

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

CASE TYPE: Other Civil

<p>The Ninetieth Minnesota State Senate and the Ninetieth Minnesota State House of Representatives,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>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,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: right;">Court File No. 62-cv-17-3601 Chief Judge John H. Guthmann</p> <p style="text-align: center;">[PROPOSED] ORDER GRANTING MOTION FOR JUDGMENT ON THE PLEADINGS AND VACATING SHOW-CAUSE ORDER</p>
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The parties and counsel appeared before the Court at June 26, 2017 in response to the Court's show-cause order of June 14, 2017. Defendants have answered and moved for judgment on the pleadings. The Court, being satisfied that the parties have shown cause for the relief ordered below, hereby grants Defendants' motion for judgment on the pleadings as follows:

1. Count I of Plaintiffs' complaint is dismissed with prejudice. The Court declares that the line-item vetoes are valid as being expressly authorized by Minn. Const. Art. 4 § 23 and therefore constitutional. Pursuant to Minn. R. Civ. P. 54.02, the Court determines that there is no just reason for delay and directs the entry of final judgment dismissing Count I.
2. Counts II and III of Plaintiffs' Complaint are dismissed with prejudice to the extent they seek "allotment" of funds from the vetoed appropriations.
3. To the extent Counts II and III seek funds necessary to support critical, core functions of the Senate and House, further proceedings concerning those Counts are stayed pending final appellate review of the dismissal of Count I.

4. Alternatively as to Counts II and III, the Court finds the Constitution imposes obligations on the Senate and House to perform the critical, core legislative functions of drafting, debating, publishing, voting on and enacting legislation while in session. Accordingly, the parties are hereby ordered to perform the following:
- A. The Senate and House shall continue to perform their critical, core functions.
 - B. The Senate and House shall determine which of their functions are critical, core functions, and shall provide itemized proof of the necessity and cost of those functions to Commissioner Frans in his official capacity as Commissioner of the Minnesota Department of Management and Budget.
 - C. The parties are directed to meet and confer and propose to the Court the identity of a special master who will be appointed pursuant to Minn. R. Civ. P. 53 to hear and resolve disputes between the parties when a disagreement arises between the parties as to the critical, core functions of the Senate or the House, or the funding thereof. Any party may seek review of the special master's orders, reports, or recommendations as provided by Minn. R. Civ. P. 53.07 or as otherwise provided by law.
 - D. The Commissioner of the Minnesota Department of Management and Budget, shall issue, make and receive payment of such funds that the parties agree or the Court determines are necessary for the performance of the critical, core functions of the Senate and the House.

Date

Chief Judge John H. Guthmann

I hereby certify that the above findings of fact, conclusions of law, and order for judgment constitute the judgment of the court.

Date

For Court Administration