

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

CASE TYPE: Other Civil

The Ninetieth Minnesota State Senate
and the Ninetieth Minnesota State House
of Representatives,

Plaintiffs,

v.

Mark B. Dayton, in his official capacity as
Governor of the State of Minnesota, and
Myron Frans, in his official capacity as
Commissioner of the Minnesota
Department of Management and Budget,

Defendants.

Court File No. 62-cv-17-3601

Chief Judge John H. Guthmann

STIPULATION AND ORDER

A dispute has arisen concerning the correct interpretation of the June 26, 2017 Order Granting Temporary Injunctive Relief and the Judgment entered on July 20, 2017 on the Order Granting Declaratory Judgment. Defendants believe that the funding to be provided to the Senate and House during the appeal period (as defined in the Temporary Injunction) continues to be governed by the Temporary Injunction (i.e. "not to exceed the fractional share of their fiscal year 2017 base general fund funding"). Plaintiffs believe that the Judgment supersedes the Temporary Injunction and requires that funding be based on the appropriations for the 2018-2019 fiscal biennium.

In order to avoid unnecessary litigation of this dispute, the parties agree that the Court may enter an Order governing the appeal period as follows:

1. The dispute concerning which decision governs funding to be provided to the Senate and House during the appeal period shall be deferred until the appeal period has expired.

2. During the appeal period, the Commissioner of Management and Budget shall continue to provide funding to the Senate and House, not to exceed the fractional share of their fiscal year 2017 base general fund funding that corresponds to the period that the injunction is in effect.

3. In the event the Senate or House incurs extraordinary and unanticipated expenses during the appeal period, either party may petition the court for funding in addition to the amount ordered in paragraph 2, subject to the terms and conditions provided in this stipulation.

4. At the conclusion of the appeal period, the parties shall adjust funding to the Senate and House as follows:

(a) If the Judgment is affirmed and the appropriations become law, the Commissioner shall reconcile the funding from July 1, 2017, through the final decision of the appellate court as though the appropriations had been in effect on July 1, 2017.

(b) If the Judgment is reversed and the line-item vetoes are found valid, the Commissioner shall cancel unspent funds provided under the Temporary Injunction. The Senate and House are not obligated to refund amounts expended during the period that the injunction is in effect.

Dated: July 28, 2017

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ORDER

The Court hereby adopts the Stipulation of the parties as the Order of the Court.

Dated: _____

BY THE COURT

John H. Guthmann
Chief Judge, Second Judicial District