Dear Madam President:

With this letter, I am vetoing and returning Chapter 118, Senate File 149, which addresses the unrelated topics of conciliation court claim limits and class action appeals. These provisions are not consistent with the court's recommendations for effectively addressing small claims, represent legislative meddling with court procedures best handled by the judiciary, and do not address legitimate problems in Minnesota.

A recent study by the National Center for State Courts revealed that 72% of the civil case load in Minnesota is consumed by small claims and contract matters, while civil tort claims represent less than 3% of the cases. The Legislature should be addressing the areas of the court that consume the bulk of its workload. Unfortunately, this legislation misses that mark.

The Minnesota Supreme Court Civil Justice Task Force recently rejected the change in conciliation court claim levels contained in Section 1, because it would not have a significant impact on the courts' workloads. Additionally, the Task Force did not recommend the change in consumer credit cases contained in Section 1, and does not recommend making changes to this type of claim without significant changes regarding the evidence required for such matters. The Legislature has completely ignored the findings of the courts.

Furthermore, Section 2 is an attempt by the Legislature to control the internal workings of the court and its processes. Legislatively mandating specific interlocutory appeals in class action cases and staying the discovery process while an appeal is pending blur the separation of powers between the branches of government. The courts are in the best position to determine interim appeal processes, and they are correctly in control of procedures for the discovery of evidence.

The House author of this legislation indicated that there were only eight cases last year where this provision would be applicable - and not a single case without merit. The bill would not create jobs; rather it would set a dangerous precedent. I am certainly willing to consider reforms that will assist our courts with their workload and address real problems within our justice system. Such an endeavor must involve our courts and their expertise in these matters. This legislation does not, and I will not sign it into law.

Sincerely,
Mark Dayton, Governor

Senator Senjem moved that S.F. No. 149 and the veto message thereon be laid on the table. The motion prevailed.

February 10, 2012

The Honorable Michelle L. Fischbach
President of the Senate

Dear Madam President:

I have vetoed and am returning Chapter 119, Senate File 373, which drastically lowers the statute of limitations for many important civil claims. This legislation does not represent justice for Minnesotans. It would eliminate important protections for citizens and businesses, when they are harmed by the wrongful actions of others.

I am perplexed by the charge that Minnesota is an excessively litigious state or has a negative civil justice system for business. According to the Minnesota Supreme Court, civil case filings for injury claims are down over 40% since 1997, despite our expanding population. The U.S. Chamber of Commerce ranks Minnesota among the very top states for our treatment of businesses in the courtroom. Those and other comparisons affirm that our court system is working well to protect our Constitutional rights and is not being overburdened by frivolous matters.

Despite those facts, this legislation would lower by one-third the statute of limitation for Minnesota citizens and businesses to assert their rights in court. The current statute of six years was established in 1841 and has remained largely unchanged since that time. Minnesota's current statute of limitations is not out of line with other states, that have a "discovery rule" to allow an individual or company to learn of the harm sustained before the limitations period begins. In fact, we now have a shorter limitation period for many types of cases.

I am particularly concerned about lowering the limitation period for contract cases for businesses and consumers. Many companies may not learn of their claims within this shorter period. The Legislature has enacted laws to help businesses assert their rights at the behest of very important Minnesota companies, like Marvin Windows in Warroad. I see no justifiable reason to harm our businesses by taking away this important right of redress. A four-year limitation period would be a disadvantage to good Minnesota businesses. This legislation would end the exposure of large, mostly out-of-state insurance companies to pay legitimate claims two years earlier than the current law.

I will not support that change.

Sincerely,
Mark Dayton, Governor

Senator Senjem moved that S.F. No. 373 and the veto message thereon be laid on the table. The motion prevailed.

February 10, 2012

The Honorable Michelle L. Fischbach
President of the Senate

Dear Madam President:

With this letter, I am vetoing and returning Chapter 120, Senate File 429, a measure that has been rejected several times by the legislature and the courts.

I am deeply concerned that this legislation would make it more difficult for average citizens to defend themselves against powerful interests. The suggestion that passage of this measure will somehow create jobs in Minnesota lacks merit and substantiation. Not a single job would be created - but important protections would be greatly impaired.

Over 300 Minnesota statutes require the shifting of attorney fees to the wrongdoer - all of which would be negatively impacted by this legislation. Deployed military personnel, farmers, vulnerable adults, and victims of workplace harassment, wrongful termination, and discrimination are just a few of the classes of individuals that would be harmed by this legislation.