

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 160  
**Version:** First Engrossment  
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**Subject:** Real Property Easements for Utilities  
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### Overview

This bill is prompted by *Scherger v. Northern Natural Gas Company*, 575 N.W.2d 578 (Minn. 1998). In that case the court ruled that a statute governing utility easements over real property and enacted in 1973 did not contain a retroactive effective date and thus did not apply to easements acquired before its effective date. Since most utility easements in this state were acquired before 1973, the result of the case is that the policy expressed in current statute does not apply to most easements. The bill provides for current law to apply retroactively so that it will govern all utility easements in the state.

- 1 Easements over private property; limitations.** Current law provides that (1) when a public utility or pipeline company acquires an easement it must specifically describe the easement obtained, which must be the minimum necessary and (2) when a property owner requests an easement description, the utility must provide a specific and definite description.

The bill first permits acquisition of an easement "in a width necessary for safe conduct of their business." It also amends the portion of current law that requires a specific and definite description of the easement. It requires the description to be the minimum necessary for safe operation of the business. It also states that the requirement of a description of the minimum necessary easement applies regardless of when the utility easement was acquired or created.

The amendment in this section applies retroactively to all easements whenever created. It is not applicable to litigation pending on August 1, 1999.