

1.1 A bill for an act

1.2 relating to eminent domain, repealing exemptions for certain public service  
1.3 corporations; amending Minnesota Statutes 2008, section 117.225; Minnesota  
1.4 Statutes 2009 Supplement, section 117.189.

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

1.6 Section 1. Minnesota Statutes 2009 Supplement, section 117.189, is amended to read:

1.7 **117.189 PUBLIC SERVICE CORPORATION EXCEPTIONS.**

1.8 Sections 117.031; 117.036; 117.055, subdivision 2, paragraph (b); 117.186; 117.187;  
1.9 117.188; and 117.52, subdivisions 1a and 4, do not apply to ~~public service corporations~~  
1.10 a telephone or cable communications company; a municipality or public corporation  
1.11 when operating an airport under chapter 360 or 473; a common carrier; a watershed  
1.12 district; a drainage authority; or an entity operating a regional distribution center within an  
1.13 international economic development zone designated under section 469.322. For purposes  
1.14 of an award of appraisal fees under section 117.085, the fees awarded may not exceed  
1.15 \$1,500 for all types of property except for a public service corporation's use of eminent  
1.16 domain for a high-voltage transmission line, where the award may not exceed \$3,000.

1.17 **EFFECTIVE DATE.** This section is effective the day following final enactment  
1.18 and applies to eminent domain proceedings or actions commenced on or after July 1,  
1.19 2010. "Commenced" means when service of notice of the petition under Minnesota  
1.20 Statutes, section 117.055 is made.

1.21 Sec. 2. Minnesota Statutes 2008, section 117.225, is amended to read:

1.22 **117.225 EASEMENT DISCHARGE.**

2.1 Whenever claiming that an easement acquired by condemnation is not being used for  
2.2 the purposes for which it was acquired, the underlying fee owner may apply to the district  
2.3 court of the county in which the land is situated for an order discharging the easement,  
2.4 upon such terms as are just and equitable. Due notice of said application shall be given to  
2.5 all interested parties. Provided, however, this section shall not apply to easements acquired  
2.6 by condemnation by a public service corporation now or hereafter doing business in the  
2.7 state of Minnesota, except easements acquired for the purpose of transporting energy.

2.8 **EFFECTIVE DATE.** This section is effective the day following final enactment  
2.9 and applies to eminent domain proceedings or actions commenced on or after July 1,  
2.10 2010. "Commenced" means when service of notice of the petition under Minnesota  
2.11 Statutes, section 117.055 is made.