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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 1537

March 9, 2009

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The bill was read for the first time and referred to the Committee on Civil Justice

1.1 A bill for an act
1.2 relating to eminent domain; modifying definition of public use; amending
1.3 Minnesota Statutes 2008, section 117.025, subdivision 11.

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

1.5 Section 1. Minnesota Statutes 2008, section 117.025, subdivision 11, is amended to
1.6 read:

1.7 Subd. 11. **Public use; public purpose.** (a) "Public use" or "public purpose" means,
1.8 exclusively:

1.9 (1) the possession, occupation, ownership, and enjoyment of the land by the general
1.10 public, or by public agencies;

1.11 (2) the creation or functioning of a public service corporation; ~~or~~

1.12 (3) mitigation of a blighted area, remediation of an environmentally contaminated
1.13 area, reduction of abandoned property, or removal of a public nuisance; or

1.14 (4) mitigation of harmful effects of foreclosures by taking possession of abandoned
1.15 property in either a targeted neighborhood as defined in section 469.201, subdivision 10,
1.16 or an area qualified to receive funding under the Housing and Economic Recovery Act
1.17 of 2008, Public Law 110-289. For purposes of this clause, abandoned property means
1.18 property: (i) that has been substantially unoccupied or unused for any commercial or
1.19 residential purpose for at least six months by a person with a legal or equitable right to
1.20 occupy the property; (ii) for which taxes have not been paid for at least one previous year;
1.21 and (iii) that has not been maintained. This clause expires on December 31, 2013.

1.22 (b) The public benefits of economic development, including an increase in tax base,
1.23 tax revenues, employment, or general economic health, do not by themselves constitute
1.24 a public use or public purpose.

2.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.