

As authorized by law political subdivisions may engage in the works permitted by (f) and, (g), and (i) and contract debt therefor.

Sec. 2. QUESTION.

The proposed amendment shall be submitted to the people at the 1982 general election. The question submitted shall read:

"Shall the Minnesota Constitution be amended to provide for state bonding authority for the improvement and rehabilitation of railroad facilities?"

Yes
No

Sec. 3. 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 bond proceeds as authorized by Article XI, Section 5, Clause (i) of the Minnesota Constitution and including federal money, 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 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. 4. EFFECTIVE DATE.

Section 3 shall be effective December 31, 1982 only if the amendment proposed in section 1 is ratified.

Approved March 22, 1982

CHAPTER 601 — H.F.No. 560

An act relating to courts; authorizing the awarding of costs, disbursements, and attorney's fees in certain actions or proceedings; restoring a right of action for law enforcement officers; amending Minnesota Statutes 1980, Sections 117.195; and 549.21; proposing new law coded in Minnesota Statutes, Chapter 604.

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

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

Section 1. Minnesota Statutes 1980, Section 117.195, is amended to read:

117.195 INTEREST; AWARD, WHEN PAYABLE; DISMISSAL; COSTS.

Subdivision 1. AWARD; INTEREST. All damages allowed under this chapter, whether by the commissioners or upon appeal, shall bear interest from the time of the filing of the commissioner's report or from the date of the petitioner's possession whichever occurs first. If the award is not paid within 70 days after ~~such~~ the filing, or, in case of an appeal within 45 days after final judgment, or within 45 days after a stipulation of settlement, the court, on motion of the owner of the land, shall vacate the award and dismiss the proceedings as against ~~such~~ the land.

Subd. 2. COSTS. When the proceeding is so dismissed for nonpayment or ~~the same~~ is discontinued by the petitioner, the owner may recover from the petitioner reasonable costs and expenses including attorneys' fees. In the discretion of the court, the owner may also recover from the petitioner reasonable costs and expenses, including attorneys' fees, if a condemnation proceeding is dismissed because a court has held that condemnation shall not lie based on a challenge made under the Minnesota environmental rights act. If the court awards costs and expenses, including attorneys' fees, and if the condemnation proceeding is part of a project or proposal which has received an environmental review pursuant to the Minnesota environmental policy act, or siting or routing selection pursuant to sections 116C.51 to 116C.69, the costs and expenses, including attorney fees, shall be paid by the governmental unit responsible for the review or selection.

Sec. 2. Minnesota Statutes 1980, Section 549.21, is amended to read:

549.21 REIMBURSEMENT FOR CERTAIN COSTS IN CIVIL ACTIONS.

Upon motion of a party ~~prevailing as to an issue~~, the court in its discretion may award to that party costs, disbursements, reasonable attorney fees and witness fees ~~relating to the issue~~ if the party or attorney against whom costs, disbursements, reasonable attorney and witness fees are charged acted in bad faith ~~as to that issue; asserted a claim or defense knowing it to be frivolous; asserted an unfounded position solely to delay the ordinary course of the proceedings or to harass; or committed a fraud upon the court.~~ asserted a claim or defense knowing it to be frivolous; asserted an unfounded position solely to delay the ordinary course of the proceedings or to harass; or committed a fraud upon the court. To qualify for an award under this section, a party shall give timely notice of intent to claim an award, ~~which notice shall in any event be given prior to the resolution of the issue.~~ An award under this section shall be without prejudice and as an alternative to any claim for sanctions that may be asserted under the rules of civil procedure. Nothing herein shall authorize the award of costs, disbursements or fees against a party or attorney advancing a claim or defense unwarranted under existing law, if it is

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supported by a good faith argument for an extension, modification, or reversal of the existing law.

Sec. 3. [604.06] FIREMAN'S RULE.

The common law doctrine known as the fireman's rule shall not operate to deny any peace officer, as defined in section 626.84, subdivision 1, clause (c), a recovery in any action at law or authorized by statute.

Approved March 22, 1982

CHAPTER 602 — H.F.No. 1234

An act relating to employees and officials of the state; clarifying certain hospital and medical benefits for retired or disabled state officials and employees; amending Minnesota Statutes 1980, Section 471.61, Subdivision 2a.

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

Section 1. Minnesota Statutes 1980, Section 471.61, Subdivision 2a, is amended to read:

Subd. 2a. **RETIRED OFFICERS, EMPLOYEES.** Any county, municipal corporation, town, school district, county extension committee, other political subdivision or other body corporate and politic of this state, ~~other than~~ including the state or any department thereof, through its governing body, and any two or more subdivisions acting jointly through their governing bodies, may insure or protect its or their retired officers and retired employees entitled to benefits under any public employees retirement act and their dependents, or any class or classes thereof, under a policy or policies, or contract or contracts of group insurance or benefits covering life, health, and accident, medical and surgical benefits, or hospitalization insurance or benefits, for retired officers and retired employees and their dependents, or any one or more of such forms of insurance or protection. Any such governmental unit, including county extension committees, may pay all or any part of the premiums or charges on such insurance or protection. Any one or more of such governmental units may determine that a person is a retired officer or a retired employee if such officer or employee, when employed, received a portion of his income from such governmental subdivisions without regard to the manner of his election or appointment. The appropriate officer of such governmental unit, or those disbursing county extension funds, shall collect from each such retired officer and retired employee who elects to become insured or so protected, on such officer's or employee's written order, all or part of the retired officer's or retired employee's share of such premiums or charges and remit the same to the insurer or company issuing such policy or contract.

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