

April 29, 2004

The Honorable Steve Sviggum
Speaker of the House of Representatives
100 Rev. Dr. Martin Luther Kind Jr. Blvd.
463 State Office Building
St. Paul, MN 55155

Dear Speaker Sviggum:

I have vetoed and am returning to you Chapter 168 – House File 1861, a bill that expands the limited liability for certain private land owners who grant written or oral permission for individuals to use their property for certain recreational purposes. The bill expands recreational purposes to include rock climbing and cave exploration.

Under current law, an owner who gives written or oral permission to use land for defined “recreational purposes” without charge has essentially the same duty to users as would apply to trespassers. While I agree with this goal, I am concerned about the unintended consequences of this legislation. The recent deaths of the teenagers in St. Paul illustrate the potential extreme danger of these recreational activities.

I am concerned that this legislation would encourage land owners to become less vigilant about the posting of dangerous property signs and would cease to limit potentially dangerous activities on private land.

Although the dangers may not be as risky for persons who have significant knowledge, such as the members of the Minnesota Speleological Survey organization (the group promoting this bill), given the recent tragedy, we need to know more about the inherent dangers of this activity before the state takes an affirmative action to limit liability for the purpose of encouraging recreational activity.

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At this time, I believe the limited liability should not be expanded for rock climbing and cave exploration.

Sincerely,

Tim Pawlenty

Governor

c: James Metzen, President of the Senate
Senator Dean Johnson, Senate Majority Leader
Senator Dick Day, Senate Minority Leader
Representative Matt Entenza, House Minority Leader
Representative Gregory Davids
Senator Mady Reiter
Patrick Flahven, Secretary of Senate
Ed Burdick, Chief Clerk of House
Mary Kiffmeyer, Secretary of State