



STATE OF MINNESOTA

Office of Governor Mark Dayton

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

May 3, 2012

The Honorable Kurt Zellers
Speaker of the House
Room 463, State Office Building
100 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, Minnesota 55155

Dear Mr. Speaker:

I have vetoed and am returning Chapter 275, House File 203, a bill that would require legislative approval for agency rulemaking.

We share the goal of making state government more efficient, responsive, and streamlined. This bill contradicts that goal and would add another lengthy step to the existing rulemaking procedures. It is not clear what problems in the present rulemaking system the bill's proponents are trying to resolve. I believe it would be more effective for us to focus on specific areas of concern and discuss ways to improve them.

It is also worth noting that state agencies only engage in rulemaking if the Legislature has authorized them to do so. Once the rulemaking process has begun, there are additional opportunities for concerned Legislators to become involved, as set forth in Minnesota Statutes, sections 3.305 and 14.126. Legislators should exercise those prerogatives, if they have concerns.

In 2003, Governor Tim Pawlenty vetoed legislation with very similar language. In his veto of H.F. 624 he wrote:

“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

The Honorable Kurt Zellers
May 3, 2012
Page 2

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

As I stated in my letter to the Legislature on April 14, 2011, Governor Pawlenty’s objections remain as valid today as they were then.

For those same reasons, I have vetoed this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Dayton". The signature is stylized and cursive.

Mark Dayton
Governor

cc: Senator Michelle L. Fischbach, President of the Senate
Senator David H. Senjem, Senate Majority Leader
Senator Thomas M. Bakk, Senate Minority Leader
Representative Paul Thissen, House Minority Leader
Representative Torrey Westrom
The Honorable Mark Ritchie, Secretary of State
Mr. Cal R. Ludeman, Secretary of the Senate
Mr. Albin A. Mathiowetz, Chief Clerk of the House of Representatives