

27, 1977 and annually before April 15 thereafter, January 31 containing a description of all agricultural land held within this state, the purchase price and market value of the land, the use to which it is put, the date of acquisition and any other reasonable information required by the commissioner. The commissioner shall make the information available to the public. All required annual reports shall include a filing fee of \$35.

Subd. 5. **PENALTY.** Willful failure to properly register any parcel of land as required by subdivision 4 is a gross misdemeanor. Each full month of failure to register is a separate offense.

Approved June 1, 1981

CHAPTER 338 — H.F.No. 769

An act relating to transportation; appropriating money for acquisition, betterment, and maintenance of the state rail bank; authorizing the issuance of state transportation bonds; amending Minnesota Statutes 1980, Sections 174.50, by adding a subdivision; 222.49; 222.50, Subdivision 7; and 222.63, Subdivisions 1, 2, 4, and by adding a subdivision; and Laws 1980, Chapter 610.

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

Section 1. Minnesota Statutes 1980, Section 174.50, is amended by adding a subdivision to read:

Subd. 1a. An additional need of the state transportation system is the acquisition and betterment of rail lines and right-of-way for preservation in the state rail bank as provided in section 222.63.

Sec. 2. Minnesota Statutes 1980, Section 222.49, is amended to read:

222.49 RAIL SERVICE IMPROVEMENT ACCOUNT.

The rail service improvement account is created in the special revenue fund in the state treasury. The commissioner shall deposit in this account all money appropriated to or received by the department for the purpose of rail service improvement, including federal money, in this account but excluding proceeds of state bonds or other funds appropriated to the commissioner from the state transportation fund for the acquisition or betterment of property pertaining to the state rail bank established by section 222.63, and excluding income of the state rail bank and any other funds appropriated for its maintenance or improvement. All money so deposited is appropriated to the department for expenditure for rail service improvement in accordance with applicable state and federal law. This appropriation shall not lapse but shall be

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available until the purpose for which it was appropriated has been accomplished. No money appropriated to the department for the purposes of administering the rail service improvement program shall be deposited in the rail service improvement account nor shall such administrative costs be paid from the account.

Sec. 3. Minnesota Statutes 1980, Section 222.50, Subdivision 7, is amended to read:

Subd. 7. The commissioner may expend money from the rail service improvement account for the following purposes:

(a) To pay interest adjustments on loans guaranteed under the state rail user loan guarantee program;

(b) To pay a portion of the costs of capital improvement projects designed to improve rail service including construction or improvement of short segments of rail line such as side track, team track and connections between existing lines, and construction and improvement of loading, unloading, storage and transfer facilities of a rail user;

(c) To acquire, maintain, manage and dispose of railroad right-of-way pursuant to subdivision 8 and the state rail bank program;

(d) To provide for aerial photography survey of proposed and abandoned railroad tracks for the purpose of recording and reestablishing by analytical triangulation the existing alignment of the in-place track.

All money derived by the commissioner from the disposition of railroad right-of-way or of any other property acquired pursuant to sections 222.46 to 222.62 shall be deposited in the state rail service bank improvement account.

Sec. 4. Minnesota Statutes 1980, Section 222.63, Subdivision 1, is amended to read:

Subdivision 1. **DEFINITION.** For the purpose of The terms defined in section 222.48 have the same meanings when used in this section the term. Other terms used in this section have the following meanings:

(a) "Abandoned", when used with reference to a ~~railroad~~ rail line or right-of-way, means a line or right-of-way with respect to which the interstate commerce commission or other responsible federal regulatory agency has found that the ~~public convenience and necessity permit~~ permitted discontinuance of rail service;

(b) "Right-of-way" means any real property, including any interest in the real property that is or has been owned by a railroad company as the site, or is adjacent to the site, of an existing or former rail line;

(c) "State rail bank" means abandoned rail lines and right-of-way acquired by the commissioner of transportation pursuant to this section.

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Sec. 5. Minnesota Statutes 1980, Section 222.63, Subdivision 2, is amended to read:

Subd. 2. ~~ESTABLISHMENT; ACQUISITION; ELIGIBLE PROPERTIES PURPOSE.~~ A state rail bank is ~~shall be established~~ for the acquisition, and preservation ~~and disposition~~ of ~~abandoned railroad rail lines~~ and right-of-way for future public use, or for disposition for commercial use in serving the public, by providing transportation and of persons or freight or transmission of energy, fuel, or other commodities.

Subd. 2a. ACQUISITION. The commissioner of transportation may acquire by purchase ~~or otherwise~~ all or part of any ~~abandoned railroad rail line~~ or right-of-way which is necessary for ~~inclusion~~ preservation in the state rail bank to meet the future public and commercial transportation and transmission needs of the state. The commissioner shall not acquire any interest in an ~~abandoned rail line or right-of-way~~ for inclusion in the state rail bank by eminent domain except to quiet title or when all owners as defined in section 117.025 that are known to the court have no objection to the taking.

Subd. 2b. ELIGIBLE PROPERTY. An ~~abandoned rail line or right-of-way~~ is eligible for ~~inclusion~~ preservation in the state rail bank if the ~~right-of-way meets~~ commissioner determines that it provides or may be used to provide one or more of the following criteria:

(a) ~~Provides or is expected to provide~~ Access to a present or proposed major energy generating or using facility such as an electrical generating plant, major heating plant or other major industrial user of energy;

(b) ~~Provides or is expected to provide~~ Access to a major storage or terminal facility in the marketing of agricultural commodities ~~and or~~ forest products;

(c) ~~Provides~~ Important access to surrounding states;

(d) ~~Is~~ A present or potential corridor for a pipeline, electrical transmission line, highway, transit route, rail freight or passenger line or other similar ~~commercial transportation or transmission use; or~~

(e) ~~Provides~~ Access to an extractive resource requiring rail or other transportation and or transmission rail services service for its development.

Subd. 2c. PRESERVATION. The commissioner shall provide for the maintenance, including control of weeds, of any rail line or right-of-way that is included in acquired for the rail bank. ~~The commissioner shall provide for the maintenance, and for its management of any right-of-way that is acquired under the rail bank program~~ in a manner that minimizes maintenance costs and provides a benefit to the state. The commissioner may also require that any existing ~~railroad track that is included in the rail line on acquired right-of-way~~ shall not be removed during any part or all of the period for which the right-of-way is included in the state rail bank.

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Sec. 6. Minnesota Statutes 1980, Section 222.63, Subdivision 4, is amended to read:

Subd. 4. **DISPOSITION PERMITTED.** The commissioner ~~shall~~ may, in his discretion, lease any rail line or right-of-way acquired under held in the state rail bank program or enter into an agreement with any person for the operation of any rail line or right-of-way for any of the purposes set forth in subdivision 2 in accordance with a fee schedule to be developed by the commissioner in consultation with the advisory task force established in section 222.65. The commissioner may after consultation convey any rail line or right-of-way, for consideration or for no consideration and upon other terms as the commissioner may determine to be in the public interest, to a governmental subdivision of the state having power by law to utilize it for any of the purposes set forth in subdivisions 2, 2a, 2b and 2c.

Sec. 7. Minnesota Statutes 1980, Section 222.63, is amended by adding a subdivision to read:

Subd. 8. **RAIL BANK MAINTENANCE AND IMPROVEMENT ACCOUNTS.** Special accounts shall be maintained in the state treasury, designated as the rail bank maintenance account and the rail bank improvement account, to record the receipts and expenditures of the commissioner of transportation for the maintenance and for the acquisition and betterment of rail bank property. Expenditures of proceeds of state transportation bonds and any other amounts appropriated to the commissioner from the state transportation fund shall be recorded in the improvement account. Funds received by the commissioner of transportation from rentals, fees, or charges for the use of rail bank property shall be credited to the maintenance account and used for the maintenance of that property and held as a reserve for maintenance expenses in an amount determined by the commissioner, and amounts received in the maintenance account in excess of the reserve requirements shall be transferred to the improvement account. All proceeds of the sale of abandoned rail lines shall be deposited in the improvement account. The improvement account shall be used only for the acquisition and betterment of abandoned rail lines and right-of-way. All money to be deposited in those accounts as provided in this subdivision is appropriated to the commissioner of transportation for the purposes of this section. The appropriations shall not lapse but shall be available until the purposes for which the funds are appropriated are accomplished.

Sec. 8. Laws 1980, Chapter 610, is amended to read:

Section 1. **RAILROAD ASSISTANCE; APPROPRIATION.**

The sum of \$13,500,000 is appropriated from the state ~~building~~ transportation fund to the rail service improvement account in the special revenue fund, to be expended by the commissioner of transportation for the acquisition and

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betterment of public land and buildings and public improvements of a capital nature determined to be needed for preservation in the state rail bank in the manner and for the purposes specified in Minnesota Statutes, Sections ~~222.49 to 222.62~~ Sections 222.50, Subdivision 7, Clause (c) and 222.63.

Sec. 2. BOND SALE; DEBT SERVICE STATE TRANSPORTATION BONDS.

Subdivision 1. To provide the money appropriated in this act from the state ~~building~~ transportation fund the commissioner of finance upon request of the governor shall sell and issue bonds of the state in an amount up to \$13,500,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, ~~Sections 16A.63 to 16A.67~~ Section 174.51, and by the Constitution, Article XI, Sections 4 ~~to~~, 5, and 7.

Sec. 9. EFFECTIVE DATE.

Sections 1 to 8 are effective the day following final enactment.

Approved June 1, 1981

CHAPTER 339 — H.F.No. 817

An act relating to education; permitting the operation of single sex wrestling teams; amending Minnesota Statutes 1980, Section 126.21, Subdivision 3.

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

Section 1. Minnesota Statutes 1980, Section 126.21, Subdivision 3, is amended to read:

Subd. 3. (1) Notwithstanding any other state law to the contrary, in athletic programs operated by, educational institutions or public services and designed for participants 12 years old or older or in the seventh grade or above, it is not an unfair discriminatory practice to restrict membership on an athletic team to participants of one sex whose overall athletic opportunities have previously been limited.

(2) When an educational institution or a public service provides athletic teams for children 11 years old or younger or in the sixth grade or below, those teams shall be operated without restrictions on the basis of sex, except that when overall athletic opportunities for one sex have previously been limited and there is a demonstrated interest by members of that sex to participate on a team restricted to members of that sex, the educational institution or public service may provide a team restricted to members of that sex.

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