

**1408.0040 INTERVENTION.**

Subpart 1. **Petition.** A person who desires to intervene as a party in a contested case proceeding relating to the creation, annexation, detachment, or dissolution of a sanitary district shall submit to the judge a timely written petition to intervene. The petition must be served upon all of the existing parties. The judge shall determine timeliness in each case based on circumstances at the time of filing. The petition must:

A. show how the petitioner's legal rights, duties, or privileges may be determined or affected by the contested case;

B. show how the petitioner may be directly affected by the outcome or that the petitioner's participation is authorized by statute, rule, or court decision;

C. set forth the grounds and purposes for which intervention is sought; and

D. indicate the petitioner's statutory right to intervene if one should exist.

Subp. 2. **Objection.** A party may object to the petition for intervention by filing a written notice of objection with the judge within seven days of service of the petition or, upon good cause shown, orally at the hearing. The notice must state the party's reasons for objection and must be served upon all parties and the person petitioning to intervene.

Subp. 3. **Hearing on petition.** If necessary to develop a full record on the question of intervention, the judge shall conduct a hearing on the petition to determine specific standards that apply to each category of intervenor, and to define the scope of intervention.

Subp. 4. **Order.** Upon compliance with this section, the judge shall allow intervention unless the judge finds that the petitioner's interest is adequately represented by one or more parties participating in the case. An order allowing intervention must specify the extent of participation permitted the petitioner and must state the judge's reasons. A petitioner may be allowed to:

A. file a written brief without acquiring the status of a party;

B. intervene as a party with all the rights of a party; or

C. intervene as a party with all the rights of a party but limited to specific issues and to the means necessary to present and develop those issues.

Subp. 5. **Participation by public.** In the absence of a petition to intervene, the judge may hear the testimony and receive exhibits from any person at the hearing or allow a person to note that person's appearance, but a person is not deemed to have become a party by reason of such participation and is not allowed to question other witnesses. Persons offering testimony or exhibits may be questioned by parties to the proceedings.

**Statutory Authority:** *MS s 442A.02*

**History:** *42 SR 39*

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