May 21, 2009

The Honorable Margaret Anderson Kelliher
Speaker, Minnesota House of Representatives
463 State Office Building
St. Paul, MN 55155

Dear Speaker Anderson Kelliher:

I have vetoed and am returning House File 362, Chapter 140.

The Legislature has taken action on numerous bills relating to homeowner warranties this session. Although this legislation may be well-intentioned, we should be cautious about placing more burdens on the housing sector during this historic recession.

This bill eliminates the requirement that a homeowner notify a contractor of a potential homeowner warranty claim in writing and instead permits written or "actual notice." There is a high level of ambiguity as to how a homeowner conveys an actual notice message. Not having the notice put in writing will lead to disputes as to whether and how verbal notice was provided. A requirement for written notice is a much better approach.

I encourage the authors to work towards a solution that addresses the issue of home defects without driving up the costs and burdens on contractors.

Sincerely,

Tim Pawlenty
Governor
Speaker Kelliher/HF 362
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cc:  Senator James Metzen, President of the Senate
     Senator Lawrence J. Pogemiller, Majority Leader
     Senator David Senjem, Minority Leader
     Senator Kevin Dahle
     Representative Marty Seifert, Minority Leader
     Representative Kate Knuth
     Mr. Peter S. Wattson, Secretary of the Senate (Legislative)
     Mr. Al Mathiowetz, Chief Clerk of the House of Representatives
     Mr. Mark Ritchie, Secretary of State