

Minnesota Attorney General: Administrative Rules Proceedings

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SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : May 18, 1988

TO : ANDREA MITAU KIRCHER
Special Assistant Attorney General
Human Rights Division

FROM : CHRISTIE B. ELLER
Assistant Attorney General

PHONE : 296-6839

SUBJECT : In the Matter of the Adopted Permanent Rules Relating to Retail Food Store Sanitation

The above-referenced rule has been approved as to its legality by the Attorney General on May 18, 1988.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must establish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

CBE:bbl

Enclosure

cc: Maryanne Hruby
Duane Harves

RULE REVIEW CHECKLIST

File No. 1480
DATE RECEIVED 5/05/88
REVIEW DATE ~~5/4/88~~ 5/16/88
DUE DATE 5/19/88

APPROVED 5/18/88
DISAPPROVED
WITHDRAWN

Docket No. 05.0009.0650
ADOPTED W/O HEARING X
EMERGENCY RULE

REVISOR APPROVED X [redacted]
REVISOR DISAPPROVED
FILED W/SEC. STATE 5-18-88
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)

5/25/87 Date published in State Register

Comments

~~Petition for Adoption of a Rule (if applicable)~~

~~Board's Authorizing Resolution~~

~~Date adopted~~

✓ Proposed rule

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

179A.04 (3)(f) Statutory Authority

No Small Business Statement

No Expenditure of public money statement

yes Signature

✓ Statement of Need and Reasonableness (if applicable)

No Small Business Statement

No Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

11/20/87 Date (30)/25 days before adoption

yes Notice attached

~~Copy of rule or summary attached~~

✓ Publication in State Register

12/7/87 Date (30)/25 days before adoption

~~Resolution Adopting~~

~~Date adopted~~

✓ Findings of FAct, Conclusions & Order Adopting

5/4/87 Date

~~Written requests, submissions or comments~~

✓ Declaration of attorney

A.M. Kircher Name of SAAG representing agency

CBE ✓ Notice of Submission to Attorney General (if applicable)

✓ Affidavit of Mailing Notice to Attorney General (if applicable)

OFFICE MEMORANDUM

DEPARTMENT: BUREAU OF MEDIATION SERVICES
STATE OF MINNESOTA

TO: Rita Desmond
Attorney General's Office

DATE: PHONE: 649-5421

FROM: Paul W. Goldberg, Commissioner
Bureau of Mediation Services

SUBJECT: Rules of the Bureau of Mediation Services Governing Repeal of Transmittal of Labor Contract Obligation, 5510.3210.

Enclosed for your review are the following documents concerning the above-entitled rule:

1. A copy of the notice of solicitation of outside information or opinions as published in the state register.

2. A copy of the proposed rules with a certificate of approval as to form by the revisor of statutes attached.

3. The notice of intent to adopt a rule without a public hearing as mailed.

4. The statement of need and reasonableness in support of the proposed rule complying with part 2010.0700.

5. The affidavit of mailing the notice of intent to adopt a rule without a public hearing.

6. A copy of the notice of intent to adopt the rule without a public hearing as published in the state register.

7. Four copies of the rule as adopted.

8. The findings of fact, conclusions, and order adopting the rule.

9. The declaration of the attorney in the attorney general's office who represents the agency.

10. The notice of submission of the rule to the attorney general.

11. The affidavit of mailing notice of submission of the rule to the attorney general.

Bureau of Mediation Services

Adopted Permanent Rules Relating to Repeal of Transmittal of Labor Contract Obligation

Rule as Adopted

REPEALER. Minnesota Rules, part 5510.3210, is repealed.

APPROVED AS TO FORM AND LEGALITY

May 18 19 88

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Christine B Ellery
ASSISTANT ATTORNEY GENERAL

Bureau of Mediation Services

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Contract Transmittal

Notice is hereby given that the State Bureau of Mediation Services is seeking information or opinions from sources outside the agency in preparing to propose the repeal of the rule governing contract transmittal. The repeal of the rule is authorized by Minnesota Statutes, section 179A.03, subd. 3(f), which permits the agency to adopt rules.

The State Bureau of Mediation Services requests information and opinions concerning the subject matter of the rule. Under provisions of the current rule, the employer is required to submit a copy of executed labor contracts to the Bureau. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Paul W. Goldberg, Director, Minnesota Bureau of Mediation Services, 205 Aurora Avenue, St. Paul, MN 55103. Oral statements will be received during regular business hours over the telephone at (612) 296-2525.

All statements of information and opinions shall be accepted until June 25, 1987. Any written material received by the State Bureau of Mediation Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is repealed.

Dated: 25 May 1987

Paul W. Goldberg, Director
Bureau of Mediation Services

STATE CONTRACTS AND ADVERTISED BIDS

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over $2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over $10,000 be printed in the *State Register.* These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of $15,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Department of Administration: Procurement Division

Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers, whose initials are next to each commodity.

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Steam traps & replacements parts (DM)	May 26	Oak Terrace Nursing Home	Minnetonka	55 520 03843
Van (DM)	May 27	State University	Bemidji	26 070 11993
Servo system (Pat)	May 27	State University	St. Cloud	26 073 19657
Drill press (DRT)	May 27	Transportation	Windom, Morris, Rochester	79 000 74431
Map buckets, map outfits & supplies (DR)	May 27	Various	Various	Price Contract
Roll paper towel service (BV)	May 28	Military Affairs	Duluth	Price Contract
Drinking water & cooler rental (BV)	May 28	Various	Various	Price Contract

Bureau of Mediation Services

Proposed Permanent Rules Relating to Repeal of Transmittal of Labor Contract Obligation

Rule as Proposed (all new material)

REPEALER. Minnesota Rules, part 5510.3210, is repealed.

Approved by Revisor JCF

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Repeal of Transmittal of Labor Contract Obligation

AGENCY: Bureau of Mediation Services

MINNESOTA RULES: Chapter 5510

The attached rules are approved for publication in the State Register

John C. Fuller
Assistant Deputy Revisor

BUREAU OF MEDIATION SERVICES

Proposed Permanent Rules Relating to Public Employees; Exclusive Representatives; Right to Strike; Repeal of Transmittal of Labor Contract Obligation

Notice of Intent to Adopt Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the Commissioner, Bureau of Mediation Services, proposes to amend the above-entitled rules without a public hearing. The Commissioner has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.22-14.28.

Persons interested in these rules are encouraged to submit comment in support of or in opposition to the proposed rules and shall have 30 days to do so. Each comment should identify the portion of the proposed rules being addressed, the reason the comment is being made, and any changes in the proposed rules which are being suggested. The proposed rules may be modified if the modifications are supported by the data and comments received by the Bureau and do not result in substantial change in the intent and purpose of the proposed rules.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address and are encouraged to identify the portion of the proposed rules addressed by their request, the reason for the request, and any changes in the proposed rules which are being suggested. In the event a public hearing is required, the Bureau will proceed pursuant to Minnesota Statutes, sections 14.14-14.20.

Comments or written requests for a public hearing on these proposed rules should be submitted to:

Paul W. Goldberg, Commissioner
Minnesota Bureau of Mediation Services
1380 Energy Lane, Suite Two
St. Paul, MN 55108
(612) 649-5429

Authority to adopt these rules is contained in Minnesota Statutes, section 179A.04, subdivision 3(f). A Statement of Need and Reasonableness that describes the need for the and the reasonableness of the proposed rules and the information relied upon to support the amendment has been prepared and is available upon request from the Bureau at the above address or telephone number.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final Rules as Adopted, should submit a written request to the address provided above.

A copy of the proposed rules is attached to this notice.

Copies of this notice and the proposed rules are available and may be obtained by contacting the Bureau at the above address or telephone number.

December 7, 1987

Paul W. Goldberg, Commissioner
Bureau of Mediation Services

Bureau of Mediation Services

Proposed Permanent Rules Relating to Repeal of Transmittal of Labor Contract Obligation

Rule as Proposed (all new material)

REPEALER. Minnesota Rules, part 5510.3210, is repealed.

Approved by Revisor JCF

Statement of Need and Reasonableness

Proposed Repeal of Rule Relating to Contract Transmittal

5510.3210 The Bureau has, for three years, monitored the frequency of requests to research the contracts presently on file. There have been four requests. Of the four requests, none of the inquiring parties actually came to the Bureau to do such research.

The Bureau is unable to provide staff time to maintain the voluminous files or physical space to accommodate the filing and retention of such a little used service.

In the Matter of the Proposed Adoption of Rules of the State Bureau of Mediation Services Governing Repeal of Transmittal of Labor Obligation

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Carol S. Cox being sworn, says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the State Bureau of Mediation Services rulemaking mailing list is accurate, complete, and current as of this 20th day of November, 1987.

That on the 20th day of November, 1987, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt A Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Carol L. Cox
Name

Administrative Secretary
Title

Subscribed and sworn to before me this 20th day of November, 1987.

Kenneth L. Boxell

KENNETH L. BOXELL
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires April 19, 1991

Subp. 2. [Unchanged.]

Subp. 3. [See Repealer.]

5510.2910 RENEWAL OF EXISTING CONTRACT; MEDIATION PERIOD, IMPASSE, ARBITRATION, AND STRIKE NOTICE FOR PUBLIC EMPLOYEES EXCEPT CONFIDENTIAL, ESSENTIAL, SUPERVISORY EMPLOYEES, AND PRINCIPALS AND ASSISTANT PRINCIPALS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Request for arbitration at impasse.** A joint request by the parties to submit the impasse to arbitration may be served at any time during the negotiations, mediation period, or thereafter. A joint request must be signed by the authorized representatives of both parties and must contain a list of the items in dispute and a statement agreeing to arbitrate the items.

A request by a single party to submit an impasse to arbitration may be served at any time after the expiration of the mediation period. ~~In the case of teacher units the parties must have been at impasse for a 45-calendar-day period following the expiration of the mediation period.~~ The request must be in writing, signed by an authorized representative, and contain a list of the items in dispute.

A request to arbitrate is accepted by the other party only upon receipt by the bureau and the offering party of a written acceptance. A joint request satisfies this requirement.

A joint request or written acceptance of a request to arbitrate is binding upon the parties except to the extent they otherwise mutually agree in writing.

A single-party offer to arbitrate an impasse is rejected:

A. by serving written notice of rejection on the bureau and the other party;

B. by failing to accept the offer in writing within 15 calendar days following service of the request;

C. if the exclusive representative serves a notice of intent to strike following receipt by the bureau of an offer to arbitrate; or

D. if the exclusive representative does not withdraw a previously served notice of intent to strike by serving a written acceptance of the offer.

An offer to arbitrate an impasse is considered to be withdrawn if the offer is rejected by the other party in accordance with parts 5510.2410 to 5510.3210.

Subp. 4a. to 6. [Unchanged.]

Subp. 7. **Notice of intent to strike, other than teachers.**

A. A notice of intent to strike must be in writing and signed by an authorized representative of the exclusive representative. ~~The notice must set forth the date upon which the exclusive representative believes the right to strike will mature. The date shall be subject to adjustment by the director to conform to parts 5510.2410 to 5510.3210~~ The date the right to strike matures will be established by the director in conformance with this part. The notice must be served on the employer and the director by the exclusive representative.

B. to E. [Unchanged.]

Subp. 8. **Notice of intent to strike, teachers.**

A. A notice of intent to strike must be in writing and signed by an authorized representative of the exclusive representative. ~~The notice must set forth the date upon which the exclusive representative believes the right to strike will mature. The date shall be subject to adjustment by the director to conform to parts 5510.2410 to 5510.3210~~ The date the right to strike matures will be established by the director in conformance with this part. The notice must be served on the employer and the director by the exclusive representative.

B. to F. [Unchanged.]

REPEALER. *Minnesota Rules*, part 5510.2310, subpart 3, is repealed.

Bureau of Mediation Services

Proposed Permanent Rules Relating to Repeal of Transmittal of Labor Contract Obligation

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Commissioner, Bureau of Mediation Services, proposes to amend the above-entitled rules without a public hearing. The Commissioner has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes*, Sections 14.22-14.28.

Persons interested in these rules are encouraged to submit comment in support of or in opposition to the proposed rules and shall have 30 days to do so. Each comment should identify the portion of the proposed rules being addressed, the reason the comment is being made, and any changes in the proposed rules which are being suggested. The proposed rules may be modified if the modifications are supported by the data and comments received by the Bureau and do not result in substantial change in the intent and purpose of the proposed rules.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address and are encouraged to identify the portion of the proposed rules addressed by their request, the reason for the request, and any changes in the proposed rules which are being suggested. In the event a public hearing is required, the Bureau will proceed pursuant to *Minnesota Statutes*, sections 14.14-14.20.

Comments or written requests for a public hearing on these proposed rules should be submitted to:

Paul W. Goldberg, Commissioner
Minnesota Bureau of Mediation Services
1380 Energy Lane, Suite Two
St. Paul, MN 55108
(612) 649-5429

Authority to adopt these rules is contained in *Minnesota Statutes*, section 179A.04, subdivision 3(f). A Statement of Need and Reasonableness that describes the need for the and the reasonableness of the proposed rules and the information relied upon to support the amendment has been prepared and is available upon request from the Bureau at the above address or telephone number.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final Rules as Adopted, should submit a written request to the address provided above.

A copy of the proposed rules is attached to this notice.

Copies of this notice and the proposed rules are available and may be obtained by contacting the Bureau at the above address or telephone number.

Dated: 7 December 1987

Paul W. Goldberg, Commissioner
Bureau of Mediation Services

Rule as Proposed (all new material)

REPEALER. *Minnesota Rules*, part 5510.3210, is repealed.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

STATE OF MINNESOTA

BUREAU OF MEDIATION SERVICES

In the Matter of the Proposed Adoption of Rules of the State Bureau of Mediation Services Governing Repeal of Transmittal of Labor Contract Obligation

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Commissioner's intent to adopt the above-entitled rules was published in the State Register on December 7, 1987, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 14.14, subdivision 1a and 14.22 on November 20, 1987. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the the agency.

No submissions or comments on the rule were received by the agency.

Based on the comments and evidence in the record before the agency, I find the following:

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Minnesota Rules: Parts 5510.3210 is repealed this 4th day of May, 1988, pursuant to authority vested in me by Minnesota Statutes section 179A.04, Subd. 3(f) (1984).

Name Paul W. Goldberg

Title Commissioner

In the Matter of the Adoption of Rules of the State Bureau of Mediation Services Governing Repeal of Transmittal of LaborContract Obligation

DECLARATION OF COUNSEL

I, Andrea M Kircher, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0650.

A M Kircher

Andrea Kircher
Special Assistant
Attorney General

Dated: 5-4-88

STATE OF MINNESOTA

BUREAU OF MEDIATION SERVICES

In the Matter of the Proposed Adoption Of Rules of the State Bureau of Mediation Services Governing Repeal of Transmittal of Labor Contract Obligation

NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT PUBLIC HEARING TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statues, section 14.26:

PLEASE TAKE NOTICE that the above-captioned rule as adopted has been submitted to the Office of the Attorney General on the date of this notice, May 4, 1988, for review as to legality and form to the extent form relates to legality. The proposed rule, the rule as adopted, all the notices, the Statement of Need and Reasonableness, all written comments and requests for a hearing received, and other required documents also have been submitted to the Attorney General.

The rule must be approved or disapproved by the Attorney General within 14 calendar days of the date of submission to the attorney general. You may submit written comments to the attorney general on the legality of the rule or the legality of any rule. Any written comments must be submitted within eight calendar days of the date of the submission of the rule to the Attorney General. Your comments must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rule. The attorney general standards for review are set forth in Minnesota Rules, part 2010.1000. You may receive a copy of the attorney general decision upon written request to the attorney general. Your comments or requests for the decision must be directed to:

The Office of the Attorney General
204 Administration Building
50 Sherburne Avenue
Saint Paul, Minnesota 55155
Telephone Number: (612) 296-1288

Any written comments submitted to the Attorney General must be submitted simultaneously to:

Paul W. Goldberg, Commissioner
State Bureau of Mediation Services
1380 Energy Lane, Suite Two
Saint Paul, Minnesota 55108
Telephone Number: (612) 649-5421

Name Paul W. Goldberg

Title Commissioner

Dated: 5-4-88

In the Matter of the Proposed Adoption of Rules of the State Bureau of Mediation Services Governing Repeal of Transmittal of Labor Contract Obligation

AFFIDAVIT OF MAILING THE NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT PUBLIC HEARING TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Carol S. Cox, being sworn says:

That on the 4th day of May, 1988, in the City of Saint Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the attorney general.

Carol S. Cox
Name

Administrative Secretary
Title

Subscribed and sworn to before me this
_____ day of _____, 19___.

Kenneth L. Boxell

KENNETH L. BOXELL
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires April 19, 1991