



## Capitol Area Architectural and Planning Board

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[www.mn.gov/CAAPB](http://www.mn.gov/CAAPB)

**Date:** August 15, 2022 *(for August 24, 2022 Board meeting)*

**To:** The Capitol Area Architectural and Planning Board (CAAPB)

**From:** Merritt Clapp-Smith, CAAPB Executive Secretary

**Subject:** **Final Steps on Commemorative Works Rulemaking**

We are approaching the final steps in the commemorative works rulemaking process.

On March 14, 2022, Administrative Law Judge (ALJ) Ann O'Reilly presided over a public hearing on proposed amendments to Minnesota rules governing commemorative works on the Minnesota Capitol grounds. The hearing went smoothly and lasted two and half hours. Seventeen people spoke at the hearing and eight people submitted written comments.

At the Board's previous meeting on April 5, 2022, the Board approved a resolution to submit a "Response to Comments" letter to the Administrative Law Judge, with proposed revisions to the public hearing version of commemorative works rules, based on public input and comments.

Administration Law Judge Ann O'Reilly reviewed the proposed rule updates and public hearing input and issued a report on May 26, 2022, in consultation with Chief Administration Law Judge Starr (Chief ALJ). They expressed overall support for the proposed rules, while recommending some language edits for clarity, and requesting a few changes to certain steps in the commemorative works review process. The requested changes addressed rule language that the ALJ "disapproved" unless it was modified as recommended in the report.

CAAPB staff reviewed the report in detail and considered all recommendations and requests. Staff evaluated which ALJ recommended rule revisions to incorporate, and which to modify or further address in some manner. CAAPB staff then submitted the amended rule draft to the Revisor's office, which reviewed it for compliance with rule writing protocols. The Revisor provided further edits. The result is a revised set of rules and suggested modifications detailed in the attached letter to the Chief ALJ.

At the Board meeting, you will be asked to consider the rules as suggested for modification, and to vote on a resolution directing the CAAPB Executive Secretary to complete an Order to Adopt the rules, pending final approval by the ALJ.

Please review the related items that accompany this memo in advance of the Board meeting.

- a. Proposed letter to the Chief ALJ with suggested modifications to rules.
- b. Revisor copy of rules as revised since the March 14<sup>th</sup> public hearing version

**RECOMMENDED RESOLUTION**

The Executive Secretary of the Capitol Area Architectural and Planning Board, is authorized and directed to sign and to give the Notice of the Board’s Intent to Adopt Rules, based on a public hearing held on March 28, 2022, in the Revisor of Statutes [Revisor’s ID Number 4720, OAH 65-9055-37789XXX], dated [xx/xx/2022,] identified as Minnesota rules, parts 2400.2040, 2400.2703 and 2400.2705, with any modifications approved by the Board. The Executive Secretary must give this notice to all persons who have registered their names with the Board for that purpose. The Executive Secretary must also publish the Notice in the State Register. Furthermore, the Executive Secretary is authorized and directed to do anything else needed to complete this Notice.

**The Capitol Area Architectural and Planning Board**  
**DRAFT ORDER ADOPTING RULES**

**Adoption of Rules Governing Commemorative Works, Minnesota Rules, Chapter 2400; Revisor’s ID Number 4720, OAH 65-9055-37789**

**BACKGROUND INFORMATION**

1. The Capitol Area Architectural and Planning Board has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law. The Board authorized proposing the rules at its meeting on August 24, 2022, and a quorum was present.
2. The Board adopts the Chief Administrative Law Judge’s (Chief ALJ) Report dated May 26, 2022 and incorporates the Report into this Order, the Chief ALJ’s Report dated August XX, 2022, and the Chief ALJ’s Final Order on Review of Resubmitted Rules dated [DATE] (collectively referred to as “Reports”), and incorporates these Reports into this Order
3. Attached as Exhibit 1 is a certified draft of the rules showing the differences between the proposed rules heard at the public hearing on March 28, 2022 and the rules as adopted. All modifications to the rules have been approved by the Chief ALJ in her Reports. The modifications are needed and reasonable and do not render the rules substantially different from the original proposal.
4. The rules are needed and reasonable.

**ORDER**

The above-named rules, in the form published in the State Register on [month] [date], [year], [Note: this is the date the Notice of Intent to Adopt was published] with the modifications as indicated in the Revisor’s draft, file number #####, dated ##/##/##,] are adopted under my authority in Statutes, section [specific citation].

Date

Merritt Clapp-Smith, Executive Secretary  
 Capitol Area Architectural and Planning Board