## SENATE STATE OF MINNESOTA EIGHTY-SEVENTH LEGISLATURE

A bill for an act

relating to eminent domain; authorizing inverse condemnation by a mixed municipal solid waste collection services business when a governmental entity

S.F. No. 1664

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

1.4 1.5	occupies the market; proposing coding for new law in Minnesota Statutes, chapter 117.
1.6	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.7	Section 1. [117.58] GOVERNMENT ENTRY INTO MIXED MUNICIPAL SOLID
1.8	WASTE COLLECTION SERVICES BUSINESS; INVERSE CONDEMNATION.
1.9	Subdivision 1. Person to bring action. A person, or a corporation or association
1.10	in which the person is a shareholder or member, may bring an action in district court to
1.11	compel a political subdivision of the state to commence condemnation proceedings if:
1.12	(1) the political subdivision of the state determines to provide, directly or indirectly,
1.13	mixed municipal solid waste collection services previously provided by private persons
1.14	within the jurisdiction of the state or political subdivision or limits the number of private
1.15	persons who are permitted to provide the mixed municipal solid waste collection services
1.16	within the jurisdiction so as to exclude a private person then providing such services
1.17	from continuing to do so;
1.18	(2) as a result of the political subdivision's actions, the person is not able to continue
1.19	in business to provide substantially the same mixed municipal solid waste collection
1.20	services as before; and
1.21	(3) but for the political subdivision's actions, the person would be able to continue
1.22	to provide substantially the same mixed municipal solid waste collection services in
1.23	substantially the same market as before the government's actions.
1.24	Subd. 2. Limitation. A person, or a corporation or association in which the person

is a shareholder or member, may not maintain an action against a political subdivision

Section 1.

## S.F. No. 1664, 1st Engrossment - 87th Legislative Session (2011-2012) [S1664-1]

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under subdivision 1 if the person provides mixed municipal solid waste collection
services to that political subdivision under a contract between the person and the political
subdivision which sets forth the terms and conditions under which the person, or a
corporation or association in which the person is a shareholder or member, can provide the
services in the political subdivision. A person, or a corporation or association in which the
person is a shareholder or member, may not maintain an action under subdivision 1 if the
political subdivision does not renew or terminates the contract for collection services.
Subd. 3. Statute of limitations. An action brought under subdivision 1 must be
commenced within six months of the day the political subdivision begins providing mixed
municipal solid waste collection services that are alleged to be a taking.

Section 1. 2