

March 18, 2026

VIA EFILING ONLY

E. Joseph Newton
General Counsel
Minnesota Racing Commission
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Shakopee, MN 55379
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**Re: In the Matter of Possible Amendments to Rules Governing Horse Racing; Minnesota Rules Chapters 7869-7897
CAH 24-9011-41097; Revisor R-4965**

Dear E. Joseph Newton:

Enclosed herewith and served upon you is the **ORDER ON REVIEW OF POSSIBLE RULE AMENDMENTS UNDER MINN. STAT. § 14.26** in the above-entitled matter. The Administrative Law Judge has determined there are no negative findings in these rules.

The Court of Administrative Hearings has closed this file and is returning the rule record so that the Minnesota Racing Commission can maintain the official rulemaking record in this matter as required by Minn. Stat. § 14.365. Please ensure that the Minnesota Racing Commission's signed order adopting the rules is filed with our Court. The Court of Administrative Hearings will request the finalized rules from the Revisor's office following receipt of that order. Our Court will then file the adopted rules with the Secretary of State, who will forward one copy to the Revisor of Statutes, one copy to the Governor, and one to the Minnesota Racing Commission for its rulemaking record. The Minnesota Racing Commission will then receive from the Revisor's office three copies of the Notice of Adoption of the rules.

The Minnesota Racing Commission's next step is to arrange for publication of the Notice of Adoption in the State Register. Two copies of the Notice of Adoption provided by the Revisor's office should be submitted to the State Register for publication. A permanent rule without a hearing does not become effective until five working days after a Notice of Adoption is published in the State Register in accordance with Minn. Stat. § 14.27.

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If you have any questions regarding this matter, please contact William Moore at (651) 361-7893, william.t.moore@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,


CARA HUNTER
Legal Assistant

Enclosure

cc: Legislative Coordinating Commission
Revisor of Statutes

STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS

In the Matter of Possible Amendments
to Rules Governing Horse Racing;
Minnesota Rules Chapters 7869-7897

**ORDER ON REVIEW OF
POSSIBLE RULE AMENDMENTS
PURSUANT TO MINN. STAT. § 14.26**

This matter came on before Administrative Law Judge Kristien R. E. Butler upon the request of the Minnesota Racing Commission (the Commission) for a review of the proposed amendments of rules without a public hearing pursuant to Minn. Stat. § 14.26 (2024). On March 4, 2026, the Commission filed the required documents pursuant to Minn. Stat. § 14.26 and Minn. R. 1400.2310 (2025).

Following review, **IT IS HEREBY DETERMINED:**

1. The Commission has the statutory authority to amend the rules pursuant to Minn. Stat. §§ 240.03, .23, and .24 (2024).
2. The Commission has fulfilled all procedural requirements of Minn. ch. 14, Minn. R. 1400.2310, and all other procedural requirements of statute and rule.
3. The rulemaking record demonstrates the proposed rules are needed and reasonable.

Based upon the record, and for the reasons explained in the accompanying Memorandum, the Court now hereby issues the following:

ORDER

The possible rule part amendments are **APPROVED**.

Dated: March 18, 2026



KRISTIEN R. E. BUTLER
Administrative Law Judge

NOTICE

This Report must be available for review to all affected individuals upon request for at least five working days before the agency takes any further action on the rules. The agency may then adopt the final rules or modify or withdraw its proposed rules. If the agency makes any changes in the rules, it must submit the rules to the Chief Administrative Law Judge for a review of the changes prior to final adoption. Upon adoption of final rules, the Agency must submit a copy of the Order Adopting Rules to the Chief Administrative Law Judge. After the rules' adoption, the Court of Administrative Hearings will file certified copies of the rules with the Secretary of State. At that time, the agency must give notice to all persons who requested to be informed when the rules are adopted and filed with the Secretary of State.

MEMORANDUM

I. Standard of Review

The Commission submitted the proposed rules amendments for a legal review pursuant to Minn. Stat. § 14.26. When conducting the review, the Court must consider whether the agency has the authority to adopt/amend the rules, whether the record demonstrates a rational basis for the need for and reasonableness of the adoption/amendment of the proposed rules, and whether the rules adoption/amendment, should it be modified, is substantially different from the rules as originally proposed.

There are several circumstances under which a proposed rule adoption/amendment must be disapproved by the Court.¹ These include:

- situations in which the rule exceeds, conflicts with, does not comply with, or grants the agency discretion beyond what is allowed by its enabling statute or other applicable law;
- when the rule was not adopted in compliance with procedural requirements, unless the Judge finds that the error was harmless in nature and should be disregarded;
- if the rule is not rationally related to the agency's objectives or the agency has not demonstrated the need for and reasonableness of the rule; and
- if the rule is substantially different than the rule as originally proposed, and the agency did not comply with the required procedures of Minn. R. 1400.2110 (2025);

¹ Minn. R. 1400.2100 (2024).

- if the rule is unconstitutional² or illegal;
- when the rule improperly delegates the agency’s powers to another entity;
- when the proposal does not fall within the statutory definition of a “rule”; or
- when the proposal is subject to Minn. Stat. § 14.25, subd. 2 (2024), and the notice that hearing requests have been withdrawn and written responses to it show that the withdrawal is inconsistent with Minn. Stat. § 14.001(2), (4), and (5) (2024).

After a thorough review of the record, the Court finds that none of the aforementioned circumstances exist in the instant matter.

II. Documents Submitted for Review

As is required by Minn. R. 1400.2310 (2025), the Commission submitted the following documents for review:

- the Request for Comments as was published in the *State Register* on September 2, 2025;
- the proposed rules, including the State Revisor’s approval;
- the Statement of Need and Reasonableness (SONAR);
- the Notice of Intent to Adopt Rules as was mailed and published in the *State Register* on January 20, 2026;
- the Certificates of Mailing the Notice of Intent to Adopt Rules and the Certificate of Accuracy of the Mailing List;
- the Certificate of Additional Notice;
- the Legislative Reference Library SONAR transmittal verification;
- the proposed rules to be adopted/amended; and
- the Order adopting/amending the proposed rules.

² In order to be constitutional, a rule must be sufficiently specific to provide fair warning of the type of conduct to which the rule applies. See *Cullen v. Kentucky*, 407 U.S. 104, 110 (1972); *Thompson v. City of Minneapolis*, 300 N. W.2d 763, 768 (Minn. 1980).

The Commission also submitted correspondence demonstrating it transmitted the SONAR to State legislators and the Legislative Coordinating Commission. It further submitted its consultation correspondence to Minnesota Management and Budget.

III. Analysis

The role of the Court in this matter is solely to determine if the rule amendments as proposed meet all legal requirements of statute and rule. As previously stated, the Court finds they do.

The Commission seeks to implement possible amendments of the rule parts in question based on the need to bring Minnesota's horse racing rules into compliance with federal legislation enacted in 2021; namely, the Horse Racing Safety and Integrity Authority. The Commission also seeks to ensure the rule parts are consistent with other applicable state regulations both in Minnesota and around the nation. These actions are consistent with the information provided in the SONAR, which adequately establishes why said actions are needed and reasonable.

The Commission received no comments or submissions in response to its Request for Comments and no requests for a public hearing.

Accordingly, the proposed rule part amendments are approved.

K. R. E. B.