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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 779

02/04/2021

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The bill was read for the first time and referred to the Committee on Transportation Finance and Policy

1.1 A bill for an act
1.2 relating to transportation; modifying requirements for commissioners in eminent
1.3 domain actions; amending Minnesota Statutes 2020, section 117.075, subdivisions
1.4 2, 3.

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

1.6 Section 1. Minnesota Statutes 2020, section 117.075, subdivision 2, is amended to read:

1.7 Subd. 2. **Appoint commissioners for damages.** (a) If the proposed taking shall appear
1.8 to be necessary and such as is authorized by law, the court by an order shall appoint three
1.9 disinterested commissioners, and at least two alternates, to ascertain and report the amount
1.10 of damages that will be sustained by the several owners on account of such taking.

1.11 (b) All disinterested commissioners or alternates appointed under this subdivision must
1.12 reside in Minnesota.

1.13 Sec. 2. Minnesota Statutes 2020, section 117.075, subdivision 3, is amended to read:

1.14 Subd. 3. **Commissioner qualifications.** ~~Before appointing a commissioner,~~ The court
1.15 shall inquire whether each prospective commissioner has any relationship, business or
1.16 otherwise, to any of the parties in the proceeding, or any interest in the proceeding which
1.17 may constitute a conflict of interest, or which may create the appearance of impropriety
1.18 should that person be appointed. Responses to this inquiry must be either written or on the
1.19 record and made available by the court to any party in the proceeding ~~before and after~~
1.20 ~~appointment.~~ No person who might have difficulty in rendering an unbiased decision may
1.21 be appointed to serve. The court, in its discretion, may appoint one registered, practicing
1.22 attorney to the commission who is knowledgeable in eminent domain matters. All other

- 2.1 commissioners appointed must be persons actively engaged in the occupation of real estate
- 2.2 sales or real estate appraising or persons knowledgeable in real estate values.