

## **Provisions of Chapter 117 that energy-related entities are currently exempt from but would be subject to under Rep. Bly's bill**

### **117.031 Attorney fees**

Provides that if the final judgment or award for damages in an eminent domain proceeding (excluding any amount for loss of a going concern) exceeds the last offer made by the condemning authority by 40 percent or more, the court must award the property owner reasonable attorney fees, litigation expenses, appraisal fees, and other expert fees and related costs, in addition to other compensation and fees awarded. Such awards must also be made if the court determines that a taking is not for a public use or is unlawful. If the final judgment is between 20 and 40 percent greater than the last offer made by the condemning authority, the court has discretion to award these court-related expenses to the property owner.

### **117.036 Appraisal and negotiation requirements**

- Requires a condemning authority to: (1) obtain one or more appraisals before commencing an eminent domain proceeding; (2) furnish copies of all appraisals to the property owner at the time an offer is made; and (3) inform the property owner of the property owner's right to obtain an appraisal.
- Requires the acquiring authority to reimburse the property owner for an appraisal obtained by the latter, up to a maximum amount.
- Requires the acquiring authority to make a good faith attempt to negotiate personally with the property owner to acquire the property through direct purchase.
- Requires the acquiring authority to give advance notice to the property owner of its intent to use an appraisal or documentation related to loss of going concern at a condemnation commissioners' hearing.

### **117.055, subd. 2, par. (b) Contents of notice of petition for taking**

Specifies required content of a notice given by a condemning authority to a property owner that a petition has been presented to a district court to take certain property: (1) the taking may be challenged in person at the court hearing or by appeal within 60 days of the serving of the notice; and (2) a court order is final unless appealed within 60 days of service of the order.

### **117.186 Compensation for loss of going concern**

Requires that an owner of a business or trade destroyed by a taking be compensated for loss of going concern, except in specified circumstances, and allows a party to appeal the amount awarded.

### **117.187 Minimum compensation**

Specifies that an owner that must relocate must receive minimum damages that allow the owner to purchase a comparable property in the community.

**117.188 Limitations on condemning authority's actions**

Prohibits the condemning authority from requiring the owner to accept as part of the compensation any substitute or replacement property, or to accept the return of any portion of acquired property.

**117.52, subd. 1a Limit on relocation benefits**

Provides that relocation benefits to a displaced business shall be in accord with federal regulations, but establishes a maximum of \$50,000 that those regulations do not contain.

**117.52, subd. 4 Relocation assistance determined by administrative law judge**

Allows a person rejecting the acquiring authority's offer of relocation benefits to initiate a contested case hearing before an administrative law judge, whose decision is final.

**Prepared by Bob Eleff**