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State of Minnesota  
**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

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

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

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

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

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

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

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

1.21 Subd. 2. **Limitation.** A person may not maintain an action against a political  
1.22 subdivision under subdivision 1 if the person provides mixed municipal solid waste  
1.23 services to that political subdivision under a contract between the person and the political  
1.24 subdivision which sets forth the terms and conditions under which the person or a

2.1 corporation or association in which the person is a shareholder or member can provide  
2.2 the services in the political subdivision. A person may not maintain an action under  
2.3 subdivision 1 if the political subdivision does not renew the contract for collection services.

2.4 Subd. 3. **Statute of limitations.** An action brought under subdivision 1 must be  
2.5 commenced within six months of the day the political subdivision begins providing mixed  
2.6 municipal solid waste collection services that are alleged to be a taking.