

1.1 A bill for an act

1.2 relating to eminent domain; modifying definition of public use; amending
1.3 Minnesota Statutes 2008, section 117.025, subdivision 11.

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

1.5 Section 1. Minnesota Statutes 2008, section 117.025, subdivision 11, is amended to
1.6 read:

1.7 Subd. 11. **Public use; public purpose.** (a) "Public use" or "public purpose" means,
1.8 exclusively:

1.9 (1) the possession, occupation, ownership, and enjoyment of the land by the general
1.10 public, or by public agencies;

1.11 (2) the creation or functioning of a public service corporation; ~~or~~

1.12 (3) mitigation of a blighted area, remediation of an environmentally contaminated
1.13 area, reduction of abandoned property, or removal of a public nuisance; ~~or~~

1.14 (4) mitigation of the harmful effects of abandoned property. For purposes of
1.15 this clause, abandoned property means improved property that has been substantially
1.16 unoccupied or unused for any commercial or residential purpose for at least six months by
1.17 a person with a legal or equitable right to occupy or use the property and: (i) is located
1.18 in a city in an area designated by resolution as having a disproportionate number of
1.19 vacant residential buildings or mortgage foreclosures, as described in section 469.202,
1.20 subdivision 2, paragraph (d); (ii) would qualify as abandoned property under the criteria
1.21 in section 582.032, subdivision 7, regardless of whether the property is the subject of a
1.22 foreclosure sale or action; and (iii) for which taxes have not been paid for at least one
1.23 previous year. This clause expires on December 31, 2015.

S.F. No. 1659, 3rd Engrossment - 86th Legislative Session (2009-2010) [s1659-3]

2.1 (b) The public benefits of economic development, including an increase in tax base,
2.2 tax revenues, employment, or general economic health, do not by themselves constitute
2.3 a public use or public purpose.

2.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.