



STATE OF MINNESOTA

Office of Governor Mark Dayton

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

May 15, 2017

The Honorable Michelle L. Fischbach
President of the Senate
2113 Minnesota Senate Office Building
St. Paul, Minnesota 55155

Dear Madam President:

I have vetoed and am returning Chapter 63, Senate File 803, the Omnibus Public Safety Bill.

The Public Safety Conference Committee report provides little funding for the most important responsibilities of government, to protect our citizens and improve public safety for all of Minnesota. Not only is the level of funding seriously inadequate, there are also many policy provisions included that should be debated separately. I am vetoing this bill because it weakens public safety for Minnesotans.

Without fully funding the Department of Public Safety's operational request, the Department will be unable to maintain its current level of service to Minnesotans and public safety partners across the state. More than 180 positions would be impacted at the Department, leading to longer wait times for services, delays in critical inspections and projects, and a significant increase in turnaround times.

The bill also lacks full funding for the Predatory Offender Registration System which is expected to manage accurate data about the 31,000 offenders required to register to ensure public safety and protect civil liberties. The current system is built on a computer framework that is out dated; some critical functionality has been lost and data integrity issues were discovered in a recent Federal Bureau of Investigations audit.

In addition, the Bureau of Criminal Apprehension (BCA) has experienced a significant increase in requests for assistance in complex homicide and narcotics investigations and laboratory analysis requiring a growing number of hours devoted to each case, all without additional staff. Without the requested investments, local communities will be less able to respond to the growing opioid epidemic and be one step behind in their understanding of emerging drug threats to our communities.

Staffing requests from the BCA are urgent and needed. The BCA's capacity to work these complex cases will be reduced, limiting the ability to meet expectations of communities and partners when they request these services. Without an investment in BCA labs, the turnaround time for drug, firearms and other analyses will continue to increase, which jeopardizes public safety and impedes individuals' rights to speedy trial.

This bill does not address a critical public safety need resulting from explosive growth in the liquor industry in recent years. The Department has seen 90 percent growth in the number of licenses it issues and an 86 percent increase in inspections. Funding is needed for additional Alcohol and Gambling staff to inspect licensed alcohol manufacturers, distributors and wholesalers, and retail establishments, and to provide education to bar managers and employees related to the identification of underage or obviously intoxicated persons.

The bill does nothing to support local communities who rely on the state in times of emergency and disaster. In 2014, the Legislature created the Disaster Assistance Contingency Account to provide the cost share for federal assistance and state public disaster assistance when authorized by the Governor. Over the last several years, the state has expended about \$12 million per year to reimburse communities responding to disasters. Without replenishing this fund, communities will have a longer wait for reimbursement and it may require the Legislature to come back into special session after a disaster.

Four law enforcement agencies - Minneapolis, St. Paul, Bloomington and the Crow Wing County Sheriff's Office – have the tough job of providing bomb disposal services outside their regular service areas when requested by local law enforcement. The state has an obligation to fulfill funding to support the work being done by local agencies on behalf of the state. The bill fails to appropriate \$200,000 for this purpose.

Senate File 806 will cause equal or greater harm within the Department of Corrections. The lack of operating dollars will force the Commissioner to lay off approximately 250 employees who provide critical recidivism reducing programing, security, and community supervision. In addition, the State Government Conference report that I vetoed Friday would cause an additional 200 employees to be laid off. These employees teach offenders the skills they need to successfully leave prison and not return. These employees also increase safety in prison because they provide programs for offenders to constructively pass the time. Idleness in a prison can lead to instability and possible riotous behavior.

This budget is short sighted and will have a significant impact on recidivism. The Pew Foundation, along with Minnesota Management and Budget, have been researching the cost benefit of prison programming in Minnesota facilities and community corrections. Analysis shows the cost benefit for prison programming ranges from a positive return of \$15.90 to \$.40 for every dollar spent. The cost benefit for community corrections is the same with return on investments ranging from \$11.40 to \$1.80 for each dollar. All of which is either not funded or underfunded in the conference committee report. It is our duty as public servants to responsibly spend taxpayer's money with initiatives that have proven results and this bill does just the opposite.

The agency has other critical requests such as:

- Keeping technology systems modern and up to date;
- Expanding mental health services;
- Providing 24-hour nursing care at more facilities;
- Implementing restrictive housing best practices; and
- Delivering offender case management services.

Cuts of this magnitude will severely impact the DOC's ability to protect the public as mandated by the Minnesota Constitution.

I strongly believe in the separation of powers among the three branches of government. It is not up to me or the Legislature to second guess what the Judicial Branch needs to maintain a well-functioning court system. As I rely on the expertise of my Commissioners when putting together my budget, I also rely on the Chief Justice and her expertise to craft a responsible and balanced budget request.

It is important to remember what is at stake when we fail to adequately fund our courts. The budget requests brought forward by Minnesota's justice system would ensure our courts can process cases in a timely manner, reduce the excessively high caseloads facing Minnesota's public defenders and guardians ad litem, and expand access to civil legal aid to low-income Minnesotans. These requests would also fund psychological examinations and interpreter services for court participants; keep existing drug courts, DWI courts, and veteran's courts programs operational; and improve the cybersecurity of Minnesota's justice system. They are critical needs that will ensure our justice system can continue meeting its constitutional and statutory obligations.

There are several controversial policy items included in this bill that should be debated elsewhere. In particular, I oppose the language regarding the Appleton facility that requires the Department of Corrections to pay for an appraisal of the private facility. This language is not needed. Commissioner Roy has put forward realistic strategies to address the state's prison population that are fiscally responsible.

Funding the Department's bonding requests for MCF-Willow River, MCF-Togo and MCF-Lino Lakes will add 135 beds and cost \$8 million. In addition, the Department is initiating other strategies, and I have also directed policy adjustments that will yield results.

This budget also has a controversial provision that was added into the conference report at the last minute relating to DPS's authority to engage in rulemaking regarding lawful status for a driver's license. As I have stated repeatedly, this language is not necessary because current law prohibits DPS from rulemaking without the Legislature's prior approval.

One of the core functions of government is to ensure the public safety of all Minnesotans. This bill fails to do so.

Sincerely,

A handwritten signature in black ink that reads "Mark Dayton". The signature is stylized and cursive.

Mark Dayton
Governor

cc: Representative Kurt Daudt, Speaker of the House
Representative Melissa Hortman, House Minority Leader
Representative Tony Cornish, House of Representatives
Senator Paul E. Gazelka, Senate Majority Leader
Senator Thomas M. Bakk, Senate Minority Leader
Senator Warren Limmer, Minnesota Senate
The Honorable Steve Simon, Secretary of State
Mr. Cal R. Ludeman, Secretary of the Senate
Mr. Patrick Murphy, Chief Clerk of the House of Representatives
Mr. Paul Marinac, Revisor of Statutes