



STATE OF MINNESOTA
EXECUTIVE OFFICE
ST. PAUL, MINNESOTA 55101

KARL F. ROLVAAG
GOVERNOR

May 26, 1965

RECEIVED

MAY 26 1965

SECRETARY OF STATE

4:30 PM JLR

The Honorable Joseph L. Donovan
Secretary of State
Room 128 State Capitol
St. Paul, Minnesota

Dear Mr. Donovan:

This is to inform you that H.F. 1260, the so-called "situs" bill, has not been signed by me, and that I will not be forwarding it to your office for registration as law.

In doing this, I feel compelled to set down for the record my reasons for not signing this bill.

There is general recognition in Minnesota that something should be done to clear up the manner in which we issue a certification of title for motor vehicles. Certainly, I would have no objection to any legislation which accomplished only this. I cannot believe, however, that the advantages of clarification and simplification of this procedure should apply only to lending institutions and auto dealers, as badly as it may be needed.

I am convinced that the resultant confusion and inconvenience to the general populace more than outweighs the admitted needed simplification for our lending institutions and auto dealers.

I am further convinced that the answer to all of these problems would lie in the establishment of a central filing system. Until such a central filing system would be established by the legislature, I cannot assent to the establishment of a system which will bring convenience to one segment of the society and yet possibly end up seriously inconveniencing a much larger segment.

Sincerely yours,

Karl F. Rolvaag

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GOVERNOR

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STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED
MAY 28 1965

Joseph L. Donovan
Secretary of State



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The Honorable Joseph L. Donovan
Secretary of State
State of Minnesota
State Capitol
St. Paul, Minnesota

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Dear Sir:

This will inform you that I will not sign S.F. 1563, which relates to the settlement of disputes between school boards and certificated school personnel who are members of the teaching profession, nor will I sign H.F. 753, which is a bill relating to the probationary period of employment for school teachers. Since the time has passed when I can permit bills to become law without my signature, this will mean that I am exercising my right of "pocket veto."

On December 10th, 1964, I appointed a broadly based and representative citizen committee under the chairmanship of Judge William Gunn to recommend improvements in the Public Employees Labor Relations Law.

The committee worked hard and diligently; and, as a result of its efforts, legislation was drafted in the form of H.S. 1505 and S.F. 1235. This bill had broad support from public employees.

However, teachers were eliminated from the provisions of this legislation and included in a separate bill, which we are considering now -- S.F. 1563.

This bill departs from established principles of employer-employee relations in one very important aspect, and that is the requirement for a unit to be recognized by a school board, the names of the members must be submitted to the Commissioner of Education for certification.

It appears to me that this provision serves no useful purpose and creates an opportunity for violations of that provision of the law, which prohibits the intimidation or coercion of any public employee to join or to refrain from joining an employee organization. A secret ballot conducted by a disinterested party should be adequate to establish the authority of an organization to represent the employees it asserts to represent.

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Further, S.F. 1563 also imposes upon the Commissioner the responsibility of appointing a mediator to solve disputes prior to resorting to an adjustment panel. With regard to this provision, the State Board of Education on May 17th, 1965, voted to oppose S.F. 1563 on the grounds that "the duties assigned to the Commissioner of Education by this bill are not compatible with his position and duties as Commissioner and that the duties presently assigned to him are sufficient in number and responsibility."

H.F. 753

H.F. 753, while it is reflective of some sound thinking with regard to tenure for teachers and which attempts to define more clearly the grounds for termination of employment for teachers, is not good legislation.

One serious question raised is the extent of judicial review under this proposed bill and its departure from established precedent. The bill provides that teachers may be dismissed upon competent evidence. Competent evidence is any evidence which is admissible. The determination of competence is made by the very body which will determine whether to dismiss. This in itself is wrong. Dismissal may be premised upon any degree of evidence, even a scintilla of evidence, as long as it is admitted. The law specifically requires less evidence than is ordinarily required in a judicial review of legislative or quasi judicial functions.

The proposed bill provides a procedure for immediate discharge based upon grounds similar to the procedure for general discharge under Subdivisions 4 & 6 of this bill. Therefore, in all cases the school board may immediately discharge or not, as it may determine, without regard to the severity of the grounds charged. The lines of distinction between cause for immediate discharge and general discharge at the end of the school year is not clearly defined. Any procedure for immediate discharge should be available only in clear and flagrant cases of violation.

If a teacher is vindicated as a result of a dismissal hearing, the charges, transcript, etc., remain part of the record and the teacher's file under the proposed bill. Under the present tenure law of cities of the 1st class, upon dismissal of charges, all matters are expunged from the records.

Under this bill, non-tenure teachers may be dismissed at the will of the board. However, the board must state that appropriate supervision was furnished. The mere statement does not establish that it was given. The board should be required, for the benefit of its own review, to indicate the extent to which supervision was given.

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Joseph L. Donovan
Secretary of State

The Hon. Joseph L. Donovan

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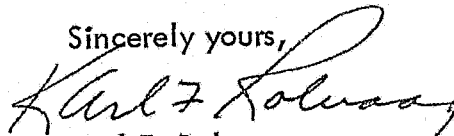
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Also, while H.F. 753 designates mental illness as grounds for immediate discharge of a teacher, it does not designate who is to determine the nature or extent of mental illness, the types of mental illness which are grounds for immediate discharge nor does it provide for a program of mental rehabilitation for a teacher or the status of that person upon rehabilitation. Certainly, in a State which has an outstanding record of restoring mental patients to full participation in the community, we can do better.

Further, the entire question of repeated probationary periods for teachers is deserving of additional study.

Since good results were achieved by the non-partisan committee appointed by me to recommend improvements to the public employees labor relations law, I see no reason that a similarly constituted committee could not work out answers to the two problems with which we are faced. I will appoint such a committee and charge it with the responsibility of investigating these problems and making recommendations to the 1967 Session of the Legislature.

Sincerely yours,

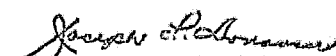


Karl F. Rolvaag
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SECRETARY OF STATE

The Honorable Joseph L. Donovan
Secretary of State
State of Minnesota
State Capitol
St. Paul, Minnesota

Dear Sir:

I have decided that I will not sign H.F. 160, an Act Relating to Workmen's Compensation, and will exercise my right of "pocket veto" for the reasons hereinafter given.

The bill would depart from our previously established policy (and that of the great majority of states) whereby injured workers receive compensation benefits as a matter of right and based on wage loss, and appear to substitute instead a "Charity" or "need" concept. Close examination indicates that the stated weekly maximum benefit of \$62 is illusory and only some 4 per cent of injured workers would receive it. It could not be obtained, regardless of the employee's wage, unless five dependents be shown. And even if five or more dependents be shown, a weekly wage of at least \$93 must be demonstrated.

The allowance of \$3.00 per week for a dependent is a pittance in the light of the present cost of living. Concern for the employee with dependents is not accomplished by the bill, and this is shown by the fact that any employee making less than \$67.50 per week will not receive any increase at all, regardless of the number of his dependents. It is also significant that in awards for permanent bodily injuries, the maximum weekly benefit is limited to \$47, and in fatal cases to \$50, regardless of the number of dependents.

It is most disturbing to find that the new proposed time limitations would destroy the protection of disability and medical benefits which the present law properly allows to injured workers and during their lifetime for job accidents. Many of the most severely injured workers, those who become permanently and totally disabled and those who will require continuous medical care (i.e. the employees who most need the protection of the law) would be denied compensation and medical benefits. There are other provisions in the bill which would reduce or eliminate the protection the present law gives to job injured workers.

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Joseph L. Donovan
Secretary of State

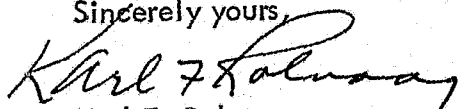
The Hon. Joseph L. Donovan

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No improvement in injury benefits has occurred since 1957, and a substantial upward revision is required in the interest of justice to the workers in our state. We cannot, however, under the guise of a \$2.00 increase in the basic weekly benefit and an increased potential maximum in fatal cases destroy other sound provisions of our law and completely deny benefits to future thousands of Minnesota injured employees. H.F. 160 is, in reality, a reduction in benefits, and should not become law in Minnesota.

Sincerely yours,

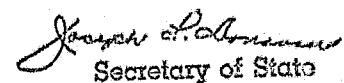


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May 27, 1965

The Hon. Joseph L. Donovan
Secretary of State
State of Minnesota
St. Paul, Minnesota

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SECRETARY OF STATE

Dear Sir:

I am withholding approval of H.F. 164 which extends the bounty on fox, wolves, bobcats, and lynx, and S.F. 191 which places a bounty on bear. I am also striking from S.F. 2016, \$300,000 from the Game and Fish Fund and the \$1,000 from the General Revenue Fund which were appropriated for bounty payments.

I have carefully and fully reviewed the bounty system in Minnesota and have come to the inescapable conclusion that this unwarranted drain from our hunting and fishing license monies must be ended.

Bounties on predatory animals were first put in effect in Minnesota in 1894 in the belief that they would control predators and thereby increase the abundance of game species. However, studies in this state, as well as studies by wildlife authorities throughout the country, have proven over and over again that our bounty system does not control predators or increase game species.

In addition, Minnesota has recently become a virtual island, almost completely surrounded by states not paying bounties. This can lead only to an increase in the illegal importation of predators killed in surrounding states. Wisconsin and North Dakota no longer pay bounties, and only certain counties pay bounties in Iowa. South Dakota continues to pay bounties, but its payments are generally lower than ours have been.

I am requesting the Conservation Department to prepare a plan for submission to the next legislature whereby a similar amount of money can be made available to the counties on a matching basis for the development of habitat on public and private lands. In this way the monies which otherwise would be wasted on bounties can be put to use in a way which will significantly increase the abundance of game animals.

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Joseph L. Donovan
Secretary of State

Sincerely yours,
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The Hon. Joseph L. Donovan
Secretary of State
State of Minnesota
St. Paul, Minnesota

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Dear Sir:

This is to advise you that I am withholding my approval of H.F. 1094 - a bill for an act "relating to the Judicial Council; providing for the appointment of certain members thereof by the Supreme Court on the signing of a certain report; and authorizing the acceptance of gifts; amending Minnesota Statutes 1961, Sections 483.01, 483.02, 483.03 and 483.04."

The Judicial Council was created many years ago for the purpose of conducting a study of the organization, rules and methods of procedures and practice of the Judicial system of the State, and of all matters relating to administration of said system and its many departments.

H.F. 1094 amends the present statutes by providing that the Supreme Court, rather than the Governor, shall appoint seven members of the Judicial Council. It further provides by amendment that the Judicial Council may accept gifts of money or property given for the purpose of enabling it to carry out any of the purposes for which it is created.

Present law provides that the State or its agencies may accept monies with the approval of the Governor, the State Auditor, and the State Treasurer. Therefore, this amendment is unnecessary.

The Judiciary is adequately represented on the Judicial Council under existing law because five of the members must be members or former members of the Judiciary. In addition, under existing law, four of the eleven appointments are made by the Judiciary.

I believe it wise public policy that the Executive Branch of Government participate with the Judiciary in studies of our Judicial System.

Sincerely yours,
Karl F. Rolvaag
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May 27, 1965

The Honorable Joseph L. Donovan
Secretary of State
128 State Capitol
St. Paul, Minnesota

Dear Mr. Donovan:

This is to inform you that S.F. 116, the so-called "Parent Choice" bill, has not been signed by me and that I will not be forwarding it to your office for registration as law. Following are my reasons for not concurring in the enactment of this legislation:

In effect, this legislation would remove from local boards of education the responsibility for making educational decisions and plans relating to the handicapped children. The effects of this are far-reaching.

Parents have been and always should be involved in educational decisions which will affect their children. This is presently being done in all disability areas; and the parents' wishes are considered in making placement decisions, especially in cases involving enrollment of a child in such facilities as the Worthington Crippled Children's School, the Minnesota School for the Deaf, and the Minnesota Braille and Sight Saving School.

However, while parents must be involved in these matters, it also is essential that the rights and responsibilities of local school boards in making educational decisions be preserved at all levels and in all phases of the public school system.

While this bill apparently was intended to affect only visually handicapped children and the Braille School, the wording of the present bill is such that it now includes matters concerning all handicapped children. This is particularly unfortunate, since I am unaware of any real problems encountered in providing educational services for children with other handicapped conditions.

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Secretary of State

Hon. Joseph L. Donovan

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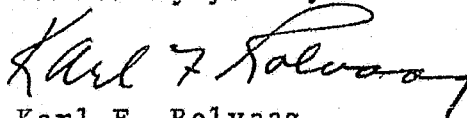
However, this legislation, designed to accommodate to the interests of a very small minority, could have far-reaching, negative implications for a large segment of the total handicapped school population.

In its broadest interpretation, this legislation would mean that parents could completely at their own discretion transfer their handicapped children at random from school to school within a given district, or send their children to schools in other districts, or to schools in other states and their home districts and the receiving districts, except in out-of-state schools, would have to accept the parental decision.

From the standpoint of districts that maintain special education programs, it would mean that the school boards in these districts would be required to accept a handicapped child regardless of the degree of his disability, or whether the child could be properly served through such a program. Also, once the child was enrolled, it would seem that he could remain in the program as long as it was the wishes of his parents.

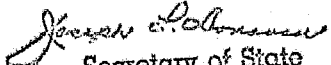
While these are extreme examples, it is evident that absolute parent choice in any educational setting would result in an untenable and chaotic situation from the standpoint of the local school district.

Sincerely yours,



Karl F. Rolvaag
G O V E R N O R

P.S. This action is being taken by me in compliance with the strong requests of Commissioner of Education Duane J. Mattheis and Commissioner of Welfare Morris Hursh.

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SECRETARY OF STATE

The Honorable Joseph L. Donovan
Secretary of State
State Capitol
St. Paul, Minnesota

Sir:

I am unable to approve S.F. 748 which was delivered to the Governor's Office at 6:15 p.m., Monday, May 24, 1965.

In accordance with the request of the Revisor of Statutes, the Governor's Office had remained open beyond the regular office hours Monday, the last day for the enrollment of bills under the state constitution, in order to permit the delivery of bills prior to the deadline. The Governor's Office was informed that the bills delivered at 6:15 p.m. were the last to be enrolled and that no further bills would be delivered.

The copy of S.F. 748 delivered to me varies substantially from the bill which passed the legislature, according to the journals of the House and Senate, and, therefore, under the constitution has no validity. No opportunity existed to correct the error.

On Wednesday afternoon, May 26, 1965, at 4:12 p.m., a second copy of S.F. 748 was delivered to the Governor's Office which apparently was enrolled after the authorized time permitted by the state constitution and which I, therefore, cannot consider.

S.F. 748 has been the subject of considerable discussion. Many of its provisions are a cause of concern to many conservationists, particularly the extent to which details of organizational structure are specified.

It is essential that our conservation department, like all of our departments of state government, be operated as efficiently and effectively as possible. It has done an outstanding job in implementing our Natural Resources Program during the past two

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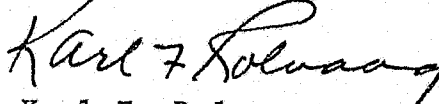
Hon. Joseph L. Donovan

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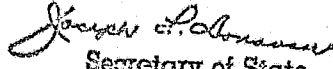
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years. I have every confidence that the Commissioner of Conservation will continue to make any necessary adjustments in department organization to ensure continued progress in our conservation programs.

Sincerely yours,



Karl F. Rolvaag
G O V E R N O R

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