

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Association for Government Accountability,

Case Type: Mandamus

Petitioner,

Court File No. 62-cv-17-3396

Judge John H. Guthmann

vs.

Myron Frans, in his official capacity as Commissioner of Management and Budget as an agency of the Executive Branch of the State of Minnesota; Minnesota House of Representatives Budget and Accounting Office, and Minnesota Senate Fiscal Services Office,

RESPONSE TO ORDER TO SHOW
CAUSE SUBMITTED BY
MINNESOTA SENATE ON BEHALF
OF SENATE FISCAL SERVICES
OFFICE

Respondents.

The Minnesota Senate, on behalf of the Minnesota Senate Fiscal Services Office, concurs with the arguments made by the Minnesota House of Representatives in its opposition to Petitioner's request for a writ of mandamus.

In addition to these arguments, the Minnesota Senate Fiscal Services Office is not a proper named party in this case or any other civil action. The Office is not a legal entity or person and only functions as an administrative office within the Minnesota Senate. As such, it does not have a legal obligation or ability to comply with any requested relief. On the other hand, the Minnesota Senate is an indispensable party that is not made a party to this case.

The Minnesota Senate, on behalf of the Minnesota Senate Fiscal Services Office, respectfully requests that this Court deny the request for a writ of mandamus and dismiss the Petition.

Respectfully submitted,

BY /s/ Thomas S. Bottern

Thomas S. Bottern

Attorney License 0227031

Senate Counsel

Minnesota Senate Office of Senate Counsel, Research and Fiscal Analysis

95 University Ave. West, Suite 3300

St. Paul, MN 55155-1800