

(2) of more than 100 kilowatts capacity, except in accordance with an order of the commission establishing the allowable costs to be recovered through standby charges.

EFFECTIVE DATE. This section is effective July 1, 2013."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Dahle moved to amend H.F. No. 854, as amended pursuant to Rule 45, adopted by the Senate May 19, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 695.)

Page 2, after line 27, insert:

"Sec. 2. Minnesota Statutes 2012, section 216E.12, subdivision 4, is amended to read:

Subd. 4. **Contiguous land.** (a) When private real property that is an agricultural or nonagricultural homestead, nonhomestead agricultural land, rental residential property, and both commercial and noncommercial seasonal residential recreational property, as those terms are defined in section 273.13 is proposed to be acquired for the construction of a site or route for a high-voltage transmission line with a capacity of 200 kilovolts or more by eminent domain proceedings, the fee owner, or when applicable, the fee owner with the written consent of the contract for deed vendee, or the contract for deed vendee with the written consent of the fee owner, shall have the option to require the utility to condemn a fee interest in any amount of contiguous, commercially viable land which the owner or vendee wholly owns or has contracted to own in undivided fee and elects in writing to transfer to the utility within 60 days after receipt of the notice of the objects of the petition filed pursuant to section 117.055. Commercial viability shall be determined without regard to the presence of the utility route or site. Within 60 days after receipt by the utility of an owner's election to exercise this option, the utility shall provide written notice to the owner of any objection the utility has to the owner's election, and if no objection is made within that time, any objection shall be deemed waived. Within 120 days of the service of an objection by the utility, the district court having jurisdiction over the eminent domain proceeding shall hold a hearing to determine whether the utility's objection is upheld or rejected. The utility has the burden of proof to prove by a preponderance of the evidence that the property elected by the owner is not commercially viable. The owner or, when applicable, the contract vendee shall have only one such option and may not expand or otherwise modify an election without the consent of the utility. The required acquisition of land pursuant to this subdivision shall be considered an acquisition for a public purpose and for use in the utility's business, for purposes of chapter 117 and section 500.24, respectively; provided that a utility shall divest itself completely of all such lands used for farming or capable of being used for farming not later than the time it can receive the market value paid at the time of acquisition of lands less any diminution in value by reason of the presence of the utility route or site. Upon the owner's election made under this subdivision, the easement interest over and adjacent to the lands designated by the owner to be acquired in fee, sought in the condemnation petition for a right-of-way for a high-voltage transmission line with a capacity of 200 kilovolts or more shall automatically be converted into a fee taking.

(b) All rights and protections provided to an owner under chapter 117 apply to acquisition of land or an interest in land under this section.

(c) Within 120 days of an owner's election under this subdivision to require the utility to acquire land, or 120 days after a district court decision overruling a utility objection to an election made pursuant to paragraph (a), the utility must make a written offer to acquire that land and amend its condemnation petition to include the additional land.

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

EFFECTIVE DATE. (a) The amendments to paragraph (a) and paragraph (c) of this section are effective the day following final enactment and apply to actions commenced on or after that date

(b) Paragraphs (b) and (d) of this section are effective the day following final enactment and apply to actions pending or commenced on or after that date.

(c) This section does not apply to proceedings or actions before the Minnesota Supreme Court on the effective date of this act.

(d) "Commenced" means when service of notice of the petition under Minnesota Statutes, section 117.055, is made."

Amend the title accordingly

Senator Dahle moved to amend the Dahle amendment to H.F. No. 854 as follows:

Page 2, line 18, delete "the effective date of this act" and insert "May 1, 2013"

The motion prevailed. So the amendment to the amendment was adopted.

CALL OF THE SENATE

Senator Metzen imposed a call of the Senate for the balance of the proceedings on H.F. No. 854. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the Dahle amendment, as amended.

The roll was called, and there were yeas 49 and nays 16, as follows:

Those who voted in the affirmative were:

Anderson	Dziedzic	Hoffman	Miller	Schmit
Bakk	Eaton	Housley	Nelson	Senjem
Brown	Eken	Ingebrigtsen	Newman	Sieben
Carlson	Fischbach	Jensen	Nienow	Stumpf
Champion	Gazelka	Johnson	Ortman	Thompson
Clausen	Goodwin	Kiffmeyer	Pappas	Torres Ray
Cohen	Hall	Koenen	Pederson, J.	Weber
Dahle	Hann	Limmer	Petersen, B.	Wiger
Dahms	Hawj	Lourey	Ruud	Wiklund
Dibble	Hayden	Marty	Scalze	

Those who voted in the negative were:

Benson	Kent	Pratt	Sheran
Bonoff	Latz	Rest	Skoe
Chamberlain	Metzen	Rosen	Sparks
Franzen	Osmeck	Saxhaug	Tomassoni

The motion prevailed. So the Dahle amendment, as amended, was adopted.