

STATE OF MINNESOTA  
IN SUPREME COURT  
A17-1142

**FILED**

August 1, 2017

OFFICE OF  
APPELLATE COURTS

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

Respondents,

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,

Appellants.

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**REQUEST OF CENTER OF  
THE AMERICAN EXPERIMENT  
FOR LEAVE TO FILE AN  
AMICUS CURIAE BRIEF**

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*Counsel for Prospective Amicus Curiae  
Center of the American Experiment*

In accordance with Minnesota Rule of Appellate Procedure 129.01, Center of the American Experiment (the “Center”) respectfully seeks this Court’s permission to file an amicus brief in *The Ninetieth Minnesota State Senate v. Dayton*, No. A17-1142.

### **Interest and Identity of the Center**

The Center’s interest is public. The Center is a non-partisan educational organization dedicated to the principles of individual sovereignty, private property and the rule of law. It advocates for creative policies that limit government involvement in individual affairs and promotes competition and consumer choice in a free market environment. The Center is a non-profit, tax-exempt educational organization under Section 501(c)(3) of the Internal Revenue Code. The Center has participated as amicus curiae in several recent cases before this Court raising important issues of public interest and Constitutional law. *See, e.g., Wiebesick v. City of Golden Valley*, --- N.W.2d ----, 2017 WL 3045553 (Minn. 2017); *First Baptist Church of St. Paul v. City of St. Paul*, 884 N.W.2d 355 (Minn. 2016); *McCaughtry v. City of Red Wing*, 831 N.W.2d 518 (Minn. 2013).

### **Position of the Center**

The Center seeks leave to participate in order to file a brief as an amicus curiae in support of Respondents and the District Court’s decision that Governor

Dayton's line-item vetoes violated the Separation of Powers Clause of the Minnesota Constitution.

### **Desirability of the Center's Participation as Amicus Curiae**

The Center respectfully maintains that its amicus brief is desirable because this case raises vital separation of powers questions and affect interests beyond the named parties, in this case the attempt on the part of the governor to use his executive authority to line-item veto funding for the legislative branch, a coequal branch of state government and a branch that is elected to represent the will of the people of Minnesota. The Center believes it can offer valuable experience and perspective regarding the important constitutional issues presented, and that it can assist the Court by clarifying and furthering debate.

For these reasons, the Center respectfully requests the opportunity to participate in this case as amicus curiae in support of Respondents.

Date: August 1, 2017

Respectfully submitted,

/s/ Harry N. Niska  
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