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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2084

02/01/2012 Authored by Stensrud, Atkins, Holberg, Leidiger, Westrom and others
The bill was read for the first time and referred to the Committee on Government Operations and Elections
02/29/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on Civil Law
03/19/2012 Adoption of Report: Pass as Amended and Read Second Time

1.1 A bill for an act
1.2 relating to local government; providing for compensation when a political
1.3 subdivision enters into mixed municipal solid waste collection business;
1.4 proposing coding for new law in Minnesota Statutes, chapter 471.

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

1.6 Section 1. [471.3457] GOVERNMENT ENTRY INTO MIXED MUNICIPAL
1.7 SOLID WASTE COLLECTION SERVICES BUSINESS.

1.8 Subdivision 1. Political subdivision must compensate. A political subdivision
1.9 must pay a person providing mixed municipal solid waste collection services the fair
1.10 market value of the business lost if:

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

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

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

1.23 Subd. 2. Exceptions. Subdivision 1 does not apply if the person provides mixed
1.24 municipal solid waste collection services to that political subdivision under a contract

2.1 between the person or a corporation or association in which the person is a shareholder or
2.2 member and the political subdivision that sets forth the terms and conditions under which
2.3 the person or a corporation or association in which the person is a shareholder or member
2.4 can provide the services in the political subdivision. Subdivision 1 does not apply if the
2.5 political subdivision does not renew or terminates the contract for collection services.

2.6 Subd. 3. **Statute of limitations.** If the political subdivision and the person providing
2.7 mixed municipal solid waste collection services do not reach an agreement on the fair
2.8 market value of the lost business as required under subdivision 1, either party may bring
2.9 an action in district court in the district in which the political subdivision is located for
2.10 a determination of the amount of compensation. An action under this subdivision must
2.11 be commenced within six months of the day the political subdivision makes a final
2.12 decision to provide or regulate mixed municipal solid waste collection services that are
2.13 the subject of the dispute.

2.14 **EFFECTIVE DATE.** This section is effective the day following final enactment,
2.15 and applies to mixed municipal solid waste collection service contracts entered into,
2.16 or mixed municipal solid waste collection service ordinances enacted, by a political
2.17 subdivision on or after that date.