

1.1 moves to amend H.F. No. 1182, the delete everything amendment
1.2 (H1182DE2), as follows:

1.3 Page 1, after line 2, insert:

1.4 "Section 1. Minnesota Statutes 2008, section 117.031, is amended to read:

1.5 **117.031 ATTORNEY FEES.**

1.6 (a) If the final judgment or award for damages, as determined at any level in the
1.7 eminent domain process, is more than 40 percent greater than the last written offer of
1.8 compensation made by the condemning authority prior to the filing of the petition, the
1.9 court shall award the owner reasonable attorney fees, litigation expenses, appraisal fees,
1.10 other experts fees, and other related costs in addition to other compensation and fees
1.11 authorized by this chapter. If the final judgment or award is at least 20 percent, but not
1.12 more than 40 percent, greater than the last written offer, the court may award reasonable
1.13 attorney fees, expenses, and other costs and fees as provided in this paragraph. The final
1.14 judgment or award of damages shall be determined as of the date of taking. No attorney
1.15 fees shall be awarded under this paragraph if the final judgment or award of damages
1.16 does not exceed \$25,000. For the purposes of this section, the "final judgment or award
1.17 for damages" does not include any amount for loss of a going concern unless that was
1.18 included in the last written offer by the condemning authority.

1.19 (b) In any case where the court determines that a taking is not for a public use or
1.20 is unlawful, the court shall award the owner reasonable attorney fees and other related
1.21 expenses, fees, and costs in addition to other compensation and fees authorized by this
1.22 chapter.

1.23 (c) When a public service corporation is the condemning authority, a court shall
1.24 not award attorney fees under paragraph (a) unless it finds, by a preponderance of the
1.25 evidence, that the monetary difference between the final judgment or award for damages
1.26 and the last written offer of compensation made by the condemning authority was not

2.1 consistent with a good faith appraisal of the property proposed to be taken obtained by the
2.2 public service corporation.

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

2.7 Renumber the sections in sequence and correct the internal references

2.8 Amend the title accordingly