

issued unless approved by a majority of the voters of the city voting on the question of their issuance at a regular or special election.

Sec. 3. EFFECTIVE DATE.

This act is effective the day following final enactment.

Approved April 3, 1981

CHAPTER 17 — S.F.No. 30

An act relating to public utilities; redefining the term "public utility" so as to exempt from public service commission jurisdiction certain small natural gas utilities; amending Minnesota Statutes 1980, Section 216B.02, Subdivision 4.

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

Section 1. Minnesota Statutes 1980, Section 216B.02, Subdivision 4, is amended to read:

Subd. 4. "Public utility" means persons, corporations or other legal entities, their lessees, trustees, and receivers, now or hereafter operating, maintaining, or controlling in this state equipment or facilities for furnishing at retail natural, manufactured or mixed gas or electric service to or for the public or engaged in the production and retail sale thereof but does not include a municipality or a cooperative electric association, organized under the provisions of chapter 308 producing or furnishing natural, manufactured or mixed gas or electric service. Except as otherwise provided, the provisions of ~~Laws 1974, Chapter 429~~ this chapter shall not be applicable to any sale of natural, manufactured or mixed gas or electricity by a public utility to another public utility for resale. In addition, the provisions of this chapter shall not apply to a public utility whose total natural gas business consists of supplying natural, manufactured or mixed gas to not more than 650 customers within a city pursuant to a franchise granted by the city, provided a resolution of the city council requesting exemption from regulation is filed with the commission. The city council may rescind the resolution requesting exemption at any time, and, upon the filing of the rescinding resolution with the commission, the provisions of this chapter shall apply to the public utility. No person shall be deemed to be a public utility if it presently furnishes its services only to tenants in buildings owned, leased or operated by such person. No person shall be deemed to be a public utility if it presently furnishes service to occupants of a mobile home or trailer park owned, leased, or operated by such person. No person shall be deemed to be a public utility if it presently produces or furnishes service to less than 25 persons.

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

A cooperative electric association may elect to become subject to rate regulation by the commission pursuant to sections 216B.03 to 216B.23. The election shall be (a) approved by July 1, 1978 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 of stockholders voting by mail ballot initiated by petition of no less 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 cooperative'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 cooperative shall count the ballots. If a majority of the cooperative's members who vote elect to become subject to rate regulation by the commission, the election shall be effective 30 days after certified copies of the resolutions approving the election are filed with the commission. Any cooperative electric association subject to regulation of rates by the commission shall be exempt from the provisions of sections 216B.48, 216B.49, 216B.50, and 216B.51.

Approved April 3, 1981

CHAPTER 18 — H.F.No. 38

An act relating to local government; permitting the city of Northfield to make payments to the town of Waterford as a condition of an annexation.

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

Section 1. NORTHFIELD ANNEXATION.

If the city of Northfield agrees with the town of Waterford that a part of the town may be annexed to the city in an orderly annexation proceeding pursuant to Minnesota Statutes, Chapter 414, the city may agree as a condition of the annexation that it will pay an annual sum of money to the town. The sum may vary according to agreed conditions.

Sec. 2. EFFECTIVE DATE.

This act is effective the day after the filing of local approval certificates pursuant to Minnesota Statutes, Section 645.021, Subdivision 3, by both the governing body of the city of Northfield and the town board of the town of Waterford.

Approved April 3, 1981

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