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STATE OF MINNESOTA

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
SAINT PAUL 55155

ARNE H. CARLSON
GOVERNOR

June 2, 1997

The Honorable Phil Carruthers
Speaker of the House of Representatives
463 State Office Building
Saint Paul, Minnesota 55155

Dear Speaker Carruthers:

I have vetoed and am returning Chapter 229, House File 1460, a bill pertaining to the Minnesota Government Data Practices Act (MGDPA).

This bill makes several technical changes and improvements to the Data Practices Act, but I could not sign this legislation for two specific issues.

First, the provision which creates a special private classification of data relating to the Attorney General's legislative and budget proposals is objectionable. This classification is unwarranted because it assumes that the Attorney General has legislative and budget functions identical to those of the Governor. Further, requesting that this non-privileged information be kept out of full public view is contrary to the principle tenet of the MGDPA, which is the presumption that all data are public. Without a clear duty to forward legislation and budgets, there is no compelling reason for treating public information of the Office of the Attorney General in a protected manner.

Second, this controversial classification request was considered late in the committee process without the opportunity for adequate public notice. A similar classification provision for the Governor's Office was the subject of extended public review and debate beginning in 1992. If this data privacy were warranted, it should have been included in the 1994 legislation which clarified the status of Administration data during the budget setting process.

The Legislature recognized several years ago in a thoughtful debate that the privilege for policy and budget preparation should be extended only to the Office of the Governor and not to any other constitutional office. That decision reflected the fact that it is the Office of the Governor which is responsible for Executive Branch policy development. If the Legislature now deems it

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appropriate to extend the privilege, it would seem only appropriate that the work of all constitutional officers would be classified equally under the law.

Warmest regards,



ARNE H. CARLSON
Governor

c: **Senator Allan Spear, President of the Senate**
 Senator Roger Moe, Majority Leader
 Senator Dean Johnson, Minority Leader
 Representative Steve Sviggum, Minority Leader
 Chief Senate Author(s)
 Chief House Author(s)
 Mr. Patrick E. Flahaven, Secretary of the Senate
 Mr. Edward A. Burdick, Chief Clerk of the House
 Ms. Joan Anderson Growe, Secretary of State