

May 29, 2004

Honorable Mary Kiffmeyer  
Secretary of State  
180 State Office Building  
St. Paul, MN 55155

*Statement of Item Veto*

Dear Secretary Kiffmeyer:

It is my honor to inform you that I have received, signed and deposited with your office, Chapter 271, House File 2255. I have exercised item vetoes on the items of appropriation contained in Section 2, Subdivision 1, lines 17-22 and Section 2, Subdivision 1, Lines 23-32 of Chapter 271, House File 2255.

Section 2, Subdivision 1, lines 17-22 appropriated \$ 27,000 from the general fund to provide for full and final settlement of Linda and Judy Bode's claims against the state. Section 2, Subdivision 1, Lines 23-32 is dependant upon the appropriation of money.

I do not believe this appropriation is in the best interests of the State of Minnesota. The language making the appropriation provides that the appropriation is for the purpose of obtaining "full and final settlement" of the Bode's claims against the state. However, the additional language in Section 2, Subdivision 1 makes it clear that the payment of money envisioned by the appropriation requires the state to initiate an administrative hearing to once again reconsider the status of land currently designated as a public wetland.

The legal claims regarding the designation of the Bode's land as a public wetland are final court orders. Allowing one claimant a special privilege to circumvent the results of final court decisions sets a dangerous precedent. More legal proceedings on this issue and more attempts to declassify this land as a public wetland is not a "full and final settlement" which is the stated purpose of the appropriation. Moreover, the legislature failed to appropriate any funds to cover the costs of the administrative hearing.

The Department of Natural Resources remains committed to work with the Bodes on acquiring an easement or other agreeable restoration strategies.

Sincerely,

Tim Pawlenty  
Governor

cc: Ed Burdick, Chief Clerk of the House of Representatives  
Patrick Flahaven, Secretary of the Senate  
Representative Steve Sviggum, Speaker of the House  
Representative Matt Entenza, House Minority Leader  
Senator Dean Johnson, Senate Majority Leader  
Senator Dick Day, Senate Minority Leader  
Representative Bruce Anderson  
Senator Wes Skoglund