A bill for an act

relating to highways; prohibiting toll roads; making conforming changes; amending Minnesota Statutes 2010, sections 117.226; 160.93, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 160; repealing Minnesota Statutes 2010, sections 160.84; 160.85; 160.86; 160.87; 160.88; 160.89; 160.90; 160.91; 160.92.

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

Section 1. Minnesota Statutes 2010, section 117.226, is amended to read:

117.226 RIGHT OF FIRST REFUSAL.

(a) Except as provided in sections 15.16, ~~160.85,~~ 161.16, 161.20, 161.202, 161.23, 161.24, 161.241, 161.43, 161.46, and 222.63, if the governing body of the condemning authority determines that publicly owned property acquired under this chapter has not been used and is no longer needed for a public use, the authority must offer to sell the property to the owner from whom it was acquired, if the former owner can be located. The offer must be at the original price determined by the condemnation process or the current fair market value of the property, whichever is lower, except to the extent that a different value is required for a property interest obtained with federal highway funding under United States Code, title 23, or transit funding under United States Code, title 49. Before offering surplus property to local governments or for public sale under section 16B.282 or 94.10, the commissioner of administration or natural resources must offer to sell the property to the former owner as provided in this section.

(b) If the former owner cannot be located after a due and diligent search or declines to repurchase the property, the attorney for the condemning authority shall prepare a certificate attesting to the same and record the certificate in the office of the county recorder or county registrar of titles, as appropriate, to evidence the termination of the

right of first refusal. A recorded certificate to that effect is prima facie evidence that the right of first refusal has terminated.

Sec. 2. Minnesota Statutes 2010, section 160.93, subdivision 3, is amended to read:

Subd. 3. **Rules exemption.** With respect to this section, the commissioner is exempt from statutory rulemaking requirements, including section 14.386, and from sections ~~160.84 to 160.92 and~~ 161.162 to 161.167.

Sec. 3. **[160.841] TOLL FACILITIES PROHIBITED.**

Neither the commissioner nor a road authority may impose or authorize the imposition of a toll for the use of a highway or highway lane, except for a highway or highway lane having a toll imposed on or before July 1, 2006, under section 160.93.

Sec. 4. **REPEALER.**

Minnesota Statutes 2010, sections 160.84; 160.85; 160.86; 160.87; 160.88; 160.89; 160.90; 160.91; and 160.92, are repealed.