

238.14 CABLE COMMUNICATIONS

Upon request, or upon its own initiative, the commission may investigate the renewal or assignment of such franchise or the conduct of the business being done thereunder, and may, after hearing, modify, suspend, revoke or cancel such license for cause.

If the municipality fails to suspend, revoke, cancel or declare forfeited a license or to perform any other disciplinary act when lawfully ordered so to do by the commission upon appeal or otherwise, within such reasonable time as it may prescribe, the commission may itself revoke such license or perform such act with the same force and effect as if performed by the municipality.

[1973 c 568 s 14]

238.15 Financial interest of members and employees

No member of the commission and no employee of the commission shall be employed by, or shall have any financial interest in any cable communications company holding a franchise in the state, their subsidiaries, major equipment or programming suppliers, or in any broadcasting company holding an operating license issued by the federal communications commission, their subsidiaries, major equipment or programming suppliers. Members of any elected body granting franchises and employees of any franchising body who would be directly involved in the granting or administration of franchises for cable communications and who are employed or have any financial interest in any cable communications company holding a franchise in the state, their subsidiaries, major equipment or program suppliers shall abstain from participation in the franchising of cable communications companies.

[1973 c 568 s 15]

238.16 Fines and penalties

Subdivision 1. The commission may seek such injunctive relief as is necessary to prevent violations of the orders, rules or regulations of the commission.

Subd. 2. Any person violating the provisions of Laws 1973, Chapter 568 or any rules or regulations made pursuant thereto, is guilty of a gross misdemeanor. Any term of imprisonment imposed for any violation by a corporation shall be served by the senior resident officer of the corporation.

[1973 c 568 s 16]

CHAPTER 239. WEIGHTS, MEASURES

Sec.

239.18 Livestock buyers, licenses.
239.34 Standard weight of coal and charcoal.

239.18 Livestock buyers, licenses

[For text of subd. 1, see M.S.1971]

Subd. 2. **Application for license.** Each livestock commission merchant, person, firm, corporation, or his or its employees, agents, and representatives, before engaging in the business of buying and dealing in livestock, shall, on or before July 1 each year, file an application with the department on a form prescribed by it for a license to transact such business. The application shall state the nature of the business as hereinabove set forth, the names of the persons applying for the license, and if the applicant be a firm, association, partnership, or corporation, the full name of each member of such firm, or partnership, or the names of the officers of the corporation or association, and the name of the agent or agents of such person, firm, association, partnership, or corporation, the post-office address of the principal place of business of the applicant and such other facts as the department shall prescribe.

[1973 c 754 s 10]

Subd. 3. Surety bonds; termination and cancellation of licenses. Each applicant shall file with his application a surety bond naming him as principal, issued by a responsible surety company in a principal sum which shall be fixed by the department on a graduated scale based on the amount of business the applicant has done during the preceding twelve month period, but which shall be not less than the sum of \$5,000. The department shall by rule after public hearing fix a formula for determining the graduated amount of all bonds in excess of \$5,000, which formula shall be based on a percentage of the gross business of the licensee in a preceding twelve month period. If the licensee has not previously engaged in business as a livestock buyer or dealer, the department shall require a financial statement from the applicant and on the basis of the financial statement, and on any other factor it may deem pertinent, shall fix the bond at a sum which in its judgment will protect the public. The department may at any time raise or lower such bond requirements if it appears from an audit of the licensee's books and his financial statement that a modification of such bond requirements is justified. The public service commission shall be named as trustee in the bond which bond shall be for the purpose of protecting any person dealing with the licensee, or his or their agent or agents, within the state of Minnesota, from loss by reason of the failure to pay when due to the person or persons entitled thereto the purchase price of all livestock purchased from such persons by said principal or his or their agents and representatives. Such bond shall run continuously during the period such license shall be in force and effect. Failure to maintain a bond as required shall void the license. In case of default by the licensee the department shall have the power to require the licensee and the surety company to appear before it at a hearing held for the purpose of determining all liability of the licensee under the terms of his bond, and after said hearing, based on the evidence adduced thereat, the department shall make its order fixing and determining the liability of the licensee and of the surety company because of the licensee's default and if the bond is insufficient to cover the liability of all claimants, the department shall prorate the proceeds of the bond among the claimants on a percentage basis. Before such hearing the department shall publish a notice setting forth the licensee's default and requiring all claimants to file proof of claim with the department within three months of the date such notice is published or be barred from participating in the proceeds of such bond. Such publication shall be made in a newspaper published at the county seat of the county in which the licensee has his principal place of business and if the licensee maintains an auction pavilion which is not located at his principal place of business, publication shall also be made in a newspaper at or near the location of such livestock pavilion. The order of the department may be enforced by appropriate proceedings in the district court of Ramsey county and any party aggrieved by the order of the department may appeal to said district court in the manner provided for appeal from other proceedings before the department. Upon the filing of the bond as required by the department and the payment of the sum of \$35, a license entitling the applicant to conduct the business of buying livestock at the places named in the application shall be issued. Such licenses shall run until the succeeding July 1, at which time they may be renewed by the payment of the aforesaid fee. In lieu of the bond required under the provisions of this subdivision, the applicant may file with the department the dealer's bond filed by him with the United States department of agriculture and in effect pursuant to the provisions of the Packers and Stockyards Act, as amended, (7 U.S.C. 181 et seq.) the minimum amount of which is \$5,000, unless the department shall determine that the amount of the federal bond is insufficient in any instance, in which event the department shall by order fix the reasonable amount of the bond required to protect the public interest. A similar license shall be required of and shall be issued to each agent of the licensee upon the payment of \$20, and no agent shall engage in the buying or dealing in livestock without first securing such license.

239.18 WEIGHTS, MEASURES

No surety bond shall be required of any agent or employee of a livestock commission merchant, person, firm, or corporation, licensed under this section. Unless otherwise canceled by the department or the licensee, the license of all agents or employees shall terminate with the expiration of the principal's license. An agent's or employee's license may be canceled by the principal when such cancellation has been approved by the department.

[1973 c 766 s 4]

239.34 Standard weight of coal and charcoal

In all contracts for the sale of coal, charcoal, and ice, the term "ton" shall mean 2,000 pounds. A sale of coal and charcoal, except by weight, is hereby prohibited.

[1973 c 89 s 1]

CORRECTIONS

CHAPTER 241. DEPARTMENT OF CORRECTIONS

Sec.		Sec.	
241.01	Creation of department.	241.32	Establishment and operation by state.
241.03	Repealed.		
241.04	Repealed.		OMBUDSMAN [NEW]
241.045	Minnesota corrections authority [New].	241.407	Office of ombudsman; creation; qualifications; function.
241.08	Money of inmates of correctional institutions.	241.42	Definitions.
241.12	Repealed.	241.43	Organization of office of ombudsman.
	COMMUNITY CORRECTIONS PROGRAMS	241.44	Powers of ombudsman; investigations; action on complaints; recommendations.
241.31	Establishment and operation by municipality.	241.45	Publication of recommendations; reports.

241.01 Creation of department

[For text of subd. 1, see M.S.1971]

Subd. 2. Divisions; deputies. The commissioner of corrections may appoint and employ no more than four deputy commissioners who shall serve at the pleasure of the commissioner in the unclassified service of the state civil service. Each deputy may perform and exercise every duty, power and responsibility imposed by law upon the commissioner when authorized to so do by the commissioner. Appointments to exercise delegated power shall be by written order filed with the secretary of state. Each deputy may perform and exercise every duty, power, and responsibility imposed by law upon the commissioner when authorized so to do by the commissioner. The commissioner may also appoint a personal secretary, who shall serve at his pleasure in the unclassified service of the state, and fix the salary of said secretary commensurate with salaries for similar services in the classified service.

[1973 c 94 s 1]

Subd. 3. Officers, employees and agents. Subject to the provisions of this chapter, and to other applicable laws, the commissioner of corrections is authorized to organize the department and to employ such officers, employees, and agents as he may deem necessary to discharge the functions of his department, define the duties of such officers, employees, and agents and to delegate to them any of his powers, duties, and responsibilities, subject to his control and under such conditions as he may prescribe.

The commissioner shall also appoint a chief executive officer for each institution under his exclusive control and may, under the provisions of section 43.24, remove him for cause. Every such executive officer shall have the qualifications and perform the duties now or hereafter required by law, or by rules prescribed by the commissioner. He may appoint an acting chief executive officer during such interim period as is necessary to select and appoint a