

October 22, 2018

Chief Administrative Law Judge Tammy Pust
Office of Administrative Hearings
PO Box 64620
St. Paul, MN 55164-0620

Chief Administrative Law Judge Pust,

We are writing you regarding the recent Report of the Administrative Law Judge on the Minnesota Department of Agriculture's proposed Groundwater Protection Rule, also known as the Nitrogen Fertilizer Rule. We share deep concerns this report contains no mention of the actions taken by the legislature's agriculture policy committees to delay implementation of this rule until after the completion of the upcoming legislative session, as provided for by Minnesota Statutes, section 14.126. Mindful of this statute, and with the intention to delay implementation of the rule, the majority of the Senate Agriculture, Rural Development, and Housing Policy Committee passed Resolution 18-7919 by roll call vote on May 19, 2018. The corresponding House Agriculture Policy Committee on May 20, 2018 passed their Resolution CS-RES03 with a majority vote.

Both policy committees sent a letter thereafter to the Commissioner of the Minnesota Department of Agriculture and copied the Administrative Law Judge and the Revisor of Statutes, to inform these parties of the legislative actions to delay implementation of the rule. Included with each letter was a copy of the respective Committee Resolution, applicable committee minutes, and a copy of the letter each committee had which affirmed committee jurisdiction. These resolutions were printed in the State Register on Monday, June 11, 2018 as required by Minnesota Statutes, section 14.126, subdivision 2. It is disappointing none of these actions were mentioned in the Administrative Law Judge's report.

We believe the resolutions passed by the legislative committees fulfil the requirements provided by statute to delay implementation of the Groundwater Protection Rule. We respectfully ask the Administrative Law Judge to delay implementation of this rule until the adjournment of the 2019 legislative session, pursuant to Minnesota Statutes, section 14.126.

Sincerely,



Senator Bill Weber
Chair, Agriculture, Rural Development, and
Housing Policy Committee
State Senator, District 22



Representative Paul Anderson
Chair, Agriculture Policy Committee
State Representative, District 12B