

# MINNESOTA STATUTES 1977 SUPPLEMENT

## 214.06 EXAMINING AND LICENSING BOARDS

the fiscal biennium. All fees received shall be deposited with the state treasurer and credited to the general fund.

[For text of subd 2, see M.S.1976]

[ 1977 c 444 s 15 ]

## 214.10 Complaints; investigation and hearing.

[For text of subds 1 and 2, see M.S.1976]

Subd. 2a. **Proceedings.** A board shall initiate proceedings to suspend or revoke a license or shall refuse to renew a license of a person licensed by the board who is convicted in a court of competent jurisdiction of violating sections 609.23, 609.231, 609.465, 609.466, 609.52, or 626.555.

[For text of subd 3, see M.S.1976]

[ 1977 c 326 s 10 ]

## CHAPTER 216. DEPARTMENT OF PUBLIC SERVICE, PROCEDURE

Sec.  
216.25 Appeals; orders not appealed; proceedings; review by supreme court.

Sec.  
216.271 Appeal denial of hearing. [New]

### 216.25 Appeals; orders not appealed; proceedings; review by supreme court.

The person serving such notice of appeal shall, within such 30 day period, file the same with proof of service, with the clerk of the court to which such appeal is taken; and thereupon the district court shall have jurisdiction over the appeal and the same shall be entered upon the records of the district court and shall be tried therein according to the rules relating to the trial of civil actions so far as the same are applicable. The complainant before the commission, if there was one (otherwise the state of Minnesota), shall be designated as complainant in the district court. No further pleadings than those filed before the commission shall be necessary. Such findings of fact shall be prima facie evidence of the matters therein stated, and the order shall be prima facie reasonable, and the burden of proof upon all issues raised by the appeal shall be on the appellant. The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the commission, not shown on the record, testimony thereon may be taken by the court. If the court shall determine that the order appealed from is lawful and reasonable, it shall be affirmed and the order enforced as provided by law. If it shall be determined that the order is unlawful or unreasonable, it shall be vacated and set aside. Such appeal shall not stay or supersede the order appealed from unless the commission so orders or unless the court upon examination of the order and the return made on the appeal, and after giving the respondent notice and opportunity to be heard, shall so direct. If such appeal is not taken such order shall become final, and it shall thereupon be the duty of the regulated persons affected to adopt and perform the acts therein prescribed. When no appeal is taken from an order, as herein provided, the parties affected by such order shall be deemed to have waived the rights to have the merits of such controversy reviewed by a court, and there shall be no trial of the merits or reexamination of the facts of any controversy in which such order was made, by any district court to which application may be made for a writ to enforce the same. Any party to a proceeding in the district court or the commission may appeal to the supreme court of Minnesota from the order or judgment of such district court within the time and in the manner and under the procedure provided in rules of civil appellate procedure; provided that if the department be the appellant, no bond upon such appeal shall be required.

[ 1977 c 253 s 1 ]

## DEPARTMENT OF PUBLIC SERVICE

216A.05

### 216.271 Appeal denial of hearing.

Any party who requests a hearing under this chapter and is denied, may appeal the denial to district court. If the court determines that a hearing is required, it shall order the commission to hold the hearing as a contested case.

[ 1977 c 253 s 2 ]

## CHAPTER 216A. DEPARTMENT OF PUBLIC SERVICE, ORGANIZATION

Sec.  
216A.02 Definitions.  
216A.03 Commission.

Sec.  
216A.05 Functions and powers.  
216A.06 Director.  
216A.07 Director; powers and duties.

### 216A.02 Definitions.

Subdivision 1. For the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. "Legislative function" means the establishment and promulgation of all rules, orders and directives of general or particular applicability, governing the conduct of the regulated persons or businesses, together with such investigative procedures as are incident thereto and all other valid acts and procedures which are historically or functionally legislative in character.

Subd. 3. "Administrative function" means all duties and procedures concerning the execution and enforcement of the laws, rules, orders, directives, duties and obligations imposed for the control and government of the persons or businesses regulated, together with investigative activities incident thereto and procedures inherently administrative or executive in character.

Subd. 4. "Quasi-judicial function" means the promulgation of all orders and directives of particular applicability governing the conduct of the regulated persons or businesses, together with procedures inherently judicial.

[ 1977 c 364 s 1 ]

### 216A.03 Commission.

[For text of subds 1 to 4, see M.S.1976]

Subd. 5. **Quorum.** A majority of the commission shall constitute a quorum, and the act or decision of a majority of commissioners present, if at least a quorum is present, shall be the act or decision of the commission. If a vacancy exists on the commission a majority of the remaining commissioners constitutes a quorum.

[ 1977 c 364 s 2 ]

### 216A.05 Functions and powers.

Subdivision 1. **Legislative and quasi-judicial nature of functions.** The functions of the commission shall be legislative and quasi-judicial in nature. It may make such investigations and determinations, hold such hearings, prescribe such rules and issue such orders with respect to the control and conduct of the businesses coming within its jurisdiction as the legislature itself might make but only as it shall from time to time authorize. It may adjudicate all proceedings brought before it in which the violation of any law or rule administered by the department is alleged.

[For text of subds 2 to 4, see M.S.1976]

Subd. 5. **Hearings upon petitions.** With respect to those matters within its jurisdiction the commission shall receive, hear and determine within six months all petitions filed with it in accordance with the procedures established by law and may investigate, hold hearings and make determinations upon its own motion to the same extent, and in every instance, in which it may do so upon petition. Upon