

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of of the Proposed
Permanent Rules Governing Definitions,
Medication and Veterinary Practices,
Licensing Harness Racing and
Prohibited Acts Related to Horse Racing,
Minnesota Rules, Chapters 7869, 7870,
7876, 7877, 7884, 7890, 7892 and 7897

**ORDER ON REVIEW OF
RESUBMITTED RULES UNDER
MINN. STAT. § 14.26, SUBD. 3 AND
MINN. R. 1400.2300, SUBP. 8**

This matter came on for review by the Chief Administrative Law Judge pursuant to Minn. Stat. 14.26, subd. 3 (2020) and Minn. R. 1400.2300, subp. 8 (2019).

This rulemaking concerns the proposed rules of the Minnesota Racing Commission (Commission) governing medication, veterinary practices, licensing harness racing, and prohibited acts related to horse racing.

Administrative Law Judge Jessica A. Palmer-Denig disapproved portions of the rules in an Order on Review of Rules dated May 17, 2021.¹ The Chief Administrative Law Judge concurred with the determinations of the Administrative Law Judge by Order dated May 24, 2021.²

On June 3, 2021, the Commission resubmitted the proposed rule and requested the Chief Administrative Law Judge review and approve its modifications. The modifications incorporate Administrative Law Judge Palmer-Denig's recommended changes.

The Chief Administrative Law Judge finds that the defects identified in the prior Order have been corrected. In addition, the Chief Judge finds that the Commission's proposed modifications do not render the final proposed rules substantially different from those published in the *State Register* on March 15, 2021.³

Based upon a review of the modifications made by the Commission as presented in its June 3, 2021 submissions, and the rulemaking record,

¹ Order on Review of Rules under Minn. Stat. § 14.26 (May 17, 2021).

² Order of Chief Administrative Law Judge on Review of Rules under Minn. Stat. § 14.26 (May 24, 2021).

³ See Minn. Stat. § 14.05, subd. 2(b)(2) (2020). ("A modification does not make a proposed rule substantially different if . . . the differences are a logical outgrowth of the contents of the notice of intent to adopt or notice of hearing and the comments submitted in response to the notice.").

IT IS HEREBY ORDERED THAT:

The proposed rules, as modified and approved by the Revisor on May 25, 2021, are approved as to legality.

Dated: June 10, 2021

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line extending to the right.

JENNY STARR
Chief Administrative Law Judge