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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 1006

- 02/09/2017 Authored by Knoblach; Anderson, P.; Hamilton and Theis
The bill was read for the first time and referred to the Committee on Agriculture Policy
- 03/02/2017 Adoption of Report: Placed on the General Register
Read for the Second Time
- 05/22/2017 Pursuant to Rule 4.20, returned to the Committee on Agriculture Policy

1.1 A bill for an act

1.2 relating to partition fences; providing that a landowner or occupant who does not

1.3 need a partition fence cannot be required to share in construction or maintenance

1.4 costs; repealing a statute that applies this standard only in St. Louis County;

1.5 amending Minnesota Statutes 2016, section 344.03, subdivision 1, by adding a

1.6 subdivision; repealing Minnesota Statutes 2016, section 383C.809.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2016, section 344.03, subdivision 1, is amended to read:

1.9 Subdivision 1. **Adjoining owners.** Except as provided in subdivision 3, if all or a part

1.10 of adjoining Minnesota land is improved and used, and one or both of the owners of the

1.11 land desires the land to be partly or totally fenced, the ~~land owners~~ landowners or occupants

1.12 shall build and maintain a partition fence between their lands in equal shares. The requirement

1.13 ~~in this section~~ subdivision and the procedures in this chapter apply to the Department of

1.14 Natural Resources when it owns land adjoining privately owned land subject to this section

1.15 and chapter and the landowner desires the land permanently fenced for the purpose of

1.16 restraining livestock.

1.17 Sec. 2. Minnesota Statutes 2016, section 344.03, is amended by adding a subdivision to

1.18 read:

1.19 **Subd. 3. Owner or occupant not required to pay for fence; re-evaluation authorized.**

1.20 **(a) When a landowner or occupant has no need for a fence, that owner or occupant shall**

1.21 **not be required to build or maintain, or to pay for the building or maintenance of, a partition**

1.22 **fence under this chapter. For purposes of this subdivision, a landowner or occupant with**

2.1 no need for a fence includes, but is not limited to, one whose neighbor builds, maintains,
2.2 or intends to build or maintain a partition fence to restrain livestock to the neighbor's property.

2.3 (b) If adjoining landowners or occupants disagree about the need for a fence, it is a
2.4 controversy to be decided by a fence viewer under section 344.06.

2.5 (c) If a landowner or occupant is not required to build or maintain, or pay for the building
2.6 or maintenance of, a partition fence under paragraph (a), but that owner's or occupant's
2.7 circumstances change to include the need for a partition fence within seven years after the
2.8 partition fence is constructed, either adjoining owner or occupant may request that a fence
2.9 viewer perform a re-evaluation and reassignment of the cost of construction and maintenance
2.10 under section 344.06.

2.11 Sec. 3. **REPEALER.**

2.12 Minnesota Statutes 2016, section 383C.809, is repealed.

2.13 Sec. 4. **EFFECTIVE DATE.**

2.14 This act is effective August 1, 2017, and applies to partition fences built on or after that
2.15 date.

APPENDIX
Repealed Minnesota Statutes: HF1006-0

No active language found for: 383C.809