

STATE OF MINNESOTA

Office of Governor Tim Pawlenty

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

May 16, 2005

The Honorable James Metzen
President of the Senate
75 Rev. Dr. Martin Luther King Jr. Blvd.
322 State Capitol
Saint Paul, Minnesota 55155

Dear Senator Metzen:

I have vetoed and am returning Chapter 58, Senate File 1146, a bill relating to county agricultural society exemption from local zoning ordinances and allowing appointment or contracting for law enforcement services.

I am vetoing Chapter 58 because it allows agricultural societies to appoint individuals to serve as "special constables" and grants special constables full powers of arrest both on the fairgrounds and within one-half mile of the fairgrounds. Special constables are not defined in the bill, or the current law, and the bill does not contain any requirement that the special constables be licensed peace officers.

Under current law, only licensed peace officers have the "full powers of arrest." Peace officers are licensed by the Police Officer Standards and Training ("POST") Board and are required have specific education and training in law enforcement, undergo medical and psychological exams, and pass criminal history checks to safeguard the safety and welfare of citizens. Expansion of the full powers of arrest, which may include the use of force in accomplishing the arrest, should be reserved to licensed peace officers.

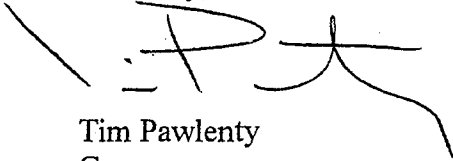
I am also concerned that this bill would expand the current authority of security guards in relation to the powers of arrest. The bill would allow an agricultural society to contract with security guards, as defined in Minnesota Statutes, Section 626.88, "to provide the society with the same police service it may secure by appointing special constables." By implication, this language would allow these security guards to exercise the full powers of arrest. Security guards are not licensed by the POST Board and do not currently have the full powers of arrest. I do not object to agricultural societies using security guards to provide security guard services currently authorized under Minnesota law. However, I do not believe that law enforcement needs at county fairs justify the expansion of security guard authority past its current parameters.

Finally, the provisions in this bill, and existing law, regarding constables is obsolete. The existing language of Minnesota Statutes, Section 38.01 allowed agricultural societies to appoint special constables and gave these special constables the authority of constables at common law.

However, this portion of Minnesota Statutes, Section 38.01 was amended by the Legislature earlier this session when the Legislature passed the Revisor's bill, 2005 Session Laws, Chapter 10. Article 2 of the Revisor's bill directed the Revisor to remove all references to "constables" in section 38.01 as obsolete. Vetoing Chapter 58, Senate File 1146 will alleviate any confusion surrounding the outdated language regarding "special constables."

I have vetoed Chapter 58 because this bill would expand the full powers of arrest to unlicensed special constables appointed by an agricultural society. In the interest of public safety, the full powers of arrest should be reserved to appropriately trained and licensed peace officers. In relation to the other substantive provisions of Chapter 58 regarding zoning and the ability for agricultural societies to contract for security guard services, the Legislature may wish to consider amending existing provisions in the House of Representatives Omnibus Agriculture Bill to rectify the concerns I have raised with this bill.

Sincerely,



Tim Pawlenty
Governor

cc: Representative Steve Sviggum, Speaker of the House of Representatives
Senator Dean Johnson, Senate Majority Leader
Senator Dick Day, Senate Minority Leader
Representative Matt Entenza, House of Representatives Minority Leader
Senator Jim Vickerman
Representative Bob Gunther
Representative Tony Cornish
Patrick Flahaven, Secretary of the Senate
Al Mathiowetz, Chief Clerk of the House of Representatives
Mary Kiffmeyer, Secretary of the State