

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-EIGHTH LEGISLATURE**

**S.F. No. 183**

(SENATE AUTHORS: DAHLE, Carlson and Fischbach)

DATE	D-PG	OFFICIAL STATUS
01/31/2013	127	Introduction and first reading Referred to Environment and Energy
03/14/2013	999a	Comm report: To pass as amended and re-refer to Judiciary

1.1 A bill for an act  
 1.2 relating to eminent domain; modifying the "buy the farm" provisions; amending  
 1.3 Minnesota Statutes 2012, section 216E.12, subdivision 4.

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

1.5 Section 1. Minnesota Statutes 2012, section 216E.12, subdivision 4, is amended to read:

1.6 Subd. 4. **Contiguous land.** (a) When private real property that is an agricultural or  
 1.7 nonagricultural homestead, nonhomestead agricultural land, rental residential property,  
 1.8 and both commercial and noncommercial seasonal residential recreational property, as  
 1.9 those terms are defined in section 273.13 is proposed to be acquired for the construction of  
 1.10 a site or route for a high-voltage transmission line with a capacity of 200 kilovolts or more  
 1.11 by eminent domain proceedings, the fee owner, ~~or when applicable, the fee owner with the~~  
 1.12 ~~written consent of the contract for deed vendee, or the contract for deed vendee with the~~  
 1.13 ~~written consent of the fee owner,~~ shall have the option to require the utility to condemn a  
 1.14 fee interest in any amount of contiguous, ~~commercially viable~~ land which the owner or  
 1.15 vendee wholly owns ~~or has contracted to own~~ in undivided fee and elects in writing to  
 1.16 transfer to the utility within 60 days after receipt of the notice of the objects of the petition  
 1.17 filed pursuant to section 117.055. ~~Commercial viability shall be determined without regard~~  
 1.18 ~~to the presence of the utility route or site.~~ The owner ~~or, when applicable, the contract~~  
 1.19 vendee shall have only one such option and may not expand or otherwise modify an  
 1.20 election without the consent of the utility. The required acquisition of land pursuant to  
 1.21 this subdivision shall be considered an acquisition for a public purpose and for use in the  
 1.22 utility's business, for purposes of chapter 117 and section 500.24, respectively; provided  
 1.23 that a utility shall divest itself completely of all such lands used for farming or capable of  
 1.24 being used for farming not later than the time it can receive the market value paid at the

2.1 time of acquisition of lands less any diminution in value by reason of the presence of the  
2.2 utility route or site. Upon the owner's election made under this subdivision, the easement  
2.3 interest over and adjacent to the lands designated by the owner to be acquired in fee,  
2.4 sought in the condemnation petition for a right-of-way for a high-voltage transmission line  
2.5 with a capacity of 200 kilovolts or more shall automatically be converted into a fee taking.

2.6 (b) All rights and protections provided to an owner under chapter 117, including in  
2.7 particular sections 117.031, 117.036, 117.186, and 117.52, apply to acquisition of land  
2.8 or an interest in land under this section.

2.9 (c) Within 90 days of an owner's election under this subdivision to require the utility  
2.10 to acquire land, the utility must make a written offer to acquire that land and amend its  
2.11 condemnation petition to include the additional land.

2.12 (d) For purposes of this subdivision, "owner" means the fee owner, or when  
2.13 applicable, the fee owner with the written consent of the contract for deed vendee, or the  
2.14 contract for deed vendee with the written consent of the fee owner.

2.15 **EFFECTIVE DATE.** This section is effective the day following final enactment  
2.16 and applies to eminent domain proceedings or actions pending or commenced on or after  
2.17 that date. "Commenced" means when service of notice of the petition under Minnesota  
2.18 Statutes, section 117.055, is made.