

Subd. 92f. PRIVATE DETECTIVE LICENSE. Certain data on applicants for licensure as private detectives are classified under section 326.3382, subdivision 3.

Sec. 48. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 98a. ARENA ACQUISITION. Certain data in connection with a decision whether to acquire a sports arena are classified under section 473.598, subdivision 4.

Sec. 49. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 98b. METROPOLITAN AIRPORTS COMMISSION. Certain airline data submitted to the metropolitan airports commission in connection with the issuance of revenue bonds are classified under section 473.6671, subdivision 3.

Sec. 50. Minnesota Statutes 1994, section 13.99, subdivision 112, is amended to read:

Subd. 112. **CHILD ABUSE REPORT RECORDS.** Data contained in child abuse report records are classified under section 626.556; ~~subdivisions 11 and 11b.~~

Sec. 51. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 113a. CHILD PROTECTION TEAM. Data acquired by a case consultation committee or subcommittee of a child protection team are classified by section 626.558, subdivision 3.

Presented to the governor May 30, 1995

Signed by the governor June 1, 1995, 11:44 a.m.

CHAPTER 260—S.F.No. 979

An act relating to transportation; regulating hazardous material transporters; requiring fingerprints of motor carrier managers for criminal background checks; making technical changes related to calculating proportional mileage under the international registration plan; specifying violations that may result in suspension or revocation of permit; making technical changes relating to hazardous waste transporter licenses; providing for disposition of fees collected for hazardous material registration, licensing, and permitting; regulating security and fare policies for metropolitan transit buses; requiring sound abatement study; appropriating money; amending Minnesota Statutes 1994, sections 221.0355, subdivisions 3, 5, 6, 12, 15, and by adding a subdivision; and 473.408, subdivision 2, and by adding a subdivision.

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

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

Section 1. Minnesota Statutes 1994, section 221.0355, subdivision 3, is amended to read:

Subd. 3. **GENERAL REQUIREMENTS.** Except as provided in subdivision 17, after October 1, 1994:

(a) No carrier, other than a public entity, may transport a hazardous material by motor vehicle in Minnesota unless it has complied with subdivision 4.

(b) No carrier, other than a public entity, may transport a hazardous waste in Minnesota unless it has complied with subdivisions 4 and 5.

(c) No shipper may offer a designated hazardous material for shipment or cause a designated hazardous material to be transported or shipped in Minnesota unless it has complied with subdivision 7.

(d) No carrier, other than a public entity, may transport a designated hazardous material by rail or water in Minnesota unless it has complied with subdivision 7a.

(e) No public entity may transport a hazardous material or hazardous waste by motor vehicle in Minnesota unless it has complied with subdivision 8.

Sec. 2. Minnesota Statutes 1994, section 221.0355, subdivision 5, is amended to read:

Subd. 5. **HAZARDOUS WASTE TRANSPORTERS.** (a) A carrier with its principal place of business in Minnesota or who designates Minnesota as its base state shall file a disclosure statement with and obtain a permit from the commissioner that specifically authorizes the transportation of hazardous waste before transporting a hazardous waste in Minnesota. A carrier that designates another participating state as its base state shall file a disclosure statement with and obtain a permit from that state that specifically authorizes the transportation of hazardous waste before transporting a hazardous waste in Minnesota. A registration is valid for one year from the date a notice of registration form is issued and a permit is valid for three years from the date issued or until a carrier fails to renew its registration, whichever occurs first.

(b) A disclosure statement must include the information contained in part III of the uniform application. A person who has direct management responsibility for a carrier's hazardous waste transportation operations shall submit a full set of the person's fingerprints, with the carrier's disclosure statement, for identification purposes and to enable the commissioner to determine whether the person has a criminal record. The commissioner shall send the person's fingerprints to the Federal Bureau of Investigation and shall request the bureau to conduct a check of the person's criminal record. The commissioner shall not issue a notice of registration or permit to a hazardous waste transporter who has not made a full and accurate disclosure of the required information or paid the fees

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required by this subdivision. Making a materially false or misleading statement in a disclosure statement is prohibited.

(c) The commissioner shall assess a carrier the actual costs ~~charged~~ incurred by the commissioner ~~by a person~~ for conducting the uniform program's required investigation of the information contained in a disclosure statement.

(d) A permit under this subdivision becomes a license under section 221.035, subdivision 1, on August 1, 1996, and is subject to the provisions of section 221.035 until it expires.

Sec. 3. Minnesota Statutes 1994, section 221.0355, subdivision 6, is amended to read:

Subd. 6. **APPORTIONED VEHICLE REGISTRATION FEE CALCULATION.** (a) An apportioned vehicle registration fee shall be equal to the percentage of Minnesota transportation multiplied by the percentage of hazardous material transportation multiplied by the total number of vehicles the carrier operates multiplied by a per-vehicle fee of \$30.

(b) A carrier shall calculate its percentage of Minnesota transportation and its percentage of hazardous material transportation as follows:

(1) A carrier shall determine its percentage of Minnesota transportation by dividing the number of miles it traveled in Minnesota under the international registration plan, pursuant to section 168.187, during the previous year, by the number of miles it traveled ~~nationwide~~ in the United States and Canada under the international registration plan during the previous year. If a carrier operated only in Minnesota, it must use 100 percent of the miles traveled as its percentage of Minnesota transportation. If a carrier does not register its vehicles through the international registration plan, it must calculate the number of miles traveled in the manner required under the international registration plan. If a carrier operates more than one fleet under the international registration plan the carrier must add all miles traveled by all vehicles in all fleets to calculate its mileage. A Minnesota carrier who operates in an adjacent state under a reciprocal agreement with that state must include the miles operated under the agreement as miles traveled in Minnesota in calculating mileage under this clause.

(2) A carrier shall determine its percentage of hazardous material transportation as follows:

(i) for less-than-truckload shipments, it must divide the weight of the carrier's hazardous material and hazardous waste shipments transported during the previous year by the total weight of all shipments transported during the previous year; or

(ii) for truckload shipments, it must divide the number of shipments transported during the previous year for which placarding, marking, or manifesting, was required by Code of Federal Regulations, title 49, part 172, by the total number of all shipments transported during the previous year.

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(c) A carrier that transports both truckload and less-than-truckload shipments of hazardous material or hazardous waste must determine its percentage of hazardous material transportation by calculating the absolute percentage of business that is hazardous material transportation on a proportional basis with the percentage of business that is not hazardous material transportation. ~~If a method of determining a carrier's percentage of hazardous material transportation based on general percentage ranges, instead of actual percentages, becomes allowed under the uniform program, a carrier shall use that method to determine its percentage of hazardous material transportation or by calculating its percentage within the ranges allowed following procedures under the uniform program.~~

(d) ~~The definitions of "truckload freight" and "less-than-truckload freight" in section 221.011, do not apply to this subdivision.~~

(e) A carrier may use data from its most recent complete fiscal year or the most recent complete calendar year in calculating the percentages required in this subdivision for transportation conducted during the previous year.

Sec. 4. Minnesota Statutes 1994, section 221.0355, subdivision 12, is amended to read:

Subd. 12. **SUSPENSION, REVOCATION, AND DENIAL.** (a) ~~The commissioner may suspend or revoke a registration and permit issued under this section or order the suspension of the transportation of hazardous material or hazardous waste in Minnesota by a carrier who has obtained a notice of registration and permit from another participating state under the uniform program if the commissioner determines that a carrier made a materially false or misleading statement in a uniform application or that a carrier's conduct constitutes a serious or repeated violation of statutes or rules governing the transportation of hazardous material or hazardous waste:~~

(1) committed a violation of Code of Federal Regulations, title 49, parts 100 to 180, 383, 387, or 390 to 397, while engaging in hazardous materials transportation if the violation posed an imminent hazard to the public or the environment;

(2) made a knowing falsification of a material fact in a uniform application;

(3) has received an unsatisfactory safety rating from the state or the United States Department of Transportation; or

(4) has exhibited reckless disregard for the public and the environment.

(b) In determining if a carrier has exhibited reckless disregard for the public and the environment in violation of paragraph (a), clause (4), the commissioner shall consider:

(1) whether the carrier has engaged in a pattern of violations of Code of Federal Regulations, title 49, parts 100 to 180, 383, 387, or 390 to 397, or regu-

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lations governing the management of hazardous waste, while engaging in hazardous materials transportation, when the violations are viewed in relation to the number of truck-miles of hazardous material transportation and the number of vehicles in the carrier's fleet:

(2) the actual or potential level of environmental damage resulting from an incident or a violation of the federal regulations described in paragraph (a), clause (1);

(3) the response by the carrier to an incident or a violation of the federal regulations described in paragraph (a), clause (1);

(4) the carrier's history of violations for the past three years;

(5) any mitigating factors; and

(6) other factors as justice requires, if the commissioner specifically identifies the additional factors in the order of suspension or revocation.

(c) The commissioner may not issue a ~~notice of registration and~~ permit to a carrier if the commissioner determines that a carrier's conduct would constitute grounds for suspension or revocation under this subdivision. A carrier who wishes to contest a denial, suspension, or revocation is entitled to a hearing under chapter 14.

Sec. 5. Minnesota Statutes 1994, section 221.0355, subdivision 15, is amended to read:

Subd. 15. **HAZARDOUS WASTE LICENSES.** (a) From October 1, 1994, until August 1, 1996, the commissioner shall not register hazardous material transporters under section 221.0335 or license hazardous waste transporters under section 221.035. A person who is licensed under section 221.035 need not obtain a permit under subdivision 4 or 5 for the transportation of hazardous waste in Minnesota, until the person's license has expired. A carrier wishing to transport hazardous waste in another participating state shall obtain a permit under the uniform program authorizing the transportation.

(b) The commissioner may refund fees paid under section 221.035, minus a proportional amount calculated on a monthly basis for each month that a hazardous waste transporter license was valid, to a person who was issued a hazardous waste transporter license after May 5, 1994, who applied for a permit authorizing the transportation of hazardous waste under subdivisions 4 and 5 before October 1, 1994, and who was subsequently issued that permit under the uniform program.

Sec. 6. Minnesota Statutes 1994, section 221.0355, is amended by adding a subdivision to read:

Subd. 18. **DEPOSIT AND USE OF FEES.** Fees received by the commissioner for administrative processing and investigating information in a disclo-

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sure statement must be deposited in the state treasury and credited to the trunk highway fund. Notwithstanding section 221.82, registration fees collected under subdivisions 4, 5, 7, and 7a must be deposited in the state treasury, credited to the general fund, and used to cover the costs of hazardous materials incident response capability under sections 299A.48 to 299A.52 and 299K.095.

Sec. 7. Minnesota Statutes 1994, section 473.408, subdivision 2, is amended to read:

Subd. 2. **FARE POLICY.** (a) Fares and fare collection systems shall be established and administered to accomplish the following purposes:

(1) to encourage and increase transit and paratransit ridership with an emphasis on regular ridership;

(2) to restrain increases in the average operating subsidy per passenger;

(3) to ensure that no riders on any route pay more in fares than the average cost of providing the service on that route;

(4) to ensure that operating revenues are proportioned to the cost of providing the service so as to reduce any disparity in the subsidy per passenger on routes in the transit system; and

(5) to implement the social fares as set forth in subdivision 3 2b.

(b) The plan must contain a statement of the policies that will govern the imposition of user charges for various types of transit service and the policies that will govern decisions by the council to change fare policy.

Sec. 8. Minnesota Statutes 1994, section 473.408, is amended by adding a subdivision to read:

Subd. 2b. **SOCIAL FARES.** For the purposes of raising revenue for improving public safety on transit vehicles and at transit hubs or stops, the council shall review and may adjust its social fares as they relate to passengers under the age of 18 during high crime times provided that the increased revenues are dedicated to improving the safety of all passengers.

Sec. 9. **SOUND ABATEMENT STUDY.**

The commissioner of transportation shall, to the extent of available funding, study sound abatement standards and measures including the ability of our current programs to protect citizens. The commissioner shall report to the legislature by February 1, 1997, on the sound abatement study.

Sec. 10. **APPROPRIATION.**

\$354,000 is appropriated from the general fund to the metropolitan council for the purpose of providing security measures on transit vehicles, including, but not limited to, plexiglass enclosures for drivers and on-bus surveillance cameras. This appropriation is available until expended.

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Sec. 11. APPLICATION.

Sections 7 and 8 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 12. EFFECTIVE DATE.

Sections 1 to 6, and 9 are effective the day following final enactment.

Presented to the governor May 30, 1995

Signed by the governor June 1, 1995, 2:00 p.m.

CHAPTER 261—H.F.No. 265

An act relating to gambling; making technical amendments to eliminate references to teleracing facilities; regulating testing facilities for the testing of gambling devices; regulating bingo and lawful purpose expenditures, and credit and sales to delinquent organizations; providing for contributions to certain compulsive gambling programs; amending Minnesota Statutes 1994, sections 240.01, subdivisions 18 and 23; 240.10; 240.19; 240.23; 240.27, subdivisions 2, 3, 4, and 5; 299L.01, subdivision 1; 299L.03, subdivision 1; 299L.05; 299L.07, subdivisions 1, 2, 4, 5, 6, and by adding a subdivision; 349.12, subdivision 25, and by adding a subdivision; 349.162, subdivision 1; 349.17, subdivision 1; 349.191, subdivision 1a; and 349.211, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 299L; repealing Minnesota Statutes 1994, section 240.01, subdivisions 17 and 21.

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

Section 1. Minnesota Statutes 1994, section 240.01, subdivision 18, is amended to read:

Subd. 18. **ON-TRACK PARI-MUTUEL BETTING.** "On-track pari-mutuel betting" means wagering conducted at a licensed racetrack; ~~or at a class E licensed facility whose wagering system is electronically linked to a licensed racetrack.~~

Sec. 2. Minnesota Statutes 1994, section 240.01, subdivision 23, is amended to read:

Subd. 23. **FULL RACING CARD.** "Full racing card" means three or more races that are: (1) part of a horse racing program being conducted at a racetrack; and (2) being simulcast or telerace simulcast at a licensed racetrack ~~or teleracing facility.~~

Sec. 3. Minnesota Statutes 1994, section 240.10, is amended to read:

240.10 **LICENSE FEES.**

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