May 23, 2003

The Honorable James P. Metzen
President of the Senate
State Capitol
St. Paul, Minnesota

Dear Senator Metzen:

I have vetoed and am returning Chapter 88, Senate File 552, a bill relating to payment of claims against the state.

Section 3, Subdivision 1 of the bill is related to claims against the Department of Natural Resources for the Department’s efforts to restore a wetland on the Bode property. Repeatedly, the Bodes have installed tile in an attempt to drain the wetland and repeatedly the courts have found in favor of the Department and ordered removal of the tile and restoration of the wetland. This section of the bill reverses the decision made by the courts, setting a terrible precedent for wetlands protection. The language in Section 3, Subdivision 1, if enacted, would also have a chilling effect on the state’s ability to protect wetlands.

If Section 3, Subdivision 1 is deleted from this bill, the area would remain a public water and the Department would have the opportunity to work with the owners to acquire an easement or work out a mutually agreeable restoration strategy. If this section of the bill is satisfactorily amended or deleted, the bill would be acceptable for my signature.

Sincerely,

Tim Pawlenty
Governor

cc: Mary Kiffmeyer, Secretary of the State
Senator John Hottinger, Senate Majority Leader
Senator Dick Day, Senate Minority Leader
Representative Steve Sviggum, Speaker of the House
Representative Matt Entenza, House Minority Leader
Senator Wes Skoglund
Representative Bruce Anderson
Patrick Flahven, Secretary of the Senate
Ed Burdick, Chief Clerk of the House