

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 898

**DATE:** March 4, 2004

**Version:** First Engrossment

**Authors:** Thissen and others

**Subject:** Inverse Condemnation if Government Occupies the Market

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The bill allows a person to bring a district court action for inverse condemnation if:

- (1) the state or a political subdivision decides to provide, through its employees or by contract, goods or services previously provided by a private person;
- (2) the government prohibits private persons from continuing in the business or limits the number of persons who could be in business;
- (3) as a result of the state or political subdivision action, the person is not able to continue substantially the same business; and
- (4) but for the government action, the person would be able to continue providing substantially the same goods or services in substantially the same market as before the government action.

An action cannot be brought against a government entity if the person provides goods or services to the government entity under a contract or similar agreement.

The bill does not apply to the provision of goods or services by MINCORR Industries, municipal utilities, or ambulance services.

The bill applies to government decisions made on or after August 1, 2004.