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CURRENT LANG. IN EMINENT DOMAIN BILL

Lanning; Hilstrom; Samuelson; Peterson, N., and Hornstein moved to amend S. F. No. 2750, the unofficial engrossment, as follows:

Page 3, line 34, after the first comma insert "except necessary and required public services,"

The motion prevailed and the amendment was adopted.

Koenen moved to amend S. F. No. 2750, the unofficial engrossment, as amended, as follows:

Page 7, line 20, after "Sections" insert "117.012, subdivision 3,"

The motion prevailed and the amendment was adopted.

Olson moved to amend S. F. No. 2750, the unofficial engrossment, as amended, as follows:

Page 9, delete section 16 and insert:

"Sec. 16. **[160.042] CONDEMNATION FOR ACCESS TO PRIVATE PROPERTY LIMITED.**

A road authority must not acquire property by eminent domain to establish a local road or street, as defined by the Federal Highway Administration's Functional Classification Guidelines, for access to property of less than five acres that will serve projected traffic of less than 100 average daily trips, unless the property is landlocked or the road authority can show that the local road or street is necessary to cost effectively mitigate ongoing safety concerns. A property that has no other access than over a navigable waterway is landlocked."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Thissen, Davids and Dill moved to amend S. F. No. 2750, the unofficial engrossment, as amended, as follows:

Page 6, after line 31, insert:

"Sec. 9. **[117.1863] GOVERNMENT ENTRY INTO MIXED MUNICIPAL SOLID WASTE SERVICES BUSINESS; INVERSE CONDEMNATION.**

Subdivision 1. **Definition.** As used in this section, "political subdivision" means a statutory or home rule charter city or a town.

Subd. 2. **Person to bring action.** A person may bring an action in district court to compel a political subdivision of the state to commence condemnation proceedings if:

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

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

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

Subd. 3. **Limitation.** (a) A person may not maintain an action against a political subdivision under subdivision 2 if the person provides mixed municipal solid waste collection services to that political subdivision under a contract between the person and the political subdivision which sets forth the terms and conditions under which the person can provide the services in the political subdivision. A person may not maintain an action under subdivision 2, if, pursuant to the terms of the contract, the political subdivision does not renew the contract for collection services.

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

Subd. 4. **Statute of limitations.** An action brought under subdivision 2 must be commenced within six months of the day the political subdivision begins providing mixed municipal solid waste collection services that are alleged to be a taking."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Speaker pro tempore Abrams called Paulsen to the Chair.

Abrams and Lenczewski moved to amend S. F. No. 2750, the unofficial engrossment, as amended, as follows:

Page 9, line 21, after "2006" insert:

", except the act does not apply to an action brought in connection with a project that satisfies one of the following conditions: (1) with respect to property identified as intended to be acquired in a tax increment financing plan, as approved by the municipality, as that term is used in Minnesota Statutes, section 469.174, subdivision 6, by the day following final enactment under Minnesota Statutes, section 469.175, if the condemning authority has satisfied one or more of the following conditions in connection with the tax increment financing plan:

(i) the developer has acquired property by May 1, 2006, in reliance on the condemning authority's contractual obligation to condemn property; or