

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,

Plaintiffs,

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,

Defendants.

Court File No. 62-cv-17-3601
Chief Judge John H. Guthmann

STIPULATION

The parties to this action, by and through their undersigned counsel, in an effort to assist the Court and streamline the issues for decision and appellate review, respectfully offer the following stipulation for the Court's consideration:

1. The parties believe that Count I of the Complaint is ripe for decision, given that the parties have reached an impasse in negotiations for a Second Special Session. The parties request that the Court decide the issues raised by Count I. If the Court believes it appropriate, based on its ruling on the declaratory relief requested in Count I, the parties request that the Court either grant or deny the request for injunction related to its ruling on Count I to further assure the appealability of its order.

2. If appropriate, the parties request that the Court also include in its decision a recital under Minn. R. Civ. P. 54.02 for the immediate entry of final judgment, in the form and substance of the following:

There is no just reason for the delay in entry of judgment on this Order, and pursuant to Minn. R. Civ. P. 54.02 the Administrator is directed to enter Judgment forthwith and without the stay provided for by Rule 129 of Minnesota General Rules of Practice. The issues decided in this order are central to the disputes and relationships between the parties, and the prompt and final resolution of any appellate issues by the Minnesota Supreme Court will be in the best interests of the parties to this action and State of Minnesota and will expedite the full and complete resolution of any disputes between the parties and will advance the just, inexpensive, and efficient resolution of this case in accordance with Minn. R. Civ. P. 1.

3. The parties request that the Court stay the remainder of this action, specifically Counts II and III, until all appellate review has been completed and the Mandate of the Appellate Courts has issued on Count I (the "Appeal Period"), or until further order of this Court.

4. The parties agree to jointly seek accelerated review by the Minnesota Supreme Court of the District Court's order or judgment.

5. In order to maintain the status quo pending appeal, the parties request that the Court enter a temporary injunction directing that, during the Appeal Period or until October 1, 2017, whichever first occurs (the "Injunction Period"), the Commissioner of Management and Budget shall take all steps necessary to provide continuing funding to the Senate and House not to exceed the fractional share of their fiscal year 2017 base general fund funding that corresponds with the Injunction Period. The parties agree that no bond or other security should be required for this temporary injunction.

6. If the Court issues the temporary injunction referred to in paragraph 5 above, Plaintiffs agree to pay for all of their obligations necessary to perform their official and constitutional powers and duties.

7. In order to further solidify the authority of the Commissioner to provide funding to the Senate in the amounts necessary for the Senate to pay rent due from the Senate to the Commissioner of Administration under the sublease of the Senate Office Building, the parties request that the Court issue an Order as follows:

(a) In June 2017, the Senate shall pay from its fiscal year 2017 appropriation the amount of \$683,954 to the Minnesota Department of Administration for the June 2017 rental for the Senate Office Building and debt service payments for the parking garage.

(b) The Senate shall pay the amount of \$669,332 beginning in July 2017, and monthly thereafter during the Injunction Period, to the Minnesota Department of Administration for rent for the Senate Office Building and debt service payments for the parking garage.

8. The parties agree that the Senate is authorized by Minn. Stat. § 16A.281 to use its carryforward funds to make payments for the Senate Office Building and parking garage not funded under the temporary injunction under Paragraph 5 above.

Dated: June 23, 2017

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