

may take recognizance of ~~such~~ the witness in a sum of not more than \$50, which shall be valid and binding in law notwithstanding ~~such~~ the disability.

Sec. 21. Minnesota Statutes 1980, Section 631.09, is amended to read:

**631.09 JURY; HOW AND WHERE KEPT WHILE DELIBERATING; SEPARATE ACCOMMODATIONS FOR ~~WOMEN~~ JURORS.**

After hearing the charge the jury may either decide in court, or retire for deliberation, if it shall not agree without retiring, one or more officers shall be sworn to take charge of it, and it shall be kept together in some private and convenient place, without food or drink except water, unless otherwise ordered by the court, and no person shall be permitted to speak to or communicate with it or any one of its number unless by order of court, nor listen to the deliberations; and it shall be returned into court when agreed, or when so ordered by the court. In case of mixed juries counties shall provide adequate, separate quarters for ~~women~~ male and female jurors with proper accommodations and, in the event the county ~~shall so fail~~ fails to provide ~~such~~ proper accommodations, the court shall order ~~such women~~ the jurors kept in a suitable hotel for the night.

This section ~~shall apply~~ applies only in cases where the jury has failed to agree.

Approved April 14, 1981

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**CHAPTER 32 — H.F.No. 201**

*An act relating to fire control services; providing for reimbursement by railroads and the department of public safety; setting the time limit for claims; amending Minnesota Statutes 1980, Sections 161.465; and 219.761, Subdivision 1.*

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

Section 1. Minnesota Statutes 1980, Section 161.465, is amended to read:

**161.465 REIMBURSEMENT FOR FIRE SERVICES.**

Ordinary expenses incurred by a municipal or volunteer fire department in extinguishing a fire or easing or eliminating the danger of fire or explosion within the right-of-way of any state trunk highway, or outside the right-of-way if the fire originated within the right-of-way, upon approval of a police officer or an officer or employee of the department of ~~transportation or department of~~ public safety shall, upon certification to the commissioner of ~~transportation~~ public safety by the proper official of the municipality or fire department within

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

60 days after the completion of the service, be reimbursed to the municipality or fire department from funds in the trunk highway fund. The commissioner of ~~transportation~~ public safety shall take whatever action practicable to secure reimbursement to the trunk highway fund of moneys expended pursuant to this section from the person, firm or corporation responsible for the fire or danger thereof.

The provisions of this section shall not be construed to admit any state liability for damage or destruction to private property or for injury to persons resulting from a fire that originates within a trunk highway right-of-way.

Sec. 2. Minnesota Statutes 1980, Section 219.761, Subdivision 1, is amended to read:

Subdivision 1. Any railroad operating in Minnesota shall be liable for all reasonable expenses of extinguishment when a fire or fire hazard emergency is proximately caused by a railroad locomotive, rolling stock, or employees on a railroad right-of-way or operating property. If the fire department of a local government or nonprofit fire fighting corporation extinguishes a fire or fires arising from one occurrence and deems that it is entitled to reimbursement for its expenses, it shall within ~~seven~~ 60 days after the first full day after extinguishment, give the railroad written notice by mail which shall state the circumstances of the fire as then known. The notice may be given to the railroad at any address at which the owner has an office, agent or other place of business in this state. The date of the mailing shall be the date of service of the notice.

If after notice and claim for reimbursement, the railroad working the right-of-way refuses to reimburse the local government or nonprofit fire fighting corporation for expenses incurred, the claimant may recover by civil action reasonable expenses, costs, disbursements, and attorney's fees.

Sec. 3. **EFFECTIVE DATE.**

This act is effective the day following its final enactment.

Approved April 14, 1981

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### CHAPTER 33 — H.F.No. 269

*An act relating to elections; allowing a candidate to transport parents of the candidate or the candidate's spouse to or from the polls; amending Minnesota Statutes 1980, Section 210A.13, Subdivision 3.*

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