



STATE OF MINNESOTA

Office of Governor Tim Pawlenty

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

May 27, 2003

The Honorable Steve Sviggum
Speaker of the House of Representatives
100 Rev. Dr. Martin Luther King Jr. Blvd.
463 State Office Building
Saint Paul, Minnesota 55155

Dear Speaker Sviggum:

I have vetoed and am returning Chapter 103 - House File 624, a bill relating to legislative approval required for certain rules.

This bill reflects a very admirable attempt by the Legislature to address frustrating unfunded mandates that are sometimes the result of administrative rulemaking. While I agree with this goal, I am concerned about the unintended consequences of this legislation.

The bill essentially shifts authority for conducting rulemaking from the executive branch to the legislative branch. Under current law, the legislature has granted the Governor's office final approval authority on all rulemakings. This is sound policy as it provides accountability in a way that does not paralyze either branch of government. House File 624 would impose that responsibility on the already over-stressed legislative process.

The changes proposed in this legislation would also add considerable delay and cost to Minnesota's rulemaking process, by requiring legislative approval of all major rulemakings. Major rulemaking in Minnesota already takes 18 to 24 months to complete, if everything goes smoothly. Requiring legislative approval

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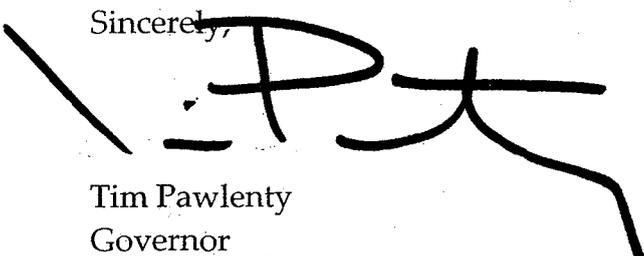
Page two

as an additional stop at the end of this process would make implementation of state laws and policies very cumbersome.

The \$10,000 threshold which triggers legislative review is too low and would require the legislature to address a wide variety of issues that have been appropriately delegated to agencies by the legislature.

Finally, I am also concerned that this bill could vitiate agencies ability to effectively enact rules. Because the Legislature is only in session for a few months out of the year, it is impractical for the Legislature to act on all proposed rules in a timely manner. This delay in requiring legislative approval could result in expiration of the timelines for rules under current law. Currently the Legislature has the authority to change or amend an existing rule through legislation. Existing law, which allows the legislature to essentially override any rule passed by an agency, would seem to provide ample protections against overly burdensome or unnecessary rules.

Sincerely,



Tim Pawlenty
Governor

cc: James Metzen, President of the Senate
Senator John Hottinger, Senate Majority Leader
Senator Dick Day, Senate Minority Leader
Representative Matt Entenza, House Minority Leader
Representative Marty Seifert
Senator David Senjem
Patrick Flahven, Secretary of the Senate
Ed Burdick, Chief Clerk of the House
Mary Kiffmeyer, Secretary of the State