

1.1 A bill for an act

1.2 relating to eminent domain; clarifying use of eminent domain authority by
1.3 public service corporations; amending Minnesota Statutes 2008, section 117.225;
1.4 Minnesota Statutes 2009 Supplement, section 117.189.

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

1.6 Section 1. Minnesota Statutes 2009 Supplement, section 117.189, is amended to read:

1.7 **117.189 PUBLIC SERVICE CORPORATION EXCEPTIONS.**

1.8 Sections 117.031; 117.036; 117.055, subdivision 2, paragraph (b); 117.186; 117.187;
1.9 117.188; and 117.52, subdivisions 1a and 4, do not apply to the use of eminent domain
1.10 authority by public service corporations for any purpose other than construction or
1.11 expansion of:

1.12 (1) a high-voltage transmission line of 100 kilovolts or more, or ancillary
1.13 substations; or

1.14 (2) a natural gas, petroleum, or petroleum products pipeline, or ancillary compressor
1.15 stations or pumping stations.

1.16 For purposes of an award of appraisal fees under section 117.085, the fees awarded
1.17 may not exceed \$1,500 for all types of property except for a public service corporation's
1.18 use of eminent domain for a high-voltage transmission line, where the award may not
1.19 exceed \$3,000.

1.20 For purposes of this section, "pipeline" does not include a natural gas distribution
1.21 line transporting gas to an end user.

1.22 **EFFECTIVE DATE.** This section is effective the day following final enactment
1.23 and applies to eminent domain proceedings or actions commenced on or after that date.

2.1 "Commenced" means when service of notice of the petition under Minnesota Statutes,
2.2 section 117.055, is made.

2.3 Sec. 2. Minnesota Statutes 2008, section 117.225, is amended to read:

2.4 **117.225 EASEMENT DISCHARGE.**

2.5 Whenever claiming that an easement acquired by condemnation is not being used for
2.6 the purposes for which it was acquired, the underlying fee owner may apply to the district
2.7 court of the county in which the land is situated for an order discharging the easement,
2.8 upon such terms as are just and equitable. Due notice of said application shall be given
2.9 to all interested parties. Provided, however, this section shall not apply to easements
2.10 acquired by condemnation by a public service corporation now or hereafter doing business
2.11 in the state of Minnesota for any purpose other than construction or expansion of:

2.12 (1) a high-voltage transmission line of 100 kilovolts or more, including ancillary
2.13 substations; or

2.14 (2) a natural gas, petroleum, or petroleum products pipeline, including ancillary
2.15 compressor stations or pumping stations.

2.16 For purposes of this section, "pipeline" does not include a natural gas distribution
2.17 line transporting gas to an end user.

2.18 **EFFECTIVE DATE.** This section is effective the day following final enactment
2.19 and applies to eminent domain proceedings or actions commenced on or after that date.

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2.21 section 117.055, is made.