

of a check or other order for the payment of money that has been dishonored other than by a stop payment order, which request is accompanied by a copy of the dishonored check or other order for payment of money, the drawee is not liable in a civil or criminal proceeding for releasing to the payee or holder any of the following information relating to the drawer's account:

(1) Whether at the time the check or other order for payment of money was issued or presented for payment the drawer had sufficient funds or credit with the drawee, and whether at that time the account was open, closed or restricted for any reason and the date it was closed or restricted; and

(2) The last known home and business addresses and telephone numbers of the drawer.

Sec. 3. Minnesota Statutes 1980, Section 609.535, is amended by adding a subdivision to read:

Subd. 8. NOTICE. The provisions of subdivisions 6 and 7 are not applicable unless the notice to the maker or drawer required by subdivision 3 states that if the check or other order for the payment of money is not paid in full within five business days after mailing of the notice, the drawee may release information relating to the account to the payee or holder of the check or other order for the payment of money.

Sec. 4. **EFFECTIVE DATE.**

This act is effective August 1, 1981 and applies to all crimes committed on or after that date.

Approved May 21, 1981

CHAPTER 248 — H.F.No. 1065

An act relating to public utilities; extending an option as to rate regulation by the public utilities commission to certain small telephone companies; amending Minnesota Statutes 1980, Sections 237.01; 237.075, Subdivision 9; and 237.081, Subdivision 1a.

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

Section 1. Minnesota Statutes 1980, Section 237.01, is amended to read:

237.01 TELEPHONE COMPANY DEFINED DEFINITIONS.

Subdivision 1. GENERALLY. As used in this chapter, the following terms have the meanings given.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 2. TELEPHONE COMPANY. ~~The term~~ "Telephone company," ~~as used in this chapter,~~ means and applies to any person, firm, association or any corporation, private or municipal, owning or operating any telephone line or telephone exchange for hire, wholly or partly within this state, or furnishing any telephone service to the public.

Subd. 3. INDEPENDENT TELEPHONE COMPANY. "Independent telephone company" means a telephone company organized and operating under chapter 301 and providing service to less than 2,500 subscribers within the state.

Sec. 2. Minnesota Statutes 1980, Section 237.075, Subdivision 9, is amended to read:

Subd. 9. ELECTION ON REGULATION. For the purposes of this section, "telephone company" shall not include a cooperative telephone association organized under the provisions of chapter 308, an independent telephone company, or a municipal, unless the cooperative telephone association, independent telephone company, or municipal makes the election provided in this subdivision.

A cooperative telephone association may elect to become subject to rate regulation by the commission pursuant to this section. The election shall be (a) approved by the board of directors of the association in accordance with the procedures for amending the articles of incorporation contained in section 308.15, subdivision 1, excluding the filing requirements; or (b) approved by a majority of members or stockholders voting by mail ballot initiated by petition of no fewer than five percent of the members or stockholders of the association. The ballot to be used for the election shall be approved by the board of directors and the department of public service. *The department shall mail the ballots to the association's members who shall return the ballots to the department. The department will keep the ballots sealed until a date agreed upon by the department and the board of directors. On this date, representatives of the department and the association shall count the ballots. If a majority of the association's members who vote elect to become subject to rate regulation by the commission, the election shall be effective 30 days after the date the ballots are counted.* For purposes of this section, the term "member or stockholder" shall mean either the member or stockholder of record or the spouse of the member or stockholder unless the association has been notified otherwise in writing.

A municipal may elect to become subject to rate regulation by the commission pursuant to this section. The election shall be (a) approved by resolution of the governing body of the municipality; or (b) approved by a majority of the customers of the municipal voting by mail ballot initiated by petition of no fewer than 20 percent of the customers of the municipal. The ballot to be used for the election shall be approved by the governing body of

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the municipality and the department of public service. The department shall mail the ballots to the municipal's customers who shall return the ballots to the department. The department will keep the ballots sealed until a date agreed upon by the department and the governing body of the municipality. On this date, representatives of the department and the municipal shall count the ballots. If a majority of the customers of the municipal who vote elect to become subject to rate regulation by the commission, the election shall be effective 30 days after the date the ballots are counted. For purposes of this section, the term "customer" shall mean either the person in whose name the telephone service is registered or the spouse of the person unless the municipal utility has been notified otherwise in writing.

An independent telephone company may elect to become subject to rate regulation by the commission pursuant to this section. The election shall be (a) approved by the board of directors of the company in accordance with the procedures for amending the articles of incorporation contained in section 301.37, excluding the filing requirements; or (b) approved by a majority of subscribers voting by mail ballot initiated by petition of no fewer than five percent of the subscribers of the company. The ballot to be used for the election shall be approved by the board of directors and the department of public service. The department shall mail the ballots to the company's subscribers who shall return the ballots to the department. The department will keep the ballots sealed until a date agreed upon by the department and the board of directors. On this date, representatives of the department and the company shall count the ballots. If a majority of the company's subscribers who vote elect to become subject to rate regulation by the commission, the election shall be effective 30 days after the date the ballots are counted. For purposes of this section the term "subscriber" shall mean either the person in whose name the telephone service is registered or the spouse of the person unless the independent telephone company has been notified otherwise in writing.

Sec. 3. Minnesota Statutes 1980, Section 237.081, Subdivision 1a, is amended to read:

Subd. 1a. Upon a complaint made against any cooperative telephone association, independent telephone company, or a municipal telephone utility by the governing body of any political subdivision, or by no fewer than five percent of the ~~consumers~~ subscribers or spouses of subscribers of the particular cooperative telephone association, independent telephone company, or municipal telephone utility, that any of the rates, tolls, tariffs, charges or schedules or any regulation, measurement, practice, act or omission affecting or relating to the production, transmission, delivery or furnishing of telephone service or any service in connection therewith is in any respect unreasonable, insufficient or unjustly discriminatory, or that any service is inadequate or cannot be obtained, the commission shall proceed to make an investigation as it may deem

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necessary. The commission may dismiss any complaint without a hearing if in its opinion a hearing is not in the public interest.

Sec. 4. EFFECTIVE DATE.

This act is effective on the day following final enactment. This act is effective in respect to applications for independent telephone company rate changes pending before the commission on the effective date of this act and no refunds of increased independent telephone company rates ordered after the effective date of this act shall be necessary, unless the independent telephone company elects to be subject to rate regulation on or before 60 days after the effective date of this act.

Approved May 21, 1981

CHAPTER 249 — S.F.No. 177

An act relating to foods; directing the establishment of labeling requirements for wild rice which is planted or cultivated; providing a penalty; proposing new law coded in Minnesota Statutes, Chapter 30.

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

Section 1. [30.49] PADDY GROWN WILD RICE.

All wild rice which is planted or cultivated and which is offered for wholesale or retail sale in this state shall be plainly and conspicuously labeled as "paddy grown" in letters of a size and form prescribed by the commissioner. Any person who sells wild rice at wholesale or retail which is not labeled as required by this section is guilty of a misdemeanor.

Sec. 2. EFFECTIVE DATE.

This act is effective January 1, 1982.

Approved May 21, 1981

CHAPTER 250 — S.F.No. 227

An act relating to the organization and operation of government; creating a legislative commission on metropolitan governance; requiring a study of relationships among metropolitan institutions and agencies of government; specifying other duties; mandating a report to the legislature.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.