

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Adoption of Exempt
Rules Governing Prohibited and Regulated
Invasive Species

**REPORT OF THE ADMINISTRATIVE
LAW JUDGE PURSUANT TO MINN. R.
1400.2400**

This matter came before Administrative Law Judge LauraSue Schlatter upon the application of the Department of Natural Resources (Department) for a legal review of exempt rules.

On October 1, 2018, the Department filed documents with the Office of Administrative Hearings, seeking review and approval of the above-entitled rules under Minn. Stat. § 14.388 (2018) and Minn. R. 1400.2400 (2017). In an Order issued October 15, 2018, the Administrative Law Judge approved the rules, with the exception of the Department's proposed addition of Minn. R. 6216.0230 A (9) and B. The Administrative Law Judge found that the Department's proposed addition of Minn. R. 6216.0230 A (9) and B exceeded its authority under Minn. Stat. § 14.388, subd. 1 (2018). In addition, the Administrative Law Judge ordered that the statutory authority for the rulemaking be amended to cite 2015 Minn. Laws 1st Spec. Sess. ch. 4, art. 4, §§ 20-24.

On October 29, 2018, the Department submitted materials, including an updated copy of the rules, certified by the Revisor, with the disapproved language omitted. The Department also included a proposed Order Adopting Rules with the revised statutory authority.

Based on the files and the Department's submissions in this exempt rulemaking proceeding,

IT IS HEREBY ORDERED:

1. The Department has the statutory authority to adopt the rules.
2. The rules were adopted in compliance with all procedural requirements of Minn. Stat. §§ 14.388 (2018), Minn. R. 1400.2400 (2017).
3. The proposed rules are **APPROVED**.

Dated: November 2, 2018



LAURASUE SCHLATTER
Administrative Law Judge