

Senate Counsel, Research, and Fiscal Analysis

Tom Bottem, Director

Minnesota Senate Building
95 University Ave. W. Suite 3300
ST. PAUL, MN 55155-1800
(651) 296-4791
www.senate.mn/scrfa

Senate

State of Minnesota

S.F. No. 359 – Authorizing Action to Compel Condemnation Proceedings and Just Compensation for Business Closures Required by Executive Orders

Author: Senator Andrew Mathews

Prepared by: Priyanka Premo, Senate Counsel (651/296-3317)

Date: March 8, 2021

S.F. 359 authorizes a business owner to bring an action in district court to compel the state to begin condemnation proceedings and payment for just compensation for: (1) loss of income because the business complied with an executive order that required complete or partial closure; or (2) loss of going concern because the business complied with an executive order that resulted in permanent closure of the business.

The owner has the burden of proving that the loss is due to the executive order and the amount of compensation due for losses. The owner may petition the court for reimbursement of reasonable costs, expenses, and attorney fees. The action must be filed within one year of the expiration of the executive order that resulted in business closure.

Effective date. This bill is effective the day following final enactment.