

FILED
Court Administrator

STATE OF MINNESOTA
COUNTY OF RAMSEY

JUN 22 2011

DISTRICT COURT

By  Deputy SECOND JUDICIAL DISTRICT

In re Temporary Funding of Core Functions
of the Executive Branch of the State of
Minnesota

Case Type: Civil

Court File No. 62-CV-11-5203

**AFFIDAVIT OF AMY T. KOCH, CHAIR
OF THE COMMITTEE ON RULES AND
ADMINISTRATION OF THE EIGHTY-
SEVENTH MINNESOTA SENATE**

AMY T. KOCH, being first duly sworn, on oath, deposes and says:

1. I currently am elected to represent Senate District 19 in the Minnesota State Senate; I also am the duly elected Chair of the Committee on Rules and Administration of the 87th Minnesota Senate, 2011 session; On June 16, 2011, the Senate Committee on Rules and Administration adopted a Resolution authorizing the Senate to intervene as a party in the above-captioned litigation, subject to the direction of the Chair.
2. On May 18, 2011, the Minnesota State Legislature passed a Health and Human Services Budget Bill (S.F. No. 760) appropriating \$10.95 Billion from the State's General Fund for state services and benefits to Minnesotans; on May 21, 2011, this bill was presented to Governor Dayton; the Governor took no action until *after* the Legislature adjourned pursuant to its Constitutional deadline on May 23, 2011; the Governor vetoed this bill on May 24, 2011, and to date has offered no specific alternative funding plan.
3. On May 18, 2011, the State Legislature passed a State Government Finance and Veteran's Affairs Budget Bill (S.F. No. 1047) appropriating \$768.3 Million from the State's General Fund for Minnesota's Executive Branch and State Agencies, the Legislative Branch, and Constitutional Officers; on May 21, 2011, this bill was presented to Governor Dayton; the Governor took no action until *after* the Legislature adjourned pursuant to its Constitutional deadline on May 23, 2011; the Governor vetoed this bill on May 24, 2011, and to date has offered no specific alternative funding plan.
4. On May 19, 2011, the State Legislature passed an Environment, Commerce, and Energy Budget Bill (H.F. No. 1010) appropriating \$232.0 Million from the State's General Fund

for Minnesota's state services and benefits to Minnesotans; on May 21, 2011, this bill was presented to Governor Dayton; the Governor took no action until *after* the Legislature adjourned pursuant to its Constitutional deadline on May 23, 2011; the Governor vetoed this bill on May 24, 2011, and to date has offered no specific alternative funding plan.

5. On May 19, 2011, the State Legislature passed a Higher Education Budget Bill (H.F. No. 1101) appropriating \$2.5 Billion from the State's General Fund for Minnesota's Higher Education Institutions, including the Minnesota State Colleges & Universities System and the University of Minnesota; on May 21, 2011, this bill was presented to Governor Dayton; the Governor took no action until *after* the Legislature adjourned pursuant to its Constitutional deadline on May 23, 2011; the Governor vetoed this bill on May 24, 2011, and to date has offered no specific alternative funding plan.
6. On May 18, 2011, the State Legislature passed a Tax Bill (H.F. No. 42) appropriating \$2.6 Billion from the State's General Fund for state services and benefits to Minnesotans, including Tax Aids & Credits; on May 21, 2011, this bill was presented to Governor Dayton; the Governor took no action until *after* the Legislature adjourned pursuant to its Constitutional deadline on May 23, 2011; the Governor vetoed this bill on May 24, 2011, and to date has offered no specific alternative funding plan.
7. On May 18, 2011, the State Legislature passed a Public Safety and Judiciary Budget Bill (S.F. No. 958) appropriating \$1.8 Billion from the State's General Fund for Minnesota's Courts, Public Safety Agencies, Public Defenders and Corrections; on May 21, 2011, this bill was presented to Governor Dayton; the Governor took no action until *after* the Legislature adjourned pursuant to its Constitutional deadline on May 23, 2011; the Governor vetoed this bill on May 24, 2011, and to date has offered no other specific alternative funding plan.
8. On May 18, 2011, the State Legislature passed an Education Finance Bill (H.F. No. 934) appropriating \$14.1 Billion from the State's General Fund for Minnesota's K-12 schools; on May 20, 2011, this bill was presented to Governor Dayton; the Governor took no action until *after* the Legislature adjourned pursuant to its Constitutional deadline on May 23, 2011; the Governor vetoed this bill on May 24, 2011, and to date has offered no other specific alternative funding plan.
9. On May 18, 2011, the State Legislature passed a Jobs, Economic Development, and Housing Budget Bill (S.F. No. 887) appropriating \$154.5 Million from the State's General Fund for state services and benefits to Minnesotans; on May 21, 2011, this bill was presented to Governor Dayton; the Governor took no action until *after* the Legislature adjourned pursuant to its Constitutional deadline on May 23, 2011; the Governor vetoed this bill on May 24, 2011, and to date has offered no specific alternative funding plan.
10. On May 19, 2011, the State Legislature passed a Transportation Budget Bill (H.F. No. 1140) appropriating \$62.2 Million from the State's General Fund for state services and benefits to Minnesotans; on May 21, 2011, this bill was presented to Governor Dayton;

the Governor took no action until *after* the Legislature adjourned pursuant to its Constitutional deadline on May 23, 2011; the Governor vetoed this bill on May 24, 2011, and to date has offered no specific alternative funding plan.

11. On April 14, 2011, the State Legislature passed an Agriculture Finance Budget Bill appropriating \$76.6 Million from the State's General Fund for Agriculture state services and benefits for Minnesotans; the Governor signed this bill into law on April 15, 2011.
12. On June 6, 2011, in budget negotiations with the Governor, the Legislative leadership offered to increase funding for Education Finance (\$80 Million) and Public Safety (\$30 Million) to address concerns previously raised by the Governor through his veto messages. On June 16, 2011, in budget negotiations with the Governor, the Legislative leadership augmented its June 6th offer by also offering increased funding for Higher Education (\$50 Million), Tax Aids and Credits (\$20 Million), Environment, Commerce, and Energy (\$13 Million), Disaster Relief (\$9 Million), and also dropped its interest in tax reductions contained in the Tax Bill (\$203 Million). The Governor has rejected these offers.
13. Accordingly, the 2011 regular session ended without final enactment of appropriations for the vast majority of departments and other agencies in the executive department of state government or for the Legislative or Judicial departments of state government, and the Governor has subsequently rejected offers from the Legislative leadership for a budget compromise. Since the next Biennium does not begin until July 1, 2011, the Governor still has ample time and opportunity to call a Special Session to enact appropriations bills, or to pass a temporary state government funding bill to allow additional time for negotiation if necessary; the Senate is ready and willing to convene in Special Session for these purposes.

FURTHER YOUR AFFIANT SAYETH NOT.

Dated: June 22, 2011


Amy T. Koch

STATE OF MINNESOTA)
COUNTY OF RAMSEY) ^{SS}

Signed and sworn to before me this Twenty-Second of June, 2011 by Amy T. Koch:

Jessica M. Tupper

(Seal or Stamp) Notary Public, State of Minnesota
My commission expires January 31, 2016

