

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1664

(SENATE AUTHORS: ORTMAN, Limmer, Bakk and Gerlach)

DATE	D-PG	OFFICIAL STATUS
02/02/2012	3703	Introduction and first reading Referred to Judiciary and Public Safety
02/15/2012	3824	Author stricken Metzen
03/05/2012		Comm report: To pass as amended and re-refer to Local Government and Elections

A bill for an act
relating to eminent domain; authorizing inverse condemnation by a mixed
municipal solid waste services business when a governmental entity occupies the
market; proposing coding for new law in Minnesota Statutes, chapter 117.

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

Section 1. [117.58] GOVERNMENT ENTRY INTO MIXED MUNICIPAL SOLID
WASTE SERVICES BUSINESS; INVERSE CONDEMNATION.

Subdivision 1. Person to bring action. A person may bring an action in district court
to compel a political subdivision of the state to commence condemnation proceedings if:

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

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

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

Subd. 2. Limitation. A person may not maintain an action against a political
subdivision under subdivision 1 if the person provides mixed municipal solid waste
services to that political subdivision under a contract between the person and the political

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- 2.1 subdivision which sets forth the terms and conditions under which the person can provide
- 2.2 the services in the political subdivision.