

## HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2058

03/04/2019 Authored by Masin, Sundin and Elkins  
The bill was read for the first time and referred to the Committee on Government Operations  
03/09/2020 Adoption of Report: Placed on the General Register  
Read for the Second Time

- 1.1 A bill for an act
- 1.2 relating to state government; modifying condemnation procedures; amending
- 1.3 Minnesota Statutes 2018, section 117.075, subdivisions 2, 3.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. Minnesota Statutes 2018, section 117.075, subdivision 2, is amended to read:
- 1.6 Subd. 2. **Appoint commissioners for damages.** (a) If the proposed taking shall appear
- 1.7 to be necessary and such as is authorized by law, the court by an order shall appoint three
- 1.8 disinterested commissioners, and at least two alternates, to ascertain and report the amount
- 1.9 of damages that will be sustained by the several owners on account of such taking.
- 1.10 (b) A disinterested commissioner or alternate appointed under this subdivision must
- 1.11 reside in Minnesota.
- 1.12 Sec. 2. Minnesota Statutes 2018, section 117.075, subdivision 3, is amended to read:
- 1.13 Subd. 3. **Commissioner qualifications.** ~~Before appointing a commissioner,~~ The court
- 1.14 shall inquire whether each prospective commissioner has any relationship, business or
- 1.15 otherwise, to any of the parties in the proceeding, or any interest in the proceeding which
- 1.16 may constitute a conflict of interest, or which may create the appearance of impropriety
- 1.17 should that person be appointed. Responses to this inquiry must be either written or on the
- 1.18 record and made available by the court to any party in the proceeding ~~before and after~~
- 1.19 ~~appointment.~~ No person who might have difficulty in rendering an unbiased decision may
- 1.20 be appointed to serve. The court, in its discretion, may appoint one registered, practicing
- 1.21 attorney to the commission who is knowledgeable in eminent domain matters. All other

- 2.1 commissioners appointed must be persons actively engaged in the occupation of real estate
- 2.2 sales or real estate appraising or persons knowledgeable in real estate values.