

Subd. 4. PENALTY. A railroad company violating this section is subject to a civil penalty of \$350 for each offense. The operation of a train in violation of this section constitutes a separate violation for each day or part of a day it is so operated. The penalty must be recovered in a civil action by a railway employee, a railway labor organization as defined under the Railway Labor Act, or another interested person in a court having jurisdiction in a county in or through which the railroad line runs. The civil penalty is payable to the state. The court may issue an order requiring compliance with this section. The court shall award the prevailing party in the civil action attorney fees and costs.

Sec. 3. Minnesota Statutes 1986, section 219.56, is amended to read:

219.56 CABOOSE CARS.

It is unlawful for a person, corporation, or company operating a railroad ~~in~~ ~~the state~~ to require or permit the use of caboose cars unless the caboose cars (1) are at least 24 feet in length, exclusive of platforms; (2) have a door at each end; (3) have a dry hopper, gas or electric incinerator, or other suitable toilet facilities; (4) have cupolas, bay windows, platforms, guard rails, grab irons, and steps for the safety of persons getting on or off the caboose cars; and (5) are equipped with at least two four-wheeled trucks. Shatterproof glass must be used in the doors of the caboose when the present glass is replaced. Each caboose, when placed in service, must be provided with paper cups and at least one gallon of potable water supplied by a water cooler, which is kept sanitary, clean, and operating. When failure of the required equipment or standards of maintenance occurs after a caboose has commenced to move in service, the railroad operating that caboose is not in violation of this section if the failure is corrected at the next initial terminal as defined in section 219.551, subdivision 2. Caboose cars built or purchased after January 1, 1968, must have underframing and superstructure constructed of steel or a material of equivalent strength and, after January 1, 1972, must also be equipped with a cushioned underframe or cushioned draft gears and shatterproof glass in all doors and windows. When caboose cars are operated at the rear of a train, as required by section 2, they must be equipped with a marker or markers which may consist of flags, lamps, flashing lights, or reflectorized devices.

Approved April 28, 1988

CHAPTER 698—S.F.No. 1590

An act relating to transportation; providing that uniform relocation assistance standards comply with recent amendments to federal law; authorizing commissioner of transportation to accept gifts to department; authorizing star county signs on highways; appropriating gift funds to commissioner; exempting lessees of highway easement property from tax on its use and possession; providing that governmental body may file deed conveying partial parcel of

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land without current taxes having been paid on whole parcel; increasing complement of department of public safety; repealing conflicting provision related to charges for users of air transportation services provided by the commissioner of transportation; amending Minnesota Statutes 1986, sections 161.20, by adding a subdivision; and 173.085; Minnesota Statutes 1987 Supplement, sections 117.52, subdivision 1; 272.01, subdivision 3; and 272.121; Laws 1987, chapter 358, section 5, subdivision 1; repealing Minnesota Statutes 1986, section 360.015, subdivision 20.

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

Section 1. Minnesota Statutes 1987 Supplement, section 117.52, subdivision 1, is amended to read:

Subdivision 1. **LACK OF FEDERAL FUNDING.** In all acquisitions undertaken by any acquiring authority and in all voluntary rehabilitation carried out by a person pursuant to acquisition or as a consequence thereof, in which, due to the lack of federal financial participation, relocation assistance, services, payments and benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, ~~Statutes at Large, volume 84, page 1894 (1971); United States Code, title 42, section 4601, et seq. sections 4601 to 4655, as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Statutes at Large, volume 101, pages 246 to 256 (1987),~~ are not available, the acquiring authority, as a cost of acquisition, shall provide all relocation assistance, services, payments and benefits required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, and those regulations adopted pursuant thereto ~~by the United States Department of Housing and Urban Development, and either (1) in effect as of January 1, 1984 July 1, 1988, or (2) becoming effective after January 1, 1984,~~ following a public hearing and comment. Comments received by an acquiring authority within 30 days after the public hearing must be reviewed and a written response provided to the individual or organization who initiated the comment. The response and comments may be addressed in another public hearing by the acquiring authority before approval.

Sec. 2. Minnesota Statutes 1986, section 161.20, is amended by adding a subdivision to read:

Subd. 5. ACCEPTANCE OF PRIVATE FUNDS. Notwithstanding sections 7.09 to 7.12, the commissioner may accept on behalf of the state, gifts, grants, or contributions for purposes pertaining to the activities of the department. Funds received under this subdivision must be deposited in the trunk highway fund and are annually appropriated to the commissioner for the purpose for which they are given.

Sec. 3. Minnesota Statutes 1986, section 173.085, is amended to read:

173.085 STAR CITY SIGNS.

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

Subdivision 1. **AUTHORITY TO ERECT.** (a) A county or lesser populated statutory or home rule charter city of Minnesota that has received instruction and expertise from the department of energy and economic development on attracting and retaining businesses for the county or city and subsequently has been designated and annually recertified as a star county or star city for economic development by that department may erect star county or star city signs upon payment of a fee required under section 173.13, subdivision 4, to the department of transportation. In the case of star cities, one sign may be erected at each approach to the city within the right-of-way of an interstate or other highway that passes inside the city limits. In the case of star counties, one sign may be erected within the right-of-way of an interstate or other highway at or near the point where the highway enters the county.

(b) Notwithstanding the provisions of paragraph (a), a lesser populated statutory or home rule charter city that has an official sign in an adjacent area of an approach of an interstate highway passing through or near the city as of August 1, 1985 may replace that sign with a star city sign upon payment of a fee required under section 173.13, subdivision 4, to the department of transportation. A county that has an official sign on the right-of-way or adjacent area of an interstate highway at the point where the highway enters the county may replace that sign with a star county sign on payment of a fee required under section 173.13, subdivision 4, to the department of transportation.

Subd. 2. **SIGN STANDARDS.** The department of transportation shall design and manufacture the star county and star city ~~sign~~ signs to specifications not contrary to other federal and state highway sign standards and substantially similar to those star city signs approved for display on state highways as of August 1, 1985.

Sec. 4. Minnesota Statutes 1987 Supplement, section 272.01, subdivision 3, is amended to read:

Subd. 3. The provisions of subdivision 2 shall not apply to:

(a) Federal property for which payments are made in lieu of taxes in amounts equivalent to taxes which might otherwise be lawfully assessed;

(b) Real estate exempt from ad valorem taxes and taxes in lieu thereof which is leased, loaned, or otherwise made available to telephone companies or electric, light and power companies upon which personal property consisting of transmission and distribution lines is situated and assessed pursuant to sections 273.37, 273.38, 273.40 and 273.41, or upon which are situated the communication lines of express, railway, telephone or telegraph companies, and pipelines used for the transmission and distribution of petroleum products;

(c) Property presently owned by any educational institution chartered by the territorial legislature;

(d) Indian lands;

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(e) Property of any corporation organized as a tribal corporation under the Indian Reorganization Act of June 18, 1934, (Statutes at Large, volume 48, page 984);

(f) Real property owned by the state and leased pursuant to section 161.23 or 161.431, and acts amendatory thereto;

(g) Real property owned by a seaway port authority on June 1, 1967, upon which there has been constructed docks, warehouses, tank farms, administrative and maintenance buildings, railroad and ship terminal facilities and other maritime and transportation facilities or those directly related thereto, together with facilities for the handling of passengers and baggage and for the handling of freight and bulk liquids, and personal property owned by a seaway port authority used or usable in connection therewith, when said property is leased to a private individual, association or corporation, but only when such lease provides that the said facilities are available to the public for the loading and unloading of passengers and their baggage and the handling, storage, care, shipment, and delivery of merchandise, freight and baggage and other maritime and transportation activities and functions directly related thereto, but not including property used for grain elevator facilities; it being the declared policy of this state that such property when so leased is public property used exclusively for a public purpose, notwithstanding the one-year limitation in the provisions of section 273.19;

(h) Notwithstanding the provisions of clause (g), when the annual rental received by a seaway port authority in any calendar year for such leased property exceeds an amount reasonably required for administrative expense of the authority per year, plus promotional expense for the authority not to exceed the sum of \$100,000 per year, to be expended when and in the manner decided upon by the commissioners, plus an amount sufficient to pay all installments of principal and interest due, or to become due, during such calendar year and the next succeeding year on any revenue bonds issued by the authority, plus 25 percent of the gross annual rental to be retained by the authority for improvement, development, or other contingencies, the authority shall make a payment in lieu of real and personal property taxes of a reasonable portion of the remaining annual rental to the county treasurer of the county in which such seaway port authority is principally located. Any such payments to the county treasurer shall be disbursed by the treasurer on the same basis as real estate taxes are divided among the various governmental units, but if such port authority shall have received funds from the state of Minnesota and funds from any city and county pursuant to Laws 1957, chapters 648, 831 and 849 and acts amendatory thereof, then such disbursement by the county treasurer shall be on the same basis as real estate taxes are divided among the various governmental units, except that the portion of such payments which would otherwise go to other taxing units shall be divided equally among the state of Minnesota and said county and city.

Sec. 5. Minnesota Statutes 1987 Supplement, section 272.121, is amended to read:

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272.121 CURRENT TAX ON DIVIDED PARCELS.

Subdivision 1. CERTIFICATION OF PAYMENT. Except as provided in subdivision 2, if a deed or other instrument conveys a parcel of land that is less than a whole parcel of land as described in the current tax list, the county auditor shall not transfer or divide the land in the auditor's official records, and the county recorder shall not file and record the instrument, unless the instrument of conveyance contains a certification by the county treasurer that the taxes due in the current tax year for the whole parcel have been paid. This certification is in addition to the certification for delinquent tax required by section 272.12.

Subd. 2. EXCEPTIONS. No certification of current tax paid is required when the parcel is being conveyed to a governmental body or for any sheriff's or referee's certificate of sale or other instrument if a certification of delinquent tax for the instrument is not required under section 272.12. For purposes of this section, "governmental body" means the state, an agency of the state, a county, a home rule charter city, a statutory city, and a town.

Sec. 6. Laws 1987, chapter 358, section 5, subdivision 1, is amended to read:

Sec. 5. PUBLIC SAFETY

Subdivision 1. Total		
Appropriation	81,888,100	81,990,800
Approved Complement - 1,676.4 <u>1,686.4</u>		
General - 393.7		
Special Revenue - 3		
Trunk Highway - 1,060.8 <u>1,070.8</u>		
Highway User - 173.6		
Federal - 48.3		

The above approved complement includes ~~511~~ 521 for state-funded, unclassified patrol officers and supervisors of the state patrol. Nothing in this provision is intended to limit the authority of the commissioner of public safety to transfer personnel, with the approval of the commissioner of finance, among the various units and divisions within this section, provided that the above complement must be reduced accordingly.

Summary by Fund

General	\$ 20,905,800	\$ 20,977,500
For 1987 - \$900,000		
Trunk Highway	\$ 52,517,200	\$ 52,456,400
Highway User	\$ 9,565,500	\$ 9,645,700
Special Revenue	\$ 500,000	\$ 550,000
Transfers to Other		
Direct	(\$ 1,600,400)	(\$ 1,638,800)

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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

The amounts shown in the program totals are reduced by \$87,500 the first year and \$87,500 the second year from the general fund. Reductions must be made from appropriations that will not reduce revenue to the general fund.

Sec. 7. REPEALER.

Minnesota Statutes 1986, section 360.015, subdivision 20, is repealed.

Sec. 8. EFFECTIVE DATE.

Sections 1 and 2 are effective July 1, 1988. Sections 4 to 7 are effective the day following final enactment.

Approved April 28, 1988

CHAPTER 699—S.F.No. 1595

An act relating to state agencies; returning the control of the Minnesota veterans home to the department of veterans affairs; creating the veterans home board of directors and providing for its powers and duties; providing for the appointment of deputy commissioners and providing for their powers and duties; modifying the levy for county veteran's service officer costs; appropriating money; amending Minnesota Statutes 1986, sections 196.03; 196.05; 197.60, subdivision 4; 198.001; 198.01; 198.022; 198.03; 198.05; 198.065; 198.075; 198.16; 198.161; 198.23; 198.231; 198.261; 198.265; 198.266; 198.31; 198.32; 198.33; and 198.34; proposing coding for new law in Minnesota Statutes, chapters 196 and 198; repealing Minnesota Statutes 1986, sections 196.02, subdivision 3; and 198.06.

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

Section 1. ~~[196.021]~~ DEPUTY COMMISSIONERS TO BE APPOINTED; DUTIES.

Subdivision 1. APPOINTMENT. The commissioner shall appoint a deputy commissioner for veteran services as provided in subdivision 2, and the board of directors of the Minnesota veterans homes may appoint a deputy commissioner for veteran health care as provided in section 8. Both deputy commissioners serve in the unclassified service, the deputy for veteran services at the pleasure of the commissioner and the deputy for veteran health care at the pleasure of the board. Both deputies shall be residents of Minnesota, citizens of the United States, and veterans as defined in section 197.447.

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