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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1537**

March 9, 2009

Authored by Mullery

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

March 26, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

May 18, 2009

Pursuant to Rule 4.20, re-referred to the Committee on Civil Justice

February 11, 2010

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

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 that has not been maintained, and either (i) has been substantially unoccupied or
1.19 unused for any commercial or residential purpose for at least six months by a person with
1.20 a legal or equitable right to occupy the property; or (ii) is property for which taxes have
1.21 not been paid for at least one previous year. 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.