



STATE OF MINNESOTA

Office of Governor Mark Dayton

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

May 27, 2011

The Honorable Kurt Zellers
Speaker of the House
463 State Office Building
St. Paul, Minnesota 55155

Dear Mr. Speaker:

With this letter, I am vetoing and returning Chapter 94, House File 988, a bill that modifies who is eligible to be represented by a public defender.

I understand this bill is based on recommendations of the Legislative Auditor. Additionally, I understand the need for more objective criteria for judges when making these determinations.

However, I am troubled that the tiered income levels for public defender eligibility are far too low. Under the bill, an offender must be at or under 125% of the federal poverty guidelines for misdemeanor crimes, 150% for gross misdemeanors, and 175% for felonies. For a single person, 125% of the poverty level is \$13,612, 150% is \$16,335 and 175% is \$19,057. Many Minnesotans whose income is very low could not secure quality legal counsel given these thresholds.

The Constitution guarantees a right to counsel. This bill will have serious consequences for low-income individuals seeking counsel. I cannot support it.

Sincerely,

A handwritten signature in black ink that reads "Mark Dayton".

Mark Dayton
Governor

cc: Senator Michelle L. Fischbach, President of the Senate
Senator Amy T. Koch, Majority Leader
Senator Thomas M. Bakk, Minority Leader
Senator Warren Limmer
Representative Paul Thissen, Minority Leader
Representative Steve Smith
The Honorable Mark Ritchie, Secretary of State
Mr. Cal R. Ludeman, Secretary of the Senate
Mr. Albin A. Mathiowetz, Chief Clerk of the House of Representatives