

CHAPTER 676—H.F.No. 1486

An act relating to railroads; providing reporting and disclosure requirements for railroad acquisitions; preserving contracts between acquiring railroad carriers and shippers, governmental entities, and labor organizations; establishing priority order for hiring by the acquiring carrier; proposing coding for new law in Minnesota Statutes, chapter 222.

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

Section 1. [222.85] DEFINITIONS.

Subdivision 1. SCOPE. For the purposes of sections 1 to 4, the following terms have the meanings given them in this section.

Subd. 2. ACQUIRING CARRIER. "Acquiring carrier" means a business entity that acquires by purchase, lease, or other device a line of railroad, except carriers acquiring an abandoned line, with the intent of operating it for the purpose of continuing the commercial transportation of goods or passengers over the line.

Subd. 3. LABOR ORGANIZATION. "Labor organization" has the meaning given it in the Labor-Management Reporting and Disclosure Act, United States Code, title 29, section 402, and certified under the Railway Labor Act, United States Code, title 45, sections 151 to 163.

Subd. 4. DIVESTING CARRIER. "Divesting carrier" means a common carrier or business entity engaged in transportation of goods by rail that divests a line of railroad by sale, lease, or other device.

Sec. 2. [222.86] ACQUISITION REPORTING AND DISCLOSURE.

Subdivision 1. NOTICE OF EXEMPT TRANSACTION. An acquiring carrier shall submit written notification to the attorney general and the commissioner of transportation of their intent to initiate an exempt transaction under Code of Federal Regulations, title 49, section 1150, at least 14 days before filing a notice of exemption with the Interstate Commerce Commission.

Subd. 2. IDENTITY AND FINANCIAL INFORMATION. The notification must designate the complete private or corporate identity of the acquiring carrier, the complete identity of the divesting carrier, and a thorough description of the line of railroad involved.

Subd. 3. APPLICABILITY TO REQUIREMENTS OF LAW. Acquiring and divesting carriers shall attend conferences with the attorney general or the commissioner of transportation prior to filing a notice of exemption with the Interstate Commerce Commission. The divesting and acquiring carriers shall respond to questions and requests for information related to the issue of whether the proposed transaction is consistent with the requirements of the Interstate Commerce Act, other applicable federal law, and state law. Copies of the sale contract, market and feasibility studies, and full financial information as to the acquiring carrier must be provided at those conferences.

New language is indicated by underline, deletions by ~~strikeout~~.

All information, submitted by the acquiring and divesting carriers as confidential, shall remain nonpublic data and private data on individuals in accordance with chapter 13 and shall not be divulged to any outside parties, except to the Interstate Commerce Commission as a part of a filing in relation to the proposed transaction. The attorney general and the commissioner of transportation shall take the necessary steps to assure confidentiality.

Sec. 3. [222.87] PRESERVATION OF CONTRACTS AND LEGAL STATUS.

Subdivision 1. SHIPPING CONTRACTS. An acquiring carrier succeeds to and is bound by the contracts, agreements, and understandings between the divesting carrier and any shipper within this state for a period equaling the stated term of the contract or six months, whichever is greater.

Subd. 2. GOVERNMENT CONTRACTS. An acquiring carrier succeeds to and is bound by the contracts, agreements, and understandings between the divesting carrier and the state of Minnesota and any governmental subdivision for a period equal to the stated term of the contract, agreement, or understanding or six months, whichever is greater.

Subd. 3. CONSTRUCTION. This section does not alter, and shall not be construed to alter, the rights of all parties to renegotiate contracts under subdivisions 1 and 2 at any time mutually agreeable.

Sec. 4. [222.88] PRIORITY IN HIRING.

An acquiring carrier under sections 1 to 3 shall give priority in hiring, based upon length of service on the affected rail line, to employees of the divesting carrier performing service in connection with the affected rail line. To assert priority, the employee must be qualified by experience and training to perform the available job.

Approved April 27, 1988

CHAPTER 677—H.F.No. 1817

An act relating to game and fish; prohibiting the use of certain meat in baiting bears; regulating placing decoys in public waters or on public lands; requiring lifesaving devices in duckboats; amending Minnesota Statutes 1986, sections 97B.425; 97B.811; and 361.141, subdivision 1.

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

Section 1. Minnesota Statutes 1986, section 97B.425, is amended to read:

97B.425 BAITING BEARS.

New language is indicated by underline, deletions by ~~strikeout~~.