



STATE OF MINNESOTA

Office of Governor Tim Pawlenty

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

May 15, 2010

The Honorable Senator James Metzen
President of the Senate
322 State Capitol Building
Saint Paul, Minnesota 55155

Dear President Metzen:

I have vetoed and am returning Chapter 345, Senate File 271, a bill relating to the expansion of whistleblower protection and defining communication expectations to all decision makers for classified state employees.

This bill may violate the separation of powers between the Legislative and Executive branches of state government. It is an impermissible intrusion into the Executive branch's ability to manage information and personnel.

The new provision in chapter 43A requires a classified state employee to keep information learned from a legislator or legislative staff confidential from the Executive branch. This is in direct conflict with the ability of an agency to direct and manage its employees.

The amended provision in Minnesota Statute § 181.932 eliminates the Executive branch's ability to decide who is authorized to speak for an agency. It is reasonable for an agency to direct the flow of information to the Legislature through a designee of the Commissioner. This ensures that information provided by the agency is correct, consistent, and not in violation of the Data Privacy Act.

Moreover, the United States Supreme Court opinion Garetti vs. Ceballos states: "Official communications have official consequences, creating a need for substantive consistency and clarity. Supervisors must ensure that their employees' official communications are accurate, demonstrate sound judgment, and promote the employer's mission."

President Metzen/SF 271

Page 2

May 15, 2010

There are sufficient protections and remedies currently in place under Minnesota Statute § 181.932 for employees who provide information to government bodies allowing for a private cause of action.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Pawlenty'. The signature is stylized with a large 'P' and a long, sweeping tail.

Tim Pawlenty
Governor

cc: Representative Margaret Anderson Kelliher, Speaker of the House
Senator Lawrence J. Pogemiller, Majority Leader
Senator David Senjem, Minority Leader
Senator Mary Olson
Representative Kurt Zellers, Minority Leader
Representative Diane Loeffler
Mr. Peter S. Wattson, Secretary of the Senate (Legislative)
Mr. Albin Mathiowetz, Chief Clerk of the House of Representatives
Mr. Mark Ritchie, Secretary of State