

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

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

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

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

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

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

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

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

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

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