



# STATE OF MINNESOTA

## Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

May 23, 2017

The Honorable Kurt Daudt  
Speaker of the House  
463 State Office Building  
St. Paul, Minnesota 55155

Dear Mr. Speaker:

I am vetoing and returning to you Chapter 78, House File 985, a bill relating to the duty of landowners. This legislation has been discussed as a codification of Minnesota's common law relating to the duty of landowners to trespassers on their properties. However, the measure falls short of that objective and has significant Constitutional consequences.

Unrecognized in this legislation are the already existing statutory protections for Minnesota landowners against claims for injuries that occur on their properties. Minnesota Statutes, Sections 604A.20-604A.27 provide protections for landowners, who allow their lands to be used for recreational purposes. There are also legal protections for farmers, who allow livestock activities on their lands, as well as for agritourism businesses, under Minnesota Statutes, Section 604A.12 and 604A.40.

If this legislation is an effort to revise those existing laws, relating to the duty of a landowner to trespassers, it needs to be more specific. Other states with similar legislation have specifically outlined what those duties are, including: who is an actual trespasser; protections for children, who enter properties; requirements to warn of dangerous conditions on lands; and responsibilities to correct conditions that could cause serious injuries or even death to children.

In closing, I support the protection of landowners. I encourage them and other stakeholders to work together and craft legislation, which more clearly delineates their respective protections and responsibilities.

Sincerely,

A handwritten signature in black ink that reads "Mark Dayton".

Mark Dayton  
Governor

cc: Senator Michelle L. Fischbach, President of the Senate  
Senator Paul E. Gazelka, Senate Majority Leader  
Senator Thomas M. Bakk, Senate Minority Leader  
Senator Warren Limmer, Minnesota Senate  
Representative Melissa Hortman, House Minority Leader  
Representative Dan Fabian, House of Representative  
The Honorable Steve Simon, Secretary of State  
Mr. Cal R. Ludeman, Secretary of the Senate  
Mr. Patrick Murphy, Chief Clerk of the House of Representatives  
Mr. Paul Marinac, Revisor of Statutes