the public  
21 is always in a state of flux, and that is a good  
22 thing. Yesterday's priorities and tastes may, at  
23 best, be out of step with the present; and at worse,  
24 those priorities and tastes may be offensive.

25 I totally support the implementation of



1 the proposed rules to help guide the process of  
2 expanding public art on the grounds of the Capitol,  
3 as well as giving sensible touchstones for how the  
4 public can be encouraged to engage with this art,  
5 its change, where necessary, and in some cases even  
6 removal.

7 All art begins in a moment in time. It  
8 did not drop out of heaven. And it should be  
9 accountable to the times in which we live. So with  
10 that, I say thank you. I look forward to hearing  
11 the other speakers.

12 JUDGE O'REILLY: Very good. Thank you  
13 very much. Now we'll turn to Ms. Dyer. If you  
14 could state and spell your first and last name.

15 MS. DYER: Thank you. Hello. My name is  
16 Lindsey Dyer, and that is spelled L-I-N-D-S-E-Y,  
17 D-Y-E-R.

18 So I'd like to thank you, Judge O'Reilly,  
19 for allowing me this opportunity to speak today. I  
20 served on the Capitol Area Architectural and  
21 Planning Board Decision Process Advisory Task Force.  
22 Isn't that a mouthful? I would like to speak in  
23 support of the policy put forth here today. I also  
24 serve on the State Historic Preservation Office  
25 Review Board. I am from St. Paul, Minnesota. I am

1 currently calling from Bristol, Rhode Island.

2 So professionally, I have served the  
3 public in leadership positions both in museums and  
4 libraries, and that includes Dakota County Library  
5 and the Minnesota Historical Society, where I worked  
6 in the historic sites division. I also have  
7 experience in the private sector, mainly Target in  
8 corporate communications. In these capacities, I've  
9 created and implemented an array of policies and  
10 processes that were established to keep people safe,  
11 keep organizations and their assets safe, and also  
12 protect the spirit of the common good.

13 The process and policy put forth today was  
14 created with care, consideration, and with the  
15 voices and experiences of Minnesotans from a variety  
16 of backgrounds. The CAAP Decision Process Advisory  
17 Task Force worked hard to ensure that the policy was  
18 accessible, written in plain language, and with  
19 clear process timelines. We wanted the public to be  
20 able to more easily interact with their government,  
21 also to be empowered by their voice so that when  
22 it's time for a proposed removal or modification of  
23 an existing work on the Capitol grounds, it's not a  
24 fire drill situation. The path is clearly laid out.

25 So to give you an example that I have

1 personal experience hearkening back to my library  
2 days, and something we are all very familiar with,  
3 and that is when a public library is approached by  
4 the community about a banned book -- in this case  
5 let's say Harry Potter in some states, as the  
6 example -- what happens? The public doesn't storm  
7 into a library and remove the book from the shelf.  
8 They understand that there is a process for this  
9 sort of thing. The process and policies surrounding  
10 the books in question or banned books are readily  
11 available to the public. The library and the public  
12 work together in conversation and professional  
13 review, with the policy as the structure to guide  
14 the process. Eventually, a decision is made, and  
15 with all sides of the conversation respectfully  
16 heard, we have a decision about Harry Potter.

17 So I think I hope the same for the CAAP  
18 Board and the Minnesota State Capitol. And I urge  
19 that this policy be supported. Thank you.

20 JUDGE O'REILLY: Thank you very much. I'm  
21 just going to finish my notes here. And now we'll  
22 turn to Mr. Gershberg. Please state and spell your  
23 first and last name.

24 MR. GERSHBERG: Thank you, Judge O'Reilly.  
25 My name is Jonathan Gershberg. That's spelled

1 J-O-N-A-T-H-A-N; last name, G-E-R-S-H-B-E-R-G. I am  
2 an organizer with the Jewish Community Action, a  
3 nonprofit that mobilizes the Minnesota Jewish  
4 community for justice for all.

5 I want to start by thanking the CAAP Board  
6 for forwarding these new, very necessary and clear  
7 rules for the addition, modification, and/or removal  
8 of commemorative works on the State Capitol lawn.

9 The Minnesota State Capitol is a site to  
10 celebrate democracy, to honor and encourage ordinary  
11 citizens to actively engage in public governance.  
12 It is the people's house. Yet right now, the people  
13 have very little say about what goes on or could  
14 come off the front lawn to the house. Without clear  
15 rules about modification or removal process for  
16 commemorative works on the Capitol lawn, visitors  
17 become passive consumers of commemorative works,  
18 unsure how they got there, the purpose they serve,  
19 and without any way of changing it. The current  
20 lack of rules around commemorative works on the  
21 Capitol grounds strips away citizen agency. This is  
22 not how we want Minnesotans to feel when they visit  
23 our public institutions, which run on citizen trust  
24 and engagement. If our most sacred document, the  
25 State Constitution, is able to be changed through a

1 clear public engagement process, so too should  
2 Capitol lawn commemorative works.

3 I'm glad to see these proposed rules from  
4 the CAAP Board, which lay out clear criteria for the  
5 modification or removal of commemorative works on  
6 the lawn, and I find the process for modification or  
7 removal to be very thoughtful and thorough.

8 In particular I appreciate subpart 9,  
9 criteria B, for removal, which is, and I quote:  
10 Cultural and historical impact, the degree to which  
11 artwork misrepresents the state history or has the  
12 effect of significantly intimidating or adversely  
13 affecting a group of people. We know that some  
14 artwork can, even unintentionally, serve to  
15 intimidate marginalized groups of people who visit  
16 the State Capitol, especially ethnic and religious  
17 minorities. By including this criteria, we can  
18 start a discussion about the impact that certain  
19 commemorative works have on communities, how they  
20 see themselves represented or excluded from the  
21 fabric of public narrative, the story of who we are  
22 and what Minnesota can be. Without it, those  
23 historically left out of the dealings inside the  
24 Capitol walls will once again be unable to see  
25 themselves in the art on our lawn.

1           So thank you, once again, Judge O'Reilly,  
2           and the CAAP Board for crafting these extremely  
3           necessary and needed rules. I support them and hope  
4           they will be adopted soon. Thank you.

5           JUDGE O'REILLY: Very good. Thank you so  
6           much. We now turn to Ms. Zindren.

7           MS. ZINDREN: Good morning. My name is  
8           Mary-Margaret Zindren. It's spelled M-A-R-Y,  
9           hyphen, M-A-R-G-A-R-E-T, Z as in zebra, I, N as in  
10          Nancy, D as in dog, R-E, N as in Nancy.

11          Judge O'Reilly, Lieutenant Governor  
12          Flanagan and members of the panel, thank you for the  
13          opportunity to testify today. I am the Executive  
14          Vice President of the American Institute of  
15          Architects Minnesota, also known as AIA Minnesota,  
16          which is the professional organization representing  
17          the state's more than 2,200 architects and design  
18          professionals. I am also the Executive Director of  
19          our local AIA chapters, AIA Northern Minnesota, AIA  
20          Minneapolis, and AIA St. Paul.

21          On behalf of AIA Minnesota's board of  
22          directors, I appreciate this opportunity to comment  
23          in support of the proposed permanent rules  
24          regulating Capitol area commemorative artwork to be  
25          included in Minnesota Rules Chapter 2400. We

1 believe that these rules and procedures will help to  
2 increase the degree to which the commemorative  
3 artworks displayed on our Capitol grounds resonate  
4 with Minnesotans, that they will result in stronger,  
5 more accurate, and more expansive representation of  
6 Minnesotans' experiences and valued histories.

7           Transparent and fair processes like those  
8 proposed in this regulation are an important step  
9 toward making architecture accessible to and  
10 resonant for everyone. We have seen the impacts of  
11 there being no clear process related to the removal,  
12 modifications, or addition of commemorative artworks  
13 on the Capitol grounds, for example, in the illegal  
14 removal art from the grounds and concerns raised  
15 about artworks not representing the full and true  
16 history of past events. We look forward to this  
17 much-needed process being established and  
18 implemented to create a collection that truly  
19 reflects Minnesotans' shared and varied histories  
20 and experiences.

21           It is evident that the Board conducted  
22 in-depth, detailed analysis that included  
23 substantial public engagement to develop these  
24 proposed rules. We believe they create a clear and  
25 reasonable road map for updates to the collection

1 with appropriate levels of flexibility and public  
2 engagement to ensure that the goals of the processes  
3 are met.

4 We were particularly pleased to see that  
5 both the full collection and the process established  
6 by these regulations will be reviewed on a 10-year  
7 cycle. This will ensure that both the process and  
8 the collection can evolve as Minnesota history  
9 continues to be created and more fully appreciated.  
10 We were also pleased to see provisions for  
11 compensation for design competitions, which makes it  
12 easier for more people to participate without undue  
13 burden.

14 Our one request to the Board is that it  
15 make extra efforts to ensure the process is  
16 effectively publicized once it is confirmed and on  
17 an ongoing basis. There is great need to make sure  
18 the people of Minnesota understand that this process  
19 exists and how to engage with it, without making  
20 significant efforts to create user-friendly and  
21 easy-to-find tools and information, it is possible  
22 that the admirable goals of this process may not be  
23 achieved as intended. Traditionally-required public  
24 notices will likely not be enough to create the kind  
25 of engagement these rule changes mean to foster. We



1 hope the Board will make significant efforts to  
2 ensure that all the necessary tools are in place to  
3 help this program succeed. We imagine this would  
4 include websites, FAQ documents that outline the  
5 process, media, and social media outreach when  
6 public input is required and more. These steps are  
7 appropriately not part of the regulations themselves  
8 but will certainly be critical to ensuring  
9 implementation is as robust as possible.

10 Minnesota's architects and design  
11 professionals will continue to be committed to  
12 supporting the CAAP Board and processes like this  
13 which foster vibrant communities and architecture  
14 that endures. I'm happy to answer any questions you  
15 have or to provide written responses as needed to  
16 support your process. Thank you so much for your  
17 time and consideration.

18 JUDGE O'REILLY: Very good. Thank you,  
19 Ms. Zindren.

20 We're going to -- hold on moment. I'm  
21 just looking at our line-up. Because at about  
22 11:30, I'd like to take just a short maybe  
23 five-minute break to give our court reporter a  
24 moment to rest her hands. She's been typing fast  
25 and furiously. Every hour, hour and a half, I like

1 to take just a short break.

2 So let's do this. Let's go with our next  
3 speaker, Ms. Thompson. Then we're going to take a  
4 five-minute break. Madam Court Reporter, does five  
5 minutes, do you need a little bit more?

6 THE COURT REPORTER: Nope, that sounds  
7 perfect; thank you.

8 JUDGE O'REILLY: Very good. So we'll  
9 continue right now with Ms. Thompson, and then we're  
10 going to take a five-minute break, and then we'll  
11 resume. Okay, Ms. Thompson, please state and spell  
12 your first and last name.

13 MS. THOMPSON: Hi. I'm Pat Thompson.  
14 That's P-A-T, T-H-O-M-P-S-O-N. And I'm a resident  
15 of St. Paul, and I think I'm the only person who is  
16 not representing an organization so far.

17 I wanted to speak just to support the  
18 rules. The changes, I think they're tremendous.  
19 And I appreciate all the work that has gone into  
20 them. And I just wanted to say, I think it's about  
21 time. And I'm really short, and that's it. Thanks.

22 JUDGE O'REILLY: Very good. Short and  
23 sweet. All right. So before we move on to Dr.  
24 Heidi Swank, let's take a five-minute break. Let's  
25 return at, just to make it easy, 11:35. In the

1 meantime, I encourage all people who have spoken or  
2 plan to speak to submit your written comments to us  
3 on the eComments website. That not only helps me,  
4 helps the Board, and it helps other members of the  
5 public who aren't here today to see what you have to  
6 say. All right. So we will stand in recess for  
7 five minutes, a little over five minutes. We'll  
8 return at 11:35. Thank you.

9 (A recess was taken from 11:29 to 11:36 a.m.)

10 JUDGE O'REILLY: Okay. We will go back on  
11 the record with Dr. Swank.

12 MS. SWANK: Good morning. Thank you,  
13 Judge O'Reilly, Lieutenant Governor Flanagan, and  
14 members of the CAAP Board for this opportunity to  
15 testify this morning.

16 I'm Dr. Heidi Swank. I am the Executive  
17 Director of RETHOS Places Reimagined. We're a  
18 regional historic preservation nonprofit based in  
19 Minnesota.

20 Our organization was founded in Minnesota  
21 in 1981. Over the 40 years that we have worked in  
22 historic preservation, we have worked in and among  
23 many of the difficult stories that make our state.  
24 In 2020, with the murder of George Floyd, we saw  
25 some of these stories catapulted to where they

1 should be in our public conversations and  
2 discussions. However, we also know that Minnesota's  
3 struggle around equity and racial equality goes  
4 back, as it does for every state in our union, much  
5 further than this. The history of our entire  
6 country is based in conflict and struggle around  
7 equity. For too long, we've avoided full and real  
8 conversations around race and equity in our country.  
9 We have avoided pulling these conversations into the  
10 public sphere. It seemed too uncomfortable, too  
11 difficult. But in all honesty, such avoidance only  
12 served to keep those in power comfortable, and this  
13 silence made divisions worse, increased inequity,  
14 and created a space in which George Floyd, Philando  
15 Castile, Breonna Taylor and others lost their lives.

16 Therefore, we welcome this much-needed  
17 change in how the public engages with our history.  
18 Commemorative works that appear on our Capitol  
19 grounds are important means for our state to  
20 publicly say who we are. Changing the rules to  
21 include public participation is the most important  
22 step that this body could take to ensure that we are  
23 engaging in difficult conversations, that we  
24 understand that talking about these issues is how we  
25 move forward from this point in our history. Thank

1           you for taking this step.

2                   I do have one technical comment regarding  
3           the process for the addition of artworks. In  
4           looking at the process for modification and removal,  
5           I see a clear space for public engagement. However,  
6           in the rules for adding art, the language is a bit  
7           more vague. In subpart 3D, there is mention that,  
8           quote: The Board must hold a public hearing. And  
9           in F it states that the Board must lay out, quote:  
10          the plan for informing and engaging stakeholders. I  
11          would suggest that in D, that it state that time  
12          will be set aside for public comment in this  
13          hearing, and that in F, I would also suggest that  
14          the plan be made explicit in the rules so the public  
15          can get used to a single plan and know how to and  
16          when to engage with this body.

17                   Again, thank you so much for allowing  
18          RETHOS to testify. We appreciate it and support  
19          these changes.

20                   THE COURT REPORTER: Can I just ask you to  
21          spell your name? Thank you.

22                   MS. SWANK: Oh, my apologies. Heidi Swank,  
23          H-E-I-D-I, S-W-A-N-K.

24                   JUDGE O'REILLY: I'm going to ask you a  
25          couple questions. If you could restate the group

1 that you are the Executive Director for. I have  
2 only the abbreviation.

3 MS. SWANK: It's RETHOS, R-E-T-H-O-S.

4 JUDGE O'REILLY: Okay. And RETHOS doesn't  
5 stand for anything in particular? That's not an  
6 abbreviation, okay.

7 MS. SWANK: It is not.

8 JUDGE O'REILLY: Okay. Second question  
9 for you is, could you specifically identify the rule  
10 and parts you were talking about? I have subpart 3D  
11 and F, but of which particular rule? That helps.

12 MS. SWANK: I will say that I am new to  
13 Minnesota statutes, so I moved here about a year  
14 ago. I'm much more used to Nevada statutes, so I  
15 may need to look that up.

16 JUDGE O'REILLY: Might be able to help you  
17 here.

18 MS. SWANK: -- submit it with my written  
19 comments.

20 JUDGE O'REILLY: Hold one moment. I'm  
21 pulling up the rules. I believe the addition of  
22 artwork is set forth in rule. And Ms. Clapp-Smith,  
23 if you help me here. I believe it's 2400.2703.  
24 That's the review of new artwork; is that correct?

25 MS. SWANK: That sounds correct to me, but

1 I'm --

2 JUDGE O'REILLY: Okay. I'm just going to  
3 do this. And then subpart 3D. Okay, and then F.  
4 This is something that I have identified for myself  
5 because then -- when I was reviewing the rules, they  
6 switch back and forth between public meeting and  
7 public hearing, and they have kind of different  
8 ideas. So, you know, whatever the Board can do to  
9 help clarify that, if it should be public meeting or  
10 public hearing, or if there is differences in how  
11 they intend for those processes to work. I think  
12 that would be helpful to me. That's something that  
13 stood out when I first read the rules. So I'm just  
14 going to give you a little heads-up to help me with  
15 that as I go through.

16 So thank you for bringing this to our  
17 attention, Dr. Swank. I appreciate your comments.

18 Next we turn to Ms. Campbell. State and  
19 spell your first and last name.

20 MS. CAMPBELL: For the record, my name is  
21 Erin Campbell, E-R-I-N, C-A-M-P-E-L-L. I serve as  
22 an Assistant Commissioner at the Department of  
23 Administration.

24 I want to thank you for the opportunity to  
25 make comments on the proposed CAAP Board rules

1 before you today. The Department of Administration  
2 is grateful that the CAAP Board has brought forward  
3 these rules for consideration and agrees the Board  
4 would be well served to have a process to consider  
5 the modification or removal of existing artworks on  
6 the Minnesota State Capitol grounds.

7 These rules are important to the  
8 Department of Administration for a few reasons. Per  
9 Minnesota Statute 16B.24, Admin is responsible for  
10 maintaining and operating state buildings and  
11 grounds on the -- in the Capitol area. Admin also  
12 oversees the construction and capital improvement  
13 projects in state buildings, including the addition  
14 or removal of monuments. Finally, Admin maintains  
15 the monuments on the Capitol complex.

16 Over the years, Admin has received  
17 inquiries from members of the public seeking removal  
18 of monuments. Admin has never been the right entity  
19 to receive those requests and has always sent them  
20 along to the CAAP Board for consideration. The lack  
21 of a clear and well-defined process has caused  
22 confusion. As a result, Minnesotans have not been  
23 able to have their voices heard on these important  
24 matters. There has been an understandable  
25 frustration with the current process or lack



1           thereof. Minnesotans are better served when we  
2           offer transparent processes where Minnesotans can be  
3           heard. These new rules provide for such a process.

4                         Five years ago, the Department of  
5           Administration oversaw the restoration of the State  
6           Capitol. Improvements were made to the building to  
7           ensure it would last another 100 years. We  
8           celebrated with a grand opening that welcomed all  
9           Minnesotans back to the people's house. The theme  
10          of that celebration was My Minnesota Capitol. Our  
11          vision was that all Minnesotans would see this as a  
12          physical space that belonged to them where they are  
13          welcome. In order for that to be true, we need to  
14          ensure Minnesotans have an opportunity to weigh in  
15          on their experience on the Minnesota Capitol complex  
16          and we need checks and balances and the occasional  
17          review to ensure the Capitol complex remains a safe  
18          and welcoming place for all.

19                        For these reasons, Admin believes the  
20          proposed CAAP Board rules are needed and reasonable,  
21          and we are proud to endorse them. Thank you for  
22          your time.

23                        JUDGE O'REILLY: Thank you. Sorry, when  
24          I'm writing and have to unmute myself so it takes me  
25          a second between each person. Thank you for your

1           comments, Ms. Campbell.

2                       Let's turn now to Ms. Tock. If you could  
3 please state and spell your first and last name.

4           MS. TOCK: Good morning. My name is Rosa  
5 Tock, R-O-S-A, T as in tomato, O-C-K. (Speaking  
6 Spanish.) Good morning, Judge O'Reilly and members  
7 of this panel. My name is Rosa Tock, and I am the  
8 Executive Director of the Minnesota Council on  
9 Latino Affairs.

10                   As a state agency, the Council advises and  
11 informs state government on issues that are relevant  
12 and critical to Latino communities in the state,  
13 including visibility, representation, and  
14 celebration of our achievements and contributions to  
15 the state. Thank you for the opportunity to have  
16 the Council commenting on the updates to the  
17 Minnesota rules brought forward by the Capitol Area  
18 Architectural and Planning Board.

19                   I think that these updates are timely. I  
20 believe that the Board, and for that matter, the  
21 state of Minnesota, will be well served to have a  
22 clear process to consider the modification or  
23 removal of existing artworks on the Minnesota State  
24 Capitol grounds. Someone who frequents the Capitol  
25 complex as part of my job, I have always navigated

1 the area with a certain ease, but I understand why  
2 so many in the public and the community we serve  
3 might feel intimidated not only by the space but  
4 also because there's very little on the Capitol  
5 grounds that relates directly to ordinary citizens  
6 or reflects the diverse cultures and generations  
7 that are today's Minnesota. Actually, as far as I  
8 know, there's not a single artwork reflecting  
9 Latinos on the Capitol grounds or the Capitol  
10 building.

11 Before the pandemic and the riots after  
12 the murder of Mr. George Floyd, I was always amazed  
13 at how open the Capitol complex was to the public.  
14 I come from a country where elected officials are  
15 very distant from the people they serve. But here,  
16 one of the most important and cherished  
17 characteristics of the Capitol is its openness and  
18 its direct connection with the other buildings where  
19 people can attend hearings, ask for assistance, and  
20 meet with their representatives. So that criteria  
21 of approachability and accessibility is, thus, a  
22 very useful and reasonable criteria to include in  
23 order to make this beautiful space, especially the  
24 Capitol Mall, one that can be welcoming and  
25 enjoyable for all.

1           As for the other criteria, I think that  
2           the proposals by the task forces on inclusion is a  
3           huge step forward. The focus on social and cultural  
4           context, equity and diversity, and representation  
5           will over time lead to a Capitol complex that will  
6           help every Minnesotan see themselves as having  
7           contributed to the state.

8           I think of the busses of young people who  
9           toured the Capitol, more than half of whom are girls  
10          and nearly a majority now are students of color.  
11          What do these young people think when they see the  
12          art and monuments? Can they imagine themselves as  
13          actors in state government? These new set of rules  
14          will, we hope, help every busload of students see  
15          themselves where people like themselves are crucial  
16          builders of this state.

17          The rules associated with community  
18          feedback and assessing the cultural or historical  
19          impacts in removal of an existing artwork are also  
20          significant. Here, I ask that the planning board  
21          intentionally and consistently seek out an array of  
22          voices that make our diverse Latino communities. No  
23          community is monolithic, and this is particularly  
24          true of Latinos and Latinas, Latinx.

25          Finally, the process in itself is also

1 clearer and provides a road map for individuals and  
2 organizations to know how to request modifications  
3 or additions on the Capitol grounds. I would  
4 suggest that both this process and the forms be  
5 available in other languages. I believe that each  
6 one of these criteria are reasonable and very much  
7 needed. Rules are important, but it is critical  
8 that the rules are fair and lead to greater  
9 representation of our diverse communities,  
10 respecting everyone's history and dignifying all  
11 Minnesotans' presence and the cultural and political  
12 contributions to the state, and that must include  
13 our diverse Latinx communities. Thank you very much  
14 for your work and your service.

15 JUDGE O'REILLY: Thank you. I've got a  
16 question for you, Ms. Clapp-Smith. If I don't stay  
17 muted while people talk, is there an echo?

18 MS. CLAPP-SMITH: I have not noticed one.

19 JUDGE O'REILLY: Okay. I keep muting and  
20 unmuting myself in case there is an echo because  
21 everybody's voices are -- the speakers are coming  
22 through the speakers; those talking come through the  
23 speakers very loudly in this room. I just didn't  
24 want an echo.

25 All right. Next we turn to Ms. Sloan.

1 Ms. Sloan?

2 MS. SLOAN: Good morning, good morning.  
3 Good morning, Judge O'Reilly and Planning Board. My  
4 name is Linda Sloan. And for the record, that's  
5 L-I-N-D-A, S-L-O-A-N. And S as in Sam.

6 I'm the Executive Director for the Council  
7 for Minnesotans of African Heritage. Thank you for  
8 the opportunity to speak regarding the proposed  
9 changes to the rules governing the addition,  
10 modification, and removal of artwork on the Capitol  
11 grounds. This is definitely a great step in the  
12 right direction.

13 Having artwork that is culturally  
14 reflective of the various communities within the  
15 state is key to the perception and experience of  
16 inclusion. Currently, there are over 483,000  
17 individuals who identify as being of African  
18 heritage. Due to projected demographic changes,  
19 this number is expected to continue to increase.  
20 People of African heritage make a significant  
21 contribution to the state of Minnesota and have an  
22 estimated economy of \$14 billion. There is an  
23 expectation that when we go to the Capitol, that we  
24 are going to our Capitol, and as we look around,  
25 that we will see images that reflect the African

1 heritage community.

2 We appreciate the insertion of equity,  
3 diversity, and inclusion in the process of the  
4 initial applicant review. However, it shouldn't  
5 stop there. It should be throughout the process,  
6 starting with ensuring that the staff is diverse and  
7 understands cultural nuances. In addition, all  
8 throughout the design process, artist selection,  
9 removal process, basically wherever there is  
10 decision-making authority, there should be diversity  
11 to ensure that there is equity. Process information  
12 should be clear and intentionally communicated to  
13 communities of color.

14 The issue of applicant funding should also  
15 be addressed. Marginalized communities might not  
16 have access to funding for additions. However,  
17 their idea might be worthy of selection. How do you  
18 ensure that these suggestions are able to be  
19 executed?

20 And last, under the removal of artwork,  
21 the cultural and historical impact statement, the  
22 language of significantly intimidating or adversely  
23 affecting a group of people definitely needs to be  
24 included. However, it should be more clearly  
25 defined. For example, there are some people who

1 don't want slavery taught in schools because they  
2 believe it is intimidating to some students.  
3 Unfortunately in America, we sometimes avoid the  
4 facts, the ugly truth. However, these historical  
5 moments, no matter how horrific, are important and  
6 need to be mentioned in order to reduce the  
7 likelihood that they will be repeated. And then if  
8 we find that the state has honored individuals who  
9 have participated in heinous acts, then the artworks  
10 should be removed swiftly.

11 Thank you again for your work on this  
12 amendment that addresses some concerns regarding  
13 diversity, equity, and inclusion, and for allowing  
14 me to just speak freely. We support this amendment.  
15 And just as a reminder, the ethnic councils are  
16 always available for consultation regarding issues  
17 that impact our communities. Have a good day.

18 THE COURT REPORTER: You're on mute,  
19 Judge.

20 JUDGE O'REILLY: Oh, here I went and did  
21 it myself. I apologize. Thank you very much.  
22 Thank you, Ms. Sloan.

23 Next we turn to Ms. Her. If you could  
24 state and spell your first and last name.

25 MS. HER: Thank you, Judge O'Reilly, and



1 members of the Capitol Area Architectural and  
2 Planning Board for allowing me to address you this  
3 morning, or afternoon now.

4 My name is Sia Her, and that's spelled S  
5 as in Sam, I as in igloo, A as in apple. And my  
6 last name is spelled Her, H as in her, E as in egg,  
7 and R as in run. And I serve as the Executive  
8 Director of the State Council on Asian Pacific  
9 Minnesotans.

10 As my two colleagues have articulated, my  
11 agency and the other two ethnic councils are  
12 noncabinet executive branch agencies charged by the  
13 legislature with the statutory duty of advocating on  
14 behalf of, in my case, Minnesota's more than 350,000  
15 strong Asian American and Pacific Islander  
16 communities. We also serve as an advisory body to  
17 the legislative and executive branches of  
18 government. And it is in this advisory capacity  
19 that I address you today.

20 As an agency, we believe that the CAAP  
21 Board is taking the appropriate steps to examine and  
22 propose a public process for the addition of new  
23 artworks or the modifications and/or removal of  
24 existing artwork located on the Capitol grounds.  
25 Commemorative art is one of the very public ways

1 that we tell our story to ourselves and to visitors.  
2 That art shows not just who we are, but who we think  
3 we should be. My favorite history teacher reminded  
4 us that in ancient days, the definition of what it  
5 meant to be a citizen was one who is welcome in the  
6 walls. The walls provided a chance for shelter, for  
7 safety, and for belonging. It meant that one  
8 mattered; that one was equal. Art in the Capitol  
9 and on the Capitol grounds is a way of conferring  
10 citizenship, of saying that people as individuals  
11 and groups matter. As such, a clear and transparent  
12 process for commemorative artwork provides an  
13 opportunity to allow for Minnesota's cultural and  
14 ethnic communities to see themselves woven into the  
15 tapestry of our great state. Commemorative artwork  
16 has significant power in shaping the stories we tell  
17 ourselves about who we are as a community and as a  
18 collective state.

19 The Capitol is understood by the many  
20 leaders of our diverse ancestry communities as the  
21 seat of government, the place where powerful  
22 Minnesotans convene to shape and reshape the  
23 conditions that allow for the American and  
24 Minnesotan way of life. As such, when members of  
25 our community see themselves represented in the work

1 on the Capitol grounds, they see their stories being  
2 told to all Minnesotans and, therefore, validated.

3 As an examples of Capitol ground art, the  
4 Special Forces in Laos Memorial has served as a  
5 beacon to our Southeast Asian diaspora communities.  
6 For Hmong and Lao American communities, the memorial  
7 stands as a permanent recognition by our government  
8 of their contribution to our country. The memorial  
9 educates and provides all who visit the Capitol, as  
10 well as the state's highest leaders and public  
11 officials, of the sacrifices made by so many in the  
12 pursuit of freedom and democracy, and the memorial  
13 honors the plight of refugees, in this case, the Lao  
14 and Hmong. The Special Forces in Laos Memorial also  
15 serves as a destination, expanding the reach of the  
16 people's house to not just those in St. Paul but  
17 across our great state and across the nation. Since  
18 its erection, community members have travelled  
19 significant distances to visit the memorial and  
20 subsequently to tour the people's house. They begin  
21 to see and understand themselves as part of state  
22 government, rather than existing outside of it.  
23 They see themselves as welcome within the walls.  
24 This sense of celebration and belonging could be  
25 harmed through other works that do not reflect the

1 inclusive spirit of works like the Special Forces in  
2 Laos Memorial. Therefore, just as there is an open  
3 and public process for the creation of artwork that  
4 uplifts community voices, there must also be a  
5 process for the modification or removal of works  
6 that are to the detriment of that democratic spirit.

7 Our Council strives to advise state  
8 government on matters of importance to Asian  
9 Americans and Pacific Islanders, and in doing so,  
10 advocating on behalf of these Minnesotans. In our  
11 role as the advisory and advocate for this  
12 community, we support the CAAP Board taking the  
13 appropriate steps to examine and propose a  
14 stakeholders engagement process for the addition of  
15 new artworks or the modifications and/or removal of  
16 existing artwork on Capitol grounds.

17 Thank you so very much for your time this  
18 afternoon, and I will, of course, submit my written  
19 comments to the eComments site as requested by Judge  
20 O'Reilly. Thank you.

21 JUDGE O'REILLY: Thank you very much. Ms.  
22 Badgerow, if you could state and spell your first  
23 and last name for me.

24 MS. BADGEROW: Thank you, Judge O'Reilly.  
25 Dana, D-A-N-A; Badgerow, B-A-D-G-E-R-O-W.

1 Lieutenant Governor Flanagan, Judge  
2 O'Reilly, I am actually the newest member of the  
3 CAAP Board, but I'm speaking today really giving my  
4 perspective as a public member of the Decision  
5 Process Task Force. I want to reflect upon the task  
6 force process that we used to --

7 (Side conversation by Erik Anderson.)

8 JUDGE O'REILLY: Hold on one moment.  
9 There is somebody who is unmuted. Not sure who you  
10 are. Ms. Badgerow, I think we took care of that.  
11 Let's go back to you were talking about the task  
12 force.

13 MS. BADGEROW: Thank you, Judge O'Reilly.  
14 First, I want to note that as a white woman of  
15 privilege and having served two Republican governors  
16 as Commissioner of Administration, I still did not  
17 fully appreciate the significance of the issue of  
18 potentially controversial commemorative works on our  
19 Capitol grounds.

20 I actually became oriented to this issue  
21 as a public member of the State Capitol Renovation  
22 Commission. My eyes were opened, and we dealt  
23 decisively with works of art in the Capitol,  
24 especially several controversial and  
25 historically-inaccurate paintings in the Governor's

1 Reception Area. But I still didn't realize, going  
2 into the task force work, how compelling was the  
3 need for disciplined and fair process for removal of  
4 a commemorative work, which need, of course, was  
5 brought sharply into focus following the forced  
6 removal of the Christopher Columbus statue.

7 Any process like this requires strong  
8 leadership and a wide variety of viewpoints. And I  
9 just have to say that Chair Dr. Gwen Westerman  
10 brought not only her impeccable credentials as an  
11 academic and author, she was even-handed, fair, and  
12 thorough as she led this task force through the  
13 work. And the diversity of the group, even  
14 testified by my own presence, was notable. But most  
15 compelling for me really were the perspectives of  
16 the indigenous members as they brought their  
17 perspectives on how certain historical figures, when  
18 celebrated, can today evoke painful emotions.

19 We looked at how other states and  
20 jurisdictions have handled these issues, and we  
21 really found very few exemplars of fair and  
22 well-documented processes, so we knew we were  
23 plowing some new ground.

24 But I was particularly taken with the  
25 notion of the recontextualization, which is placing

1 a work, a commemorative work, in a context, which  
2 takes into account all aspects of the person's life  
3 and works and gives a balanced view of those works  
4 to include both intent and inadvertent harm caused  
5 to peoples and races, and particularly when viewed  
6 against current notions of fairness and equity.

7 It was also clear that we needed to  
8 provide a clear set of standards by which these  
9 works can be considered or reconsidered. And I  
10 truly believe the task force compiled a  
11 well-reasoned set of such standards. It was also  
12 important that the rules allow for diversity of  
13 voices to be heard, which due process is certainly  
14 present in these rules.

15 So there is no question in my mind that  
16 there is a need for this process, and I believe that  
17 the resulting rules changes do allow for an open and  
18 constructive method for assessing the full context  
19 of any commemorative work, both existing and new.  
20 So thank you very much for letting me provide my  
21 perspective.

22 JUDGE O'REILLY: Thank you very much, Ms.  
23 Badgerow.

24 Next, we turn to Mr. Schorsch.

25 MR. SCHORSCH: Thank you. My name is

1 Brandon Schorsch, spelled B-R-A-N-D-O-N; last name  
2 is Schorsch, S-C-H-O-R-S-C-H. And thank you for  
3 letting me testify today on these rules.

4 In my professional work, I study  
5 specifically contemporary extremist movements,  
6 specifically white nationalism. And one of the  
7 things that I found really incredible about this  
8 process and about these rules is that, as I believe  
9 the previous person who just finished their  
10 testimony, Ms. Badgerow mentioned, many places don't  
11 -- have not or did not have rules to deal with the  
12 removal or the recontextualization of monuments.  
13 And we've seen time and time again over the last  
14 several years where public concern and public debate  
15 has come out around many monuments around the  
16 country, not just in Minnesota. But because many of  
17 these processes did not exist to begin with or were  
18 so complicated, it allowed opportunities for  
19 political -- for political showboating, but also for  
20 extremist movements to come in and use these  
21 discussions as an opportunity to go and hijack  
22 moments. The events in Charlottesville in 2017 are  
23 an example of that where there were discussions  
24 about removing some Confederate monuments and those  
25 extended discussions allowed for an opportunity for



1 extremist groups to move in and try to hijack the  
2 public space.

3 I'm very excited to see rules like these  
4 coming into effect, although I do have a couple of  
5 concerns mainly with making it clear to the public  
6 once any rules become official. I know several  
7 people have mentioned the importance of plain  
8 language. I'd like to go one step further beyond  
9 that. Not only is plain language important, but a  
10 good design is really important. In my studies,  
11 I've studied things like civic design, the Center  
12 for Civic Design mainly focuses on elections and  
13 making elections language easier to navigate because  
14 not only are most people not familiar with legalese,  
15 but also there's a lot of complicated if/then  
16 statements that are often within official rules and  
17 administration. And making sure that these things  
18 can be unwrapped and easily brought to the public,  
19 and then also easily translated into other  
20 languages. It's hard to translate legalese into  
21 another language. Meanwhile, it is much easier to  
22 translate plain language statements into a myriad of  
23 other languages.

24 And that's where things like -- these are  
25 the two spots that I have concerns about, and only

1 the concern of how they're reflected to the public  
2 as these come up. First is in the standards section  
3 subpart 1(b)(3). I think that's the correct way to  
4 say it. About the every 10 years concept.

5 JUDGE O'REILLY: Hold on one second.  
6 Let's -- bring me to the rule itself.

7 MR. SCHORSCH: Let me get there. We are  
8 in -- I've got the PDF open. Sorry, I really have  
9 to scroll through this thing.

10 2400.2702, subpart 1, section B: The  
11 Board must -- no, that's the wrong one. I'm talking  
12 about the timeline, the 10-year requirement. Where  
13 did that go?

14 MS. CLAPP-SMITH: Are you talking about  
15 the timeline of reviewing the collection every 10  
16 years?

17 MR. SCHORSCH: Yes, that is what I'm  
18 talking about. Just making it clear to the public  
19 how that works.

20 JUDGE O'REILLY: Hold on. Let's find out  
21 where, which particular rule you're talking about.  
22 Could you help us, Ms. Clapp-Smith?

23 MS. CLAPP-SMITH: Yes, I'm working on it.

24 MR. SCHORSCH: I have found it. It is in  
25 that section 2400.2703, subpart 1, section B, item

1 3. So that's line 5.5 in the PDF RD --

2 MS. CLAPP-SMITH: Yes.

3 MR. SCHORSCH: -- 720. So reviewing  
4 existing commemorative artwork as needed every 10  
5 years to gather public input and ensure that it's  
6 meeting the intents of these rules. Just as an  
7 everyday person, I'm looking at that thinking, does  
8 that mean that these discussions can only happen  
9 once every 10 years, as discussions may change very  
10 quickly in the public as new information is learned  
11 about artists or figures. It may be a part of -- it  
12 may be in the interest of the Board to go and review  
13 these things again even though they may have just  
14 reviewed them a few years prior. So that's question  
15 number one, what does that 10-year timespan look  
16 like? Is it a closed book the moment that a review  
17 comes through, or is it something that can be  
18 returned to in extreme circumstances?

19 And my second question is about just how  
20 it would be reflected to the public. Is -- and let  
21 me get the line item for you again. It's the --

22 JUDGE O'REILLY: Please state the rule and  
23 then the subparts.

24 MR. SCHORSCH: You got it. This is the  
25 one I forgot to write down the numbers for. All

1 right. Subpart 6. All right. So it is subpart 6 of  
2 -- scrolling all the way back up to the rule. Again  
3 in 2400.2703. When we get to subpart 6, it states  
4 -- all right. These are the conditions for  
5 modification or removal. And my main question is  
6 just about section -- or I guess item A, it's line  
7 12.4 in the PDF. There has been a sustained  
8 overwhelming and documented public objection to an  
9 artwork. And just thinking ahead to how the public  
10 may interpret that, is what each of those words may  
11 mean for members of the public. You know, is  
12 "documented" only applicable to formal complaints  
13 that are mentioned in the rules, i.e. removal  
14 request by applicants, you know, through the website  
15 or whatever method of public engagement that this  
16 Board produces? And of course, what time or  
17 frequency allows something to be sustained? Like  
18 what -- how do we consider what is sustained? And  
19 lastly, what amount of public outcry or comments  
20 would be considered overwhelming?

21 I know that those aren't things that can  
22 really be stated in rules. These are meant to be  
23 guiding principles. But as the public engages with  
24 these rules as they come into effect, having these a  
25 little more clear to members of the public as

1 they're navigating this process may be something  
2 that is very welcome.

3 But again, I wholeheartedly support this  
4 entire process. It's very exciting to see this and  
5 to see that rules are coming into effect where we  
6 can have public discussions and public debate around  
7 these things rather than being caught with our  
8 shoelaces tied together, unable to really respond to  
9 when there is public outcry around public artwork.

10 JUDGE O'REILLY: Okay, very good. Thank  
11 you very much, Mr. Schorsch.

12 MR. SCHORSCH: Thank you so much.

13 JUDGE O'REILLY: Mr. Lentz, if you could  
14 state and spell your first and last name.

15 MR. LENTZ: Okay. This is -- I'm Ted  
16 Lentz, L-E-N-T-Z. My -- is that sufficient?

17 JUDGE O'REILLY: Yes.

18 MR. LENTZ: I am the President of the Cass  
19 Gilbert Society, and I am -- also had served on the  
20 Public Engagement Task Force and was very familiar  
21 with the background work with Carl Crawford who has  
22 spoken before.

23 And I -- number one, the request and  
24 proposal, I think, is absolutely terrific. And  
25 speaking as someone who I was co-chair or

1 participant in five of the public meetings and heard  
2 -- and ended up writing summaries that totalled 30  
3 to 40 pages; I don't recall the exact total. Of  
4 that, I was really -- I'm very impressed with the  
5 work that was done and I would really like to  
6 compliment Gwen Westerman and her team on taking  
7 what were very broad-brushed conversations and  
8 bringing it down to 11 points for modification and  
9 11 points for removal, I think is one of the best  
10 editing programs I've experienced. So I really want  
11 to congratulate them.

12 What I think is really, for me, became an  
13 important subpart of this discussion, though, is  
14 that the -- it's a good -- it's important to be able  
15 to do this, but implicit behind all of this work,  
16 especially in the commemorative art, is that it's  
17 hard to understand. I think of the Roy Wilkins  
18 Memorial, which is an incredible work of art. And  
19 yet, I've taken people through that and several ask,  
20 younger people but sometimes people my age in their  
21 70s, say, Who was Roy Wilkins? What's the  
22 background? And I found myself going to the  
23 Minnesota Historical Society's information desk and  
24 asking about the pamphlet I was told they had, and  
25 no one could find it that day and I'm told that it

1 later showed up. And when I did find one, it had --  
2 it was -- had been written 10 years earlier. So,  
3 you know, I'm saying that because for me, there is  
4 several important messages that having this program  
5 put in place and having the discussions around it  
6 and having the conversations with many people in  
7 those public meetings, they increasingly -- they  
8 often said, I've been there for protests. I walked  
9 by the place. I really don't understand what it is.  
10 Is it possible to get more interpretive material?  
11 And my thinking is, yes, that really should be the  
12 very next step. And in fact, I feel it's become --  
13 it almost seems imperative that that happened for  
14 the memorials and monuments that sit outside the  
15 building.

16 But beyond that, what I think is an  
17 important part that needs to be -- should be  
18 repeated or reminded is that with the restoration  
19 and preservation of the existing Capitol, there were  
20 approximately 40,000 square feet of space that were  
21 added inside the building that are now available for  
22 public display of art. And Christine is one of the  
23 people on that committee and had spoken of setting  
24 up exhibits, and it takes awhile, making certain  
25 it's done well. So there have been exhibits on the

1 third floor, all of which have been taken down with  
2 COVID and nothing new has gone on. However, about  
3 half of the 40,000 square foot addition is in the  
4 basement area. And what many people now forget is  
5 that prior to the restoration, with the exception of  
6 construction plywood corridors or painted stone  
7 corridors in the narrow basement areas and a single  
8 staircase that took you from the basement to the  
9 ground floor, now this basement alone has about  
10 20,000 square feet of space that is totally open to  
11 the public. Though corridors, what now are public  
12 corridors, were four and five feet high prior to the  
13 construction, and they are now eight feet high  
14 because the floor level was excavated and taken  
15 down. So we have -- the future is very bright for  
16 the state, especially with the Capitol becoming a --  
17 the people's house. It is the -- we have a chance  
18 to tell the story. And I just -- I feel anxious to  
19 know that suddenly we have a process of getting  
20 people involved, and much of the complaints, anxiety  
21 I hear from people relates to misunderstanding about  
22 what's really there. And we --

23 I think it's easy for many people to  
24 understand why people want to remove the Columbus  
25 statue. It is a little more difficult to understand



1 why people want to remove the Lindberg monument.  
2 And I think there are good reasons for wanting to  
3 reconsider that but also extraordinarily good  
4 reasons for having it reinterpreted and having  
5 people say, oh, well, never mind. I think that we  
6 can work with -- if we understand that, et cetera.

7 So overall, I think this is a wonderful  
8 step that has to be taken, but I really feel  
9 committed and hopeful that either the Governor --  
10 Lieutenant Governor's Office or the CAAP Board, or  
11 typically it's been in the Minnesota Historical  
12 Society -- but -- and I know they're in charge.  
13 They have the responsibility for the Capitol. But I  
14 feel that there is -- you know, there is an  
15 opportunity for changing the narrative, for making  
16 it accessible to kindergartners and sixth graders  
17 and high school kids, making all of those documents  
18 -- and that's -- you know, I'm repeating myself so I  
19 should stop at this point.

20 But I -- again, I think we have a -- it's  
21 a great start. But what gets me excited is being  
22 able to address -- just changing the rules will not  
23 address many of the things that I heard in the  
24 public meetings that we held, and I would like to  
25 just -- I'm trying to address that. So that's it.

1 JUDGE O'REILLY: Okay, thank you for your  
2 comments.

3 Ms. Logan, are there other people who have  
4 rejoined us -- joined the queue again to speak  
5 again?

6 MS. LOGAN: We do not have any other  
7 testifiers at this time. Just had a question:  
8 Would it be possible to put a link to write in the  
9 comments in the chat? And this is from an attendee  
10 asking me this question. If they send me a link, am  
11 I able to share that with everyone?

12 JUDGE O'REILLY: No. What -- you mean  
13 somebody is asking for a link as to where to look at  
14 the comments or where to submit the comments?

15 MS. LOGAN: I'm not sure. Submit.  
16 Submit, sorry.

17 JUDGE O'REILLY: Okay. If you pull up my  
18 previous -- let's use this time to pull up my  
19 PowerPoint, if you would, please, Mr. Payment. And  
20 let's go -- let's just do a real quick recap of --  
21 let's go to slide number 10, if you would be so  
22 kind.

23 MS. LOGAN: He just needs to share his  
24 screen so it'll just take him a second.

25 JUDGE O'REILLY: No problem.

1 MS. LOGAN: He's pretty fast. There you  
2 go.

3 JUDGE O'REILLY: All right. So if he goes  
4 to slide 10 of mine. All right. So let's start  
5 here. This is slide 9, and this is the agency  
6 exhibits. They're available on that website. And  
7 that is mn.gov, and if you just go to the CAAP  
8 Board, you will see. If you go to their website,  
9 you'll see where you can look at their exhibits.

10 Now, if you want to comment, right, you  
11 can go to [www.minnesotaoah](http://www.minnesotaoah) -- that's one word --  
12 [minnesotaoah.granicusideas.com](http://minnesotaoah.granicusideas.com). All right? That  
13 seems like a very long website, but if you just go  
14 to the OAH website and you look at -- I'm just going  
15 to pull it up myself here just so that I can direct  
16 you well. Hold on one second. I'm going to do a  
17 search for Minnesota OAH. I get to our base page.  
18 And then if you look in Forms and Filing at the top,  
19 there's a pull-down menu. You'll see rulemaking  
20 comments, and that brings you to the rulemaking  
21 website. And it gives that granicus address that  
22 you can double-click on.

23 MS. LOGAN: I put it into the comments to  
24 everybody, the chat.

25 JUDGE O'REILLY: Perfect.

1 MS. LOGAN: I believe I grabbed the  
2 correct one, but just please make sure that I did.

3 JUDGE O'REILLY: Let me look. Yep, that  
4 would be great. That takes you straight to the  
5 Capitol Area Board comments. I'm going to click on  
6 it real quick. Yes. And then if you want to add  
7 any discussion, you would go into that. You'll  
8 double-click on it, and you can add your comments  
9 there. Let me just go all the -- scroll all the way  
10 down, and it says View Topic. That's when you go in  
11 and you can enter -- you can sign in or sign up, and  
12 that's where you enter your comments. And I'm  
13 looking at them right now. I can see a lot of  
14 people have some have attachments, others have --  
15 Ms. Zindren, for example, it says: Please find  
16 attached. But I don't see anything attached there.  
17 So if you want to go in and put your attachment --  
18 but then I look at her next comment, and she said it  
19 was done successfully. So the first time she did  
20 it, it didn't attach, but the second time she did  
21 and it's attached. And then I can double-click on  
22 that document and see it. So that's a great way of  
23 doing it.

24 I appreciate everybody who is taking the  
25 time to come in and put your written comments in.

1 While you have orally given them, it just helps.  
2 Sometimes some people are readers, some people are  
3 listeners. I like to do both. I like to listen and  
4 hear and then go back and read. So I really  
5 appreciate that.

6 So Ms. Logan, has anybody else joined us?

7 MS. LOGAN: No, we do not have any other  
8 testifiers, and I've sent a message out to everyone  
9 letting them know I don't have anyone else and if  
10 you would like to, please sent me a chat. But I  
11 have not gotten any other requests.

12 JUDGE O'REILLY: Okay. Now, I'm going to  
13 give one last call. If you want to be heard or  
14 heard again, please indicate it in the chat or press  
15 \*3.

16 Ms. Logan, just confirm that you've been  
17 pulling people from the telephone, correct, as well?

18 MS. LOGAN: Yes. They're still able to  
19 let me know even though they're calling in. They  
20 should be able to have a feature that allows them to  
21 do that with \*3. They could raise their hand. If  
22 they raise their hand, I would be able to call on  
23 them and unmute them.

24 So if anyone is having issues and you want  
25 to testify but you're able to get a chat message, if

1 you can actually click on the hand that's right next  
2 to your name. And again, if you're calling in, if  
3 you hit a \*3, that should pop your hand up. And  
4 then we will certainly give you the opportunity to  
5 get on the testifying list. But so I haven't seen  
6 any hands raised, and I have no other requests via  
7 chat.

8 JUDGE O'REILLY: Okay. So I just want --  
9 if you could put up slide 25 of mine as I conclude  
10 this hearing. As the notice said, that the hearing  
11 ends when the last person present has had an  
12 opportunity to speak. We don't sit around until  
13 4:30. It would not be a good use of everybody's  
14 time. Instead, we end when the last person has the  
15 opportunity to speak.

16 So I want to remind everybody that if you  
17 are submitting written comments, they should be  
18 received by April 4, 2022. And rebuttal, now  
19 remember, rebuttal is just replying to somebody  
20 else's comments. It's not coming up with something  
21 new. Those rebuttals must be received by April 11,  
22 2022.

23 And I see that there is a little -- on my  
24 -- as you see on my slide number 25, I'm still  
25 behind the times in my mind sometimes, and I have

1 April 11, 2021. That's actually April 11, 2022. My  
2 bad. As many eyes that have been on this slide  
3 deck, we all missed it. So that's April 11, 2022,  
4 for rebuttal.

5 So Ms. Logan, anybody else? Okay.

6 MS. LOGAN: Not at this time.

7 JUDGE O'REILLY: All right. Well, this  
8 will then conclude today's rule hearing. Thank you  
9 all for your thoughtful comments, your expertise,  
10 and your assistance on this project. The CAAP Board  
11 and I are very grateful for your assistance.

12 Ms. Clapp-Smith, would you like to say  
13 anything else?

14 MS. CLAPP-SMITH: Thank you very much to  
15 everyone. And if you wish to make a comment, have  
16 any follow-up questions, please feel free to reach  
17 out to our office by phone or email. You can find  
18 information on our website, and we'd be happy to  
19 assist. So thank you very much, Judge O'Reilly.

20 JUDGE O'REILLY: Thank you to all. And  
21 this concludes today's hearing. Have a good rest of  
22 the day. Bye-bye.

23 (The hearing concluded at 12:33 p.m.)  
24  
25

1 STATE OF MINNESOTA )

2 )

3 COUNTY OF HENNEPIN )

4

5

6 I, Katriina Hendrickson, do hereby certify that  
7 the above and foregoing transcript consisting of the  
8 preceding 95 pages is a true and correct transcript  
9 of the video-conferenced proceedings to the best of  
10 my ability.

11

12

13

14 Dated: March 18, 2022.

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17

18

19

20 /s/ Katriina Hendrickson

21 KATRIINA HENDRICKSON

22 Registered Professional Reporter

23

24

25



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