

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,

Court File No. 62-CV-17-3601

Plaintiffs,

v.

**SECOND AFFIDAVIT OF
JAMES REINHOLDZ**

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.

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

James Reinholdz, being first duly sworn, deposes and states:

1. I am the Controller and Chief Financial Officer for the Minnesota House of Representatives (“House”). My duties as Controller and Chief Financial Officer include generally managing and overseeing the financial affairs, budget, and business arrangements of the House. Under House Rule 8.01, I am responsible for preparing a biennial budget for the House, quarterly reporting expenditures to the Speaker and Committee on Rules, and managing procurement of goods and services for the House. My duties also include administering the payment of compensation to members and staff and ensuring that the House complies with all applicable legal and financial reporting requirements. As a result of my position and previous service as a fiscal

analyst for the House, I am familiar with the legal obligations and the actual operation of the House.

2. I make this affidavit based on personal knowledge of the facts stated herein and offer this affidavit in support of the Legislature's motion to enforce this Court's judgment which was entered on July 20, 2017. Commissioner Myron Frans refuses to recognize that this Court's judgment restored the appropriations to the House for the 2018–2019 fiscal biennium.

3. The Department of Management and Budget (MMB) is responsible for approving the establishment within the accounting system (SWIFT), of funds appropriated to the House. The House sends payment requests to MMB as they become due. MMB processes the requests and approves the expenditure of the funds. MMB requires that the payment requests identify the specific funding account for the expenditures. MMB will not process a payment request that does not identify an existing account that contains adequate funds. Most payment requests identify the funding account that corresponds to the appropriation for the current fiscal year. MMB has discretion to create and name these funding accounts.

4. MMB has not created a funding account for the appropriation to the House for fiscal year 2018. Instead, MMB created two funding accounts for the House: (1) a "court order" funding account; and (2) a carryforward funding account.

5. Pursuant to this Court's orders and the stipulations between the parties, the House identified the "court order" funding account for the majority of its payment requests from July 1 through October 1, 2017.

6. On October 2, 2017, MMB cancelled all remaining unspent funds in the House "court order" account. The only remaining funding account for the House is its carryforward account. Currently, MMB will only process payment requests identifying the carryforward funding

account as the funding source.

7. MMB refuses to create a funding account for the House that corresponds to the appropriation to the fiscal year 2018. Instead, MMB has forced the House to start depleting its carryforward accounts despite this Court's judgment restoring its appropriations for the 2018–2019 fiscal biennium.

8. The Governor's and Commissioner Frans' failure to recognize this Court's judgment has had a significant impact on House operations. On October 6, 2017, the following policies were implemented as a direct result of the Governor's and Commissioner Frans' actions:

- No per diem,
- No mileage or business travel expense reimbursement,
No communication reimbursement,
- No out-of-state travel reimbursement (unless travel was previously approved by the Speaker Daudt's office),
- No district travel reimbursement, and
- No committee budget spending.

The House has suffered other consequences as a result of being denied access to its appropriations for fiscal year 2018 and forced to use its carryforwards. However, these new, restrictive policies highlight the impact of the Governor's and Commissioner Frans' actions on the ability of the House to exercise its constitutional powers and duties.


James Reinholdt

Subscribed and sworn to before me
This 24th day of October, 2017


Notary Public
My commission expires: Jan 31, 2020

