

(ORIGINAL BILL LANGUAGE)



Minnesota House of Representatives

H.F. No. 1365, 2nd Engrossment - 84th Legislative Session (2005-2006) Posted on Mar 23, 2005

1.1 A bill for an act
 1.2 relating to local government; authorizing inverse
 1.3 condemnation by a mixed municipal solid waste services
 1.4 business when a governmental entity occupies the
 1.5 market; proposing coding for new law in Minnesota
 1.6 Statutes, chapter 117.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
 1.8 Section 1. [117.58] [GOVERNMENT ENTRY INTO MIXED MUNICIPAL
 1.9 SOLID WASTE SERVICES BUSINESS; INVERSE CONDEMNATION.]

1.10 Subdivision 1. [DEFINITION.] As used in this section,
 1.11 "political subdivision" means a statutory or home rule charter
 1.12 city or a town.

1.13 Subd. 2. [PERSON TO BRING ACTION.] A person may bring an
 1.14 action in district court to compel a political subdivision of
 1.15 the state to commence condemnation proceedings if:

1.16 (1) the political subdivision of the state determines to
 1.17 provide, directly or indirectly, mixed municipal solid waste
 1.18 collection services previously provided by private persons
 1.19 within the jurisdiction of the political subdivision or limits
 1.20 the number of private persons who are permitted to provide the
 1.21 mixed municipal solid waste collection services within the
 1.22 jurisdiction so as to exclude a private person then providing
 1.23 such services from continuing to do so;

1.24 (2) as a result of the political subdivision's actions, the
 1.25 person is not able to continue in business to provide
 1.26 substantially the same mixed municipal solid waste collection
 2.1 services as before; and

2.2 (3) but for the political subdivision's actions, the person
 2.3 would be able to continue to provide substantially the same
 2.4 mixed municipal solid waste collection services in substantially
 2.5 the same market as before the government's actions.

2.6 Subd. 3. [LIMITATION.] (a) A person may not maintain an
 2.7 action against a political subdivision under subdivision 2 if
 2.8 the person provides mixed municipal solid waste collection
 2.9 services to that political subdivision under a contract between
 2.10 the person and the political subdivision which sets forth the
 2.11 terms and conditions under which the person can provide the
 2.12 services in the political subdivision. A person may not
 2.13 maintain an action under subdivision 2, if, pursuant to the
 2.14 terms of the contract, the political subdivision does not renew
 2.15 the contract for collection services.

2.16 (b) A person may not maintain an action against a political
 2.17 subdivision under subdivision 2 if the political subdivision
 2.18 prohibits a person providing mixed municipal solid waste
 2.19 collection services from providing the services because the
 2.20 person engaged in criminal or fraudulent conduct.

2.21 Subd. 4. [STATUTE OF LIMITATIONS.] An action brought under
 2.22 subdivision 2 must be commenced within six months of the day the
 2.23 political subdivision begins providing mixed municipal solid
 2.24 waste collection services that are alleged to be a taking.