
 CHAPTER 253—S.F.No.603

[Coded in Part]

An act relating to the public service commission; confining appeals from its decisions to the record; allowing the commission to appeal adverse decisions of the district court to the supreme court; allowing appeals from denial of a hearing; amending Minnesota Statutes 1976, Section 216.25; and Chapter 216 by adding a section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 216.25, is amended to read:

216.25 PUBLIC SERVICE COMMISSION; 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 department commission, if there was one (otherwise the state of Minnesota), shall be designated as complainant in the district court; ~~and the carrier or warehouseman as defendant~~. No further pleadings than those filed before the department 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 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 carriers regulated persons affected to adopt and ~~publish the rates or classifications 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.

Changes or additions indicated by underline deletions by ~~strikeout~~

Sec. 2. Minnesota Statutes 1976, Chapter 216, is amended by adding a section to read:

[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.

Sec. 3. This act is effective the day following its final enactment.

Approved May 25, 1977.

CHAPTER 254—S.F.No.625

[Coded in Part]

An act relating to employment services; authorizing the summer employment of young persons for state and local service; appropriating money.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[268.31] DEVELOPMENT OF YOUTH EMPLOYMENT OPPORTUNITIES.** To the extent of available funding, the commissioner of employment services shall hire individuals from the ages of 14 years up to 22 years for a maximum of 12 weeks, not to exceed 40 hours per week per individual, during the summer for the purpose of placing such individuals in service with the department of employment services and with other departments, agencies and instrumentalities of the state, county, local governments, school districts and with nonprofit organizations. Priority for employment shall be given to those young individuals between the ages of 16 years up to 22 years.

Sec. 2. **[268.32] RATE OF PAY.** Persons hired pursuant to this act shall be compensated at the federal minimum wage rate. Persons hired in a supervisory capacity shall be compensated at a rate established by the commissioner.

Sec. 3. **[268.33] ELIGIBILITY FOR EMPLOYMENT AND PLACEMENT.** Subdivision 1. The department of employment services shall promulgate rules determining the eligibility for employment and placement pursuant to this act. The department shall have emergency powers to implement rules for carrying out this act.

Subd. 2. The department of employment services shall, for the purposes of this act, be exempt from complying with any law relating to hiring by departments, agencies or instrumentalities of the state.

Sec. 4. **[268.34] EMPLOYMENT CONTRACTS WITH GOVERNMENTAL SUBDIVISIONS AND NONPROFIT ORGANIZATIONS.** The commissioner is authorized to enter into arrangements with existing public and private nonprofit organizations and agencies with experience in administering summer youth employment

Changes or additions indicated by underline deletions by ~~strikeout~~