

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: March 20, 1991

TO: PETER OBERMEYER
Bureau of Mediation Services
1380 Energy Lane, Suite Two

FROM: CHARLENE HATCHER
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-9422

SUBJECT: In the Matter of the Adopted Rule Relating to the Labor-Management Committee Grant Program

The above-referenced rule has been approved as to its legality by the Attorney General on March 18, 1991.

Enclosed is your 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 along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published 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.

CH:sc
Enclosures
cc: Andrea Kircher
William Brown, Chief Judge
MaryAnn Hruby

Bureau of Mediation Services

Adopted Permanent Rules Relating to the Labor-Management Committee Grant Program

Rules as Adopted

REPEALER. Minnesota Rules, parts 5520.0120, subpart 8; 5520.0250, subpart 3; 5520.0400; and 5520.0500, subpart 7, are repealed.

APPROVED AS TO LEGALITY
March 18, 1991
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Charlene Hatch
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 19 1991
Joan Anderson Growe
Secretary of State
4:03 pm

RULE REVIEW CHECKLIST

File No. 1802
DATE RECEIVED 3-4-91
REVIEW DATE 3-13-91
DUE DATE 3-18-91
(~~DIS~~)APPROVED 3.18.91
WITHDRAWN _____

Docket No. 03 0009 0650
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 3-7-91
REVISOR (DIS)APPROVED 3-13-91
FILED W/SEC. OF STATE 3-19-91
RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

_____ Notice to ~~Solicit~~ Outside Information/Opinion (if applicable)
_____ Date published in State Register
_____ Comments

_____ ~~Petition for Adoption of a Rule~~

_____ Board's Authorizing Resolution
_____ Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
179.82 subd 2 Statutory Authority
✓ Small Business Statement
_____ Expenditure of public money statement
August 20, 1990 Signature

✓ Statement of Need and Reasonableness (if applicable)
_____ Small Business Statement no Statement
N/A Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
August 23, 1990 Dated 30/25 days before adoption
_____ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
August 20, 1990 Date 30/25 days before adoption

✓ 180-day deadline from:
N/A Effective date of law requiring rule (14.12) (both rules) amendments don't apply — not new material
O.K. end of comment period (§ 14.26) (rules without hearing)
_____ effective date of statutory authority (§ 14.29) (emergency rules)

_____ Resolution Adopting
_____ Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
February 4, 1991 Date

_____ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Cindrea Kucher Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

Stat Authority
179.85 subd. 2
Applications for area/statewide industry labor-management committee grants must be submitted to the bureau under rules adopted by the commissioner

* is this authority to promulgate rules?

Affidavit of Mailing - date should be August 23, 1990 not August 23, 1991

180 days
O.K.

14.26
end of comment period to our office

end of comment period = Sept 24
Sept 25 - March 4

5
31
30
31
31
28
3
159 days

BUREAU OF MEDIATION SERVICES **INTRA-OFFICE MEMO**

TO: **Andrea Kircher**

FROM: **Carol Clifford** Carol

RE: **LMC Rules**

DATE: **January 25, 1991**

Enclosed is a package for our Labor-Management Committee Grant Program rules. After review, would you please add a date on the memo to Patricia Nolte (first page) and sign and date the Declaration of Council (last page). The package can then be sent over the Patricia Nolte. As we have done in the past, would you please call me and tell me the appropriate dates. If there are any problems with this, or you need more information, please call me at 649-5421. Thanks!!

BUREAU OF MEDIATION SERVICES **INTRA-OFFICE MEMO**

TO: **Patricia Nolte**
Attorney General's Office

FROM: **Joyce M. Wood, Acting Commissioner**
Bureau of Mediation Services

Joyce M. Wood

RE: **Rules of the Bureau of Mediation Services Relating to the Labor-Management Committee Grant Program**

DATE: 3-1-91

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

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

2. The notice of intent to adopt a rule without a public hearing as submitted to the state register.

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

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

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

6. Four copies of the rule as adopted.

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

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

(No written requests, submissions, or comments on the rule were received by the agency. No one requested notification of the submission of the rule to the Attorney General.)

Bureau of Mediation Services

Proposed Permanent Rules Relating to the Labor-Management Committee Grant Program

Rules as Proposed

REPEALER. Minnesota Rules, parts 5520.0120, subpart 8; 5520.0250, subpart 3; 5520.0400; and 5520.0500, subpart 7, are repealed.

Approved by Revisor JCF

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to the Labor-Management Committee Grant Program

AGENCY: Bureau of Mediation Services

MINNESOTA RULES: Chapter 5520

The attached rules are approved for
publication in the State Register

John C. Fuller
Assistant Deputy Revisor

BUREAU OF MEDIATION SERVICES

In the Matter of the Proposed Adoption of Rules of the State Bureau of Mediation Services Relating to the Labor-Management Committee Grant Program	NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the State Bureau of Mediation Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 179.82, subdivision 2.

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. (3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. (6) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request and any change proposed. (7) If a public hearing is required, the agency will proceed pursuant to Minnesota

Statutes, sections 14.131 to 14.20.

(6) Comments or written requests for a public hearing must be submitted to:

Paul W. Goldberg, Commissioner
Bureau of Mediation Services
1380 Energy Lane, Suite Two
St. Paul, MN 55108
(612) 649-5421

(8) The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

(11) A copy of the proposed rule is attached to this notice.

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, Minnesota, 55108.

(14) You are hereby advised pursuant to Minnesota Statutes, section 14.115 (1988) that the proposed rules are not considered to have any impact on small business.

(9) If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, Minnesota, 55108.

Dated: August 20, 1990

Paul W. Goldberg
Name

Commissioner
Title

In the Matter of the Proposed Adoption of Rules of the State Bureau of Mediation Services Relating to the Labor-Management Committee Grant Program

STATEMENT OF NEED AND REASONABLENESS

The Bureau of Mediation Services is proposing that Minnesota Rules part 5520.0129, subpart 8; 5520.0250, subpart 3; 5520.0400; and 5520.0500, subpart 7; be repealed. The proposed repeal is needed and reasonable inasmuch as the legislation which necessitated the rules was repealed by the legislature during the 1990 session.

Bureau of Mediation Services

Proposed Permanent Rules Relating to the Labor-Management Committee Grant Program

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Bureau of Mediation Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 179.82, subdivision 2.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Paul W. Goldberg, Commissioner
Bureau of Mediation Services
1380 Energy Lane, Suite Two
St. Paul, MN 55108
(612) 649-5421

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

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

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, Minnesota, 55108.

You are hereby advised pursuant to *Minnesota Statutes*, section 14.115 (1988) that the proposed rules are not considered to have any impact on small business.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, Minnesota, 55108.

Dated: 20 August 1990

Paul W. Goldberg
Commissioner

Rules as Proposed

REPEALER. *Minnesota Rules*, parts 5520.0120, subpart 8; 5520.0250, subpart 3; 5520.0400; and 5520.0500, subpart 7, are 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.

In the Matter of the Proposed Adoption of Rules of the State Bureau of Mediation Services Relating to the Labor-Management Committee Grant Program

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. Clifford being sworn, says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, section 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 23 rd day of August, 1990.

That on the 23 rd day of August, 1991, 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 S. Clifford
Name

Executive I
Title

Subscribed and sworn to before me
this 25 th day of January, 1991.

Janet L. Johnson

JANET L. JOHNSON
NOTARY PUBLIC-MINNESOTA
ANOKA COUNTY
MY COMMISSION EXPIRES JUNE 12, 1995

STATE OF MINNESOTA

BUREAU OF MEDIATION SERVICES

In the Matter of
Permanent Rules
Relating to the
Labor-Managagement
Committee Grant Protram

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

(1) Notice of the Commissioner's intent to adopt the above-entitled rules was published in the State Register on August 20, 1990, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minn. Stat. S 14.14 (1988), subd. 1a and 14.22 on August 23, 1990. (2) The statement of need and reasonableness was prepared before August 20, 1990, and was available to the public.

(4) All persons were given the opportunity to submit comments on the rules for 30 days after notice of proposed rulemaking. (5) No requests for a public hearing on the rule were received by the agency.

(7) No submissions or comments on the rules were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

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

1. The above captioned rules are needed and reasonable. (8)

NOW, THEREFORE, IT IS ORDERED that the rules identified as Minnesota Rules: Parts 5520.0120, subpart 8; 5520.0250, subpart 3; 5520.0400; and 5520.0500, subpart 7, are adopted this 4th day (9) of February, 1991, pursuant to the authority vested in me by Minn. Stat. S 179A.04, subd. 3, (f) (1989).

Signature: Joyce M. Wood
Name: JOYCE M. WOOD
Title: Acting Commissioner

In the Matter of the Adoption of Rules of the State Bureau of Mediation Services Relating to the Labor-Managmeent Committee Grant Program

DECLARATION OF COUNSEL

I, Andrea 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 if 0650.

A M Kircher

Andrea Kircher
Special Assistant
Attorney General

Dated: 3-1-91

RECEIVED

JAN 28 91

ATTORNEY GENERAL'S OFFICE
1100 BREMER TOWER
7TH PLACE AND MINNESOTA ST.
ST. PAUL, MN 55101