

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

**DEFENDANTS' ANSWER  
TO PLAINTIFFS' COMPLAINT**

The Governor has explicit and unqualified authority under the Minnesota Constitution to line-item veto any item of appropriation: "If a bill presented to the governor contains several items of appropriation of money, he may veto one or more of the items while approving the bill."

Minn. Const. art. IV, § 23.

The Legislative and Executive branches of Minnesota government have shared responsibilities for enacting laws. As described in *Brayton v. Pawlenty*, 781 N.W.2d 357, 365 (Minn. 2010):

The Legislature has the primary responsibility to establish the spending priorities for the state through the enactment of appropriation laws. Minn. Const. art. IV, § 22; *id.* art. XI, § 1. The executive branch has a limited, defined role in the budget process. The Governor may propose legislation, including a budget that includes appropriation amounts, which proposals the Legislature is free to accept or reject. *But the only formal budgetary authority granted the Governor by the constitution is to approve or veto bills passed by the Legislature. See* Minn. Const. art. IV, § 23. With respect to appropriation bills, *the constitution grants the Governor the more specific line-item veto authority, through which an item of appropriation can be vetoed without striking the entire bill. Id.* If the Governor exercises the veto power, the Legislature may reconsider the bill or items vetoed, and if approved by a two-thirds vote, the vetoed bill or item becomes law. *Id.*

(Emphasis added).

In the 2017 legislative session, the Minnesota Senate and House attempted to suppress the constitutional veto authority of the Governor by placing into the Omnibus State Government Appropriations bill a “poison pill” that would have denied appropriations to the Department of Revenue if Governor Dayton vetoed the tax bill. Attached as **Exhibit A** is a true and correct copy of the appropriation for the Revenue Department. Governor Dayton signed the tax bill in order to enable the Department of Revenue to continue its operations, collecting revenue for the State and providing services to taxpayers. But, because of concerns with the impact of the tax bill on the future financial health of the State, and to seek renegotiation of a political solution on three key policy issues of concern to the Governor that were contained in the tax bill and two issues contained in other bills, Governor Dayton used his constitutionally-prescribed power to line-item veto two of three legislative appropriations—that of the Senate and the House. Since the Legislature chose to adjourn *sine die* just after presenting the bills to the Governor, and therefore relinquished any opportunity to override the vetoes, the Governor offered to call a second special session to revisit these five policy issues and the Senate and House appropriations. The leaders of the Senate and House have thus far declined to consider any changes to bills that were signed. By bringing this legal action, they seek to avoid further engagement in the ongoing political process.

The Minnesota Constitution authorizes the Governor’s line-item vetoes, without any qualification as to the Governor’s subjective intent or purpose. The Governor’s vetoes do not “unfund” the Legislature. The appropriation for the Legislative Coordinating Commission (“LCC”) for over \$35 million has become law. Attached as **Exhibit B** is a true and correct copy of the appropriation to the LCC. Although the vetoes eliminated the separate appropriations for

the Senate and House, this did not violate separation of powers because the vetoes did not and could not eliminate the inherent constitutional right of those bodies to obtain court-ordered funding for their critical, core functions.

### **ANSWER TO COMPLAINT**

Defendants 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”) deny each allegation in the Complaint of The Ninetieth Minnesota State Senate and the Ninetieth Minnesota State House of Representatives’ (together “Plaintiffs”) Complaint except as expressly admitted below.

### **INTRODUCTION**

1. Defendants deny the allegations in paragraph 1, except to admit that Plaintiffs attempt to seek the relief they describe. Defendants specifically deny that Plaintiffs are constitutionally entitled to whatever appropriations they pass regardless of later vetoes. If Plaintiffs are unwilling to reach an agreement with the Governor on appropriations, the Minnesota Constitution does not entitle them to obtain an appropriation, but only to receive, by court order, the minimum funding strictly necessary to perform the Senate and House’s critical, core functions, if and when that funding ever becomes necessary.

2. Defendants admit that the Senate and House passed nine appropriation bills and a tax bill. The Senate and House adjourned the 2017 special session *sine die* and the budget bills that were passed during the regular and special sessions were presented to Governor Dayton as provided by Minnesota Constitution, art. IV, § 23.

3. Defendants admit that Governor Dayton signed all of the appropriation bills and the tax bill into law. And Governor Dayton exercised his line-item veto authority to veto two of

three items of appropriation to the Legislature in the Omnibus State Government Appropriations bill, 2017 Laws of Minnesota, 1<sup>st</sup> Spec. Sess. chapter 4, article 1, section 2, subdivisions 2 and 3, the appropriations to the Senate and House of Representatives. Governor Dayton left untouched appropriations to the LCC totaling more than \$35,000,000. Attached as **Exhibit C** is a true and correct copy of the line-item veto. Defendants specifically deny that Plaintiffs will be without funding as of July 1, 2017. Defendants further allege that Plaintiffs have carry-over funding available to them on and after July 1, 2017.

### **PARTIES**

4. Defendants admit the allegations in paragraph 4.
5. Defendants admit the allegations in paragraph 5.
6. Defendants admit the allegations in paragraph 6 except to deny that Commissioner “Frans is responsible for allotting appropriations to the Legislature” and allege that the Legislature has exempted itself from the allotment process in Minnesota Statutes § 16A.14, subd. 2a.

### **JURISDICTION AND VENUE**

7. Defendants admit only that this court has jurisdiction.
8. Defendants admit that Ramsey County is a proper venue.

### **FACTS**

9. Defendants admit the allegations in paragraph 9.
10. Defendants admit the allegations in paragraph 10.
11. Defendants admit the allegations in paragraph 11.
12. Defendants deny the allegations in paragraph 12. The Governor’s line-item vetoes challenged in this lawsuit do not prevent constituents from communicating with their elected

representatives or elected officials from communicating with their constituents. Defendants deny that any legislator is unable to communicate with his or her constituents without the aid of legislative staff.

13. Defendants deny the allegations in paragraph 13. Defendants specifically deny that inter-session work, beyond that of the LCC, is a core function of the Senate or the House. The LCC serves as the umbrella organization for legislative commissions, joint agencies, and other boards.

14. Defendants deny that the Senate and the House must publish journals of their proceedings when not in session. Furthermore, Defendants state that the Minnesota Constitution does not require the level of detail that the Senate and House presently include in their journals.

15. Defendants deny the allegations in paragraph 15, except Defendants admit that some legislators have other employment, and admit that the Governor may call a special session.

16. Defendants state that they are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16, except that they deny that the Senate's monthly operating expenses are all necessary for critical, core functions. Discovery is necessary to determine the Senate's monthly operating expenses either in or out of session, and the portion thereof necessary for the Senate's critical, core functions.

17. Defendants state that they are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 17, except that they deny that the House's monthly operating expenses are all necessary for critical, core functions. Discovery is necessary to determine the House's monthly operating expenses either in or out of session, and the portion thereof necessary for the House's critical, core functions

18. Defendants admit the accuracy of the description in paragraph 18 of the amounts and due dates of the lease and rent payments relating to the Senate Office Building and parking garage. Defendants allege that for FY 2018, beginning July 1, 2017, the Senate's monthly payment will be \$669,332. This includes \$586,728 due under the lease for the Minnesota Senate Building, plus \$82,604 in costs for the Senate parking garage. Defendants further allege that such payments required to be made by the Senate qualify as critical, core functions of the Senate. Commissioner Frans denies that MMB will remove persons or property from the Minnesota Senate Building.

19. Defendants admit the authenticity of the documents identified in paragraph 19. Defendants admit that the Governor is not satisfied with the Senate and House's work and deny the remainder of that paragraph to the extent it tries to re-characterize those documents. Defendants state that the Governor is required to state his objections under Article IV, § 23 of the Minnesota Constitution.

20. Defendants admit the allegations of paragraph 20 that Plaintiffs could not act to override the line-item vetoes because, in a parliamentary tactic, they chose to adjourn the special session *sine die*.

21. Defendants deny the allegations in paragraph 21, except admit as to injury in fact sufficient to bring suit. Defendants allege that the Senate and the House have carry-over funding available to them after July 1, 2017 which can be used after July 1, 2017. Attached as **Exhibit D** is a true and correct copy of the Allotments Within Appropriation Report dated June 21, 2017, which shows as of that date the Senate carry-forward funds were \$2,931,270; the House carry-forward funds were \$8,330,624; the Senate unspent FY 2017 appropriations that could potentially be carried forward were \$5,063,366 (minus an anticipated \$683,954 payment to the

Minnesota Department of Administration for its lease of the Senate Office Building and parking garage); and the House unspent FY 2017 appropriations that could potentially be carried forward were \$4,858,908, for total funds between the two of over \$2 million.

22. Defendants deny the allegations in paragraph 22 as they are without knowledge or information sufficient to form a belief as to the truth thereof.

23. As to the allegations in Paragraph 23, Defendants admit that the Senate and House have core functions that the Minnesota Constitution requires them to perform even in the absence of any appropriation.

24. As to the allegations in Paragraph 24, Defendants deny that Judge Gearin determined that the Senate and House have core functions beyond drafting, debating, publishing, voting on, and enacting legislation.

25. Defendants deny the allegations in paragraph 25. Had the Senate or House made a request to fund their critical, core functions, Defendants would have acquiesced to that request. Plaintiffs have yet to identify all critical, core functions that they cannot perform or will be unable to perform. Governor Dayton remains willing to listen to the Senate and House's requests for funding necessary for them to perform their critical, core functions. The itemized budgets of the Senate and House are not readily available to the Executive branch. Attached as **Exhibit E** is the Minnesota Senate Budget for FY 2016-17, which includes funding for items that are not part of the critical, core functions of the Senate. Also attached as **Exhibit F** is a true and correct copy of the Recommended Statewide Objectives prepared in connection with the potential government shutdown in 2011.

26. Defendants deny the allegations in paragraph 26.

27. Defendants admit the allegations in paragraph 27.

28. Defendants deny the allegations in paragraph 28.

29. Defendants deny the allegations in paragraph 29.

30. Defendants deny the allegations in paragraph 30, but admit that the Senate and House have standing, except as to the Guaranty Clause, Art. IV, § 4 of the United States Constitution.

**COUNT I**  
**(Declaratory Judgment)**

31. Defendants incorporate and re-allege their responses to paragraphs 1-30.

32. Defendants admit only that Plaintiffs have accurately quoted the cases identified in paragraph 32 but deny that those cases support Plaintiffs' claim that the veto was void.

33. Defendants deny the allegations in paragraph 33, except that they admit that the Governor's veto was in part a response to the Senate and House's effort to condition funding of the Department of Revenue on the Governor signing the tax bill. In fact, statements by the leadership of the Senate and House showed that they did not disagree with the level of funding for the Department of Revenue, but used the "poison pill" to constrain the Governor's power to veto the tax bill.

34. The allegations in paragraph 34 call for a legal conclusion to which no response is required.

35. Defendants deny the allegations in paragraph 35(a)-(d).

**COUNT II**  
**(Injunctive Relief)**

36. The Defendants incorporate and re-allege their responses to paragraphs 1-30.

37. The Defendants deny the allegations in paragraph 37.

38. The Defendants deny the allegations in paragraph 38 to the extent they suggest that the Senate and the House are entitled to anything more than funding for critical, core functions.

39. The Defendants deny the allegations in paragraph 39.

**COUNT III**  
**(Mandamus Relief Under Minn. Stat. §§ 586.01 – 586.12)**

40. The Defendants incorporate and re-allege their responses to paragraphs 1-30.

41. The Defendants deny the allegations of paragraph 41 except to that Minn. Stat. § 586.01 is accurately quoted. Defendants deny that Plaintiffs are entitled to mandamus relief and allege that mandamus will not lie to test the validity of a gubernatorial veto.

42. The Defendants deny the allegations of paragraph 42.

43. The Defendants deny the allegations in paragraph 43 to the extent they suggest that the Senate and the House are entitled to anything more than funding for critical, core functions and deny that the Governor's veto prevents the Legislature from exercising its official and constitutional powers.

44. The Defendants deny the allegations in paragraph 44.

45. The Defendants deny the allegations in paragraph 45.

46. The Defendants deny the allegations in paragraph 46 to the extent they suggest that the Senate and the House are entitled to a writ of mandamus to "allot" funds from the vetoed appropriations in excess of what is needed to support their critical, core functions.

**AFFIRMATIVE DEFENSES**

Defendants, for their Affirmative Defenses against Plaintiffs, state and allege as follows:

1. The Complaint fails to state a claim upon which relief can be granted.
2. Plaintiffs' claims against Defendants are not ripe for judicial review.

3. Plaintiffs' claims raise non-justiciable political questions.
4. Plaintiffs lack standing to enforce Art IV, § 4 of the United States Constitution.
5. Plaintiffs have failed to exhaust their constitutional remedies.
6. Plaintiffs are estopped from asserting their claims.
7. Plaintiffs' unclean hands bar their claim for equitable relief.

### CONCLUSION

WHEREFORE, Defendants respectfully request that this Court enter judgment in its favor and against Plaintiffs as follows:

1. Dismissing Count I of Plaintiffs' Complaint in its entirety with prejudice; declaring that the Governor's line-item veto is valid as being expressly authorized by Minn. Const. art. IV, § 23; and directing, pursuant to Minn. R. Civ. P. 54.02, the entry of final judgment of dismissal, together with a determination that there is no just reason for delay.

2. Dismissing Counts II and III, of Plaintiffs' Complaint 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 the 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.

3A. Alternatively as to Counts II and III, establishing a procedure to provide funding for the critical, core functions of the Senate and House.

4. Awarding Defendants their costs, disbursements and expenses, including attorneys' fees, as may be provided by law.

Dated: June 22, 2017

**BRIGGS AND MORGAN, P.A.**

By: /s/ Sam Hanson

Sam Hanson (#41051)

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**Attorneys for Defendants**

**ACKNOWLEDGMENT**

The undersigned acknowledges that sanctions may be imposed pursuant to Minn. Stat. § 549.211, subd. 3.

/s/ Sam Hanson

# Exhibit A

SF1 REVISOR SGS 171-S0001-1 1st Engrossment

14.1 may be transferred to any other activity under  
 14.2 this section.  
 14.3 (b) \$1,165,000 the first year and \$1,172,000  
 14.4 the second year are for system security and  
 14.5 risk management. The base is \$922,000 in  
 14.6 fiscal year 2020 and each year thereafter.

14.7 **Sec. 14. REVENUE**

14.8 **Subdivision 1. Total Appropriation** \$ **153,506,000** \$ **157,401,000**

14.9 **Appropriations by Fund**

	<u>2018</u>	<u>2019</u>
14.10 <u>General</u>	<u>149,270,000</u>	<u>153,165,000</u>
14.11 <u>Health Care Access</u>	<u>1,749,000</u>	<u>1,749,000</u>
14.12 <u>Highway User Tax</u>		
14.13 <u>Distribution</u>	<u>2,184,000</u>	<u>2,184,000</u>
14.14 <u>Environmental</u>	<u>303,000</u>	<u>303,000</u>

14.16 This appropriation includes funds for  
 14.17 information technology project services and  
 14.18 support subject to the provisions of Minnesota  
 14.19 Statutes, section 16E.0466. Any ongoing  
 14.20 information technology costs must be  
 14.21 incorporated into the service level agreement  
 14.22 and must be paid to the Office of MN.IT  
 14.23 Services by the commissioner of revenue  
 14.24 under the rates and mechanism specified in  
 14.25 that agreement. This section is not effective  
 14.26 until the day following enactment of First  
 14.27 Special Session 2017, House File No. 1.

14.28 **Subd. 2. Tax System Management** **124,890,000** **128,785,000**

14.29 **Appropriations by Fund**

	<u>2018</u>	<u>2019</u>
14.30 <u>General</u>	<u>120,654,000</u>	<u>124,549,000</u>
14.31 <u>Health Care Access</u>	<u>1,749,000</u>	<u>1,749,000</u>
14.32 <u>Highway User Tax</u>		
14.33 <u>Distribution</u>	<u>2,184,000</u>	<u>2,184,000</u>
14.34 <u>Environmental</u>	<u>303,000</u>	<u>303,000</u>

# **Exhibit B**



SF1 REVISOR SGS 171-S0001-1 1st Engrossment

3.1 Revisor of Statutes; Legislative Reference  
3.2 Library; Geographic Information Services;  
3.3 Legislative Budget Office; Legislative-Citizen  
3.4 Commission on Minnesota Resources;  
3.5 Legislative Commission on Pensions and  
3.6 Retirement; Legislative Water Commission;  
3.7 Mississippi River Parkway Commission;  
3.8 Legislative Energy Commission; and the  
3.9 Lessard-Sams Outdoor Heritage Council. The  
3.10 operation of all other joint offices and  
3.11 commissions must be supported by the central  
3.12 administrative staff of the Legislative  
3.13 Coordinating Commission. This appropriation  
3.14 may additionally be used for central  
3.15 administrative staff to support the work of the  
3.16 Economic Status of Women Advisory  
3.17 Committee.

3.18 From its funds, \$10,000 each year is for  
3.19 purposes of the legislators' forum, through  
3.20 which Minnesota legislators meet with  
3.21 counterparts from South Dakota, North  
3.22 Dakota, and Manitoba to discuss issues of  
3.23 mutual concern.

3.24 The base for the Legislative Budget Office is  
3.25 \$818,000 for fiscal year 2020 and each year  
3.26 thereafter.

3.27 **Legislative Auditor.** \$6,744,000 the first year  
3.28 and \$6,564,000 the second year are for the  
3.29 Office of the Legislative Auditor.

3.30 Of these amounts, \$130,000 the first year is  
3.31 for the transit financial activity reviews  
3.32 required by Minnesota Statutes, section 3.972,  
3.33 subdivision 4.



# **Exhibit C**

CHAPTER No. 4  
S.F. No. 12.1 **ARTICLE 1**  
2.2 **STATE GOVERNMENT APPROPRIATIONS**2.3 **Section 1. APPROPRIATIONS.**

2.4 The sums shown in the columns marked "Appropriations" are appropriated to the agencies  
2.5 and for the purposes specified in this article. The appropriations are from the general fund,  
2.6 or another named fund, and are available for the fiscal years indicated for each purpose.  
2.7 The figures "2018" and "2019" used in this article mean that the appropriations listed under  
2.8 them are available for the fiscal year ending June 30, 2018, or June 30, 2019, respectively.  
2.9 "The first year" is fiscal year 2018. "The second year" is fiscal year 2019. "The biennium"  
2.10 is fiscal years 2018 and 2019.

2.11 **APPROPRIATIONS**  
2.12 **Available for the Year**  
2.13 **Ending June 30**  
2.14 **2018                      2019**

2.15 **Sec. 2. LEGISLATURE**

2.16 **Subdivision 1. Total Appropriation**                      \$    **82,193,000** \$    **82,169,000**

2.17                      **Appropriations by Fund**

	<u>2018</u>	<u>2019</u>
2.18 <b><u>General</u></b>	<u>82,065,000</u>	<u>82,041,000</u>
2.19 <b><u>Health Care Access</u></b>	<u>128,000</u>	<u>128,000</u>

2.21 The amounts that may be spent for each  
2.22 purpose are specified in the following  
2.23 subdivisions.

<del>2.24</del>	<del><b><u>Subd. 2. Senate</u></b></del>	<del><u>32,299,000</u></del>	<del><u>32,105,000</u></del>	<i>Vote 10/20 5/13/17</i>
<del>2.25</del>	<del><b><u>Subd. 3. House of Representatives</u></b></del>	<del><u>32,383,000</u></del>	<del><u>32,383,000</u></del>	<i>Vote 11/10 5/22/17</i>
2.26	<b><u>Subd. 4. Legislative Coordinating Commission</u></b>	<u>17,511,000</u>	<u>17,681,000</u>	

2.27                      **Appropriations by Fund**

2.28 <b><u>General</u></b>	<u>17,383,000</u>	<u>17,553,000</u>
2.29 <b><u>Health Care Access</u></b>	<u>128,000</u>	<u>128,000</u>

2.30 Appropriations provided by this subdivision  
2.31 may be used for designated staff to support  
2.32 the following offices and commissions: Office  
2.33 of the Legislative Auditor; Office of the

# **Exhibit D**



ALLOTMENTS WITHIN APPROPRIATION REPORT

Run Date/Time: 6/21/2017 4:09 PM  
Source Report #: KK001  
As of Date: 06/21/2017

Selection Criteria: Budget Period - 2017, Fund - 1000 to 1000, Agency - L12, AppropID - L121000 to L121001  
**AGENCY: L12 House of Representatives**

Budget Period: 2017 Fund: 1000 DeptID: L121000 AppropID: L121000  
General House of Representatives House Of Representatives

<u>AppropID Short Descr</u>	<u>Approp Type</u>	<u>Bud Auth Opt</u>	<u>Legal Citation</u>	<u>Bud Program</u>	<u>Bud Activity</u>	<u>Budget Status</u>
House	05	A	15 077 01 002 003	L1010	L101010	Open

<u>Appropriations</u>		<u>Receipts</u>		<u>Roll Forward</u>		<u>Transfers</u>	
Original	32,383,000	Original Estimate	0	Roll Forward In	1,958,226	Anticipated In	0
Current	32,383,000	Current Estimate	0	Roll Forward Out	0	Actual In	0
Cancel	0	Collected	0			Anticipated Out	0
Reduction	0	Variance Est-Col	0			Actual Out	0
Other Classes	0	Dedicated Cap	0				

<b>Allotment-Free</b>	1,958,226
<b>Uncommitted</b>	4,858,908
<b>Unexpended</b>	4,858,908

	<u>Budgeted</u>	<u>Remaining</u>
<b>Budget/Encumbrance Authority</b>	34,341,226	4,858,908
<b>Spending Authority</b>	34,341,226	4,858,908
<b>Transfer Authority</b>	34,341,226	4,858,908

**ALLOTMENT BALANCES**

<u>Allotment DeptID and Descr</u>	<u>Account Group</u>	<u>Budget</u>	<u>Pre-Encumbered</u>	<u>Encumbered/Committed</u>	<u>Expended</u>	<u>Unobligated</u>	<u>Unexpended</u>
L1220000-House of Representatives	NONPAY	32,383,000	0	0	29,482,318	2,900,682	2,900,682
		32,383,000	0	0	29,482,318	2,900,682	2,900,682
<b>Totals by Account Group</b>							
Payroll Allotments	PAYRLL	0	0	0	0	0	0
Non-Payroll Allotments	NONPAY	32,383,000	0	0	29,482,318	2,900,682	2,900,682



ALLOTMENTS WITHIN APPROPRIATION REPORT

Run Date/Time: 6/21/2017 4:09 PM  
Source Report #: KK001  
As of Date: 06/21/2017

Selection Criteria: Budget Period - 2017, Fund - 1000 to 1000, Agency - L12, AppropID - L121000 to L121001

AGENCY: L12 House of Representatives

Budget Period: 2017 Fund: 1000 DeptID: L1210000 AppropID: L121001  
General House of Representatives House Carry Forward

<u>AppropID Short Descr</u>	<u>Approp Type</u>	<u>Bud Auth Opt</u>	<u>Legal Citation</u>	<u>Bud Program</u>	<u>Bud Activity</u>	<u>Budget Status</u>
House Cf	03	A	MS 16A.281	L1010	L101010	Open

<u>Appropriations</u>		<u>Receipts</u>		<u>Roll Forward</u>		<u>Transfers</u>	
Original	0	Original Estimate	0	Roll Forward In	8,330,624	Anticipated In	0
Current	0	Current Estimate	0	Roll Forward Out	0	Actual In	0
Cancel	0	Collected	0			Anticipated Out	0
Reduction	0	Variance Est-Col	0			Actual Out	0
Other Classes	0	Dedicated Cap	0				

<b>Allotment-Free</b>	8,330,624
<b>Uncommitted</b>	8,330,624
<b>Unexpended</b>	8,330,624

	<u>Budgeted</u>	<u>Remaining</u>
<b>Budget/Encumbrance Authority</b>	8,330,624	8,330,624
<b>Spending Authority</b>	8,330,624	8,330,624
<b>Transfer Authority</b>	8,330,624	8,330,624

**ALLOTMENT BALANCES**

<u>Allotment DeptID and Descr</u>	<u>Account Group</u>	<u>Budget</u>	<u>Pre-Encumbered</u>	<u>Encumbered/Committed</u>	<u>Expended</u>	<u>Unobligated</u>	<u>Unexpended</u>
		0	0	0	0	0	0
		0	0	0	0	0	0
<b>Totals by Account Group</b>							
Payroll Allotments	PAYRLL	0	0	0	0	0	0
Non-Payroll Allotments	NONPAY	0	0	0	0	0	0



ALLOTMENTS WITHIN APPROPRIATION REPORT

Run Date/Time: 6/21/2017 4:10 PM  
Source Report #: KK001  
As of Date: 06/21/2017

Selection Criteria: Budget Period - 2017, Fund - 1000 to 1000, Agency - L11, AppropID - L111000 to L111001  
AGENCY: L11 Senate

Budget Period: 2017 Fund: 1000 General DeptID: L1110000 Senate AppropID: L111000 Senate

<u>AppropID Short Descr</u>	<u>Approp Type</u>	<u>Bud Auth Opt</u>	<u>Legal Citation</u>	<u>Bud Program</u>	<u>Bud Activity</u>	<u>Budget Status</u>
Senate	05	A	15 077 01 002 002	L1020	L102020	Open

<u>Appropriations</u>		<u>Receipts</u>		<u>Roll Forward</u>		<u>Transfers</u>	
Original	32,286,000	Original Estimate	0	Roll Forward In	1,578,346	Anticipated In	0
Current	32,286,000	Current Estimate	0	Roll Forward Out	0	Actual In	0
Cancel	0	Collected	0			Anticipated Out	0
Reduction	0	Variance Est-Col	0			Actual Out	0
Other Classes	0	Dedicated Cap	0				

<b>Allotment-Free</b>	1,578,346	<b>Budgeted</b>		<b>Remaining</b>	
<b>Uncommitted</b>	5,063,366	<b>Budget/Encumbrance Authority</b>	33,864,346		5,063,366
<b>Unexpended</b>	5,063,366	<b>Spending Authority</b>	33,864,346		5,063,366
		<b>Transfer Authority</b>	33,864,346		5,063,366

**ALLOTMENT BALANCES**

<u>Allotment DeptID and Descr</u>	<u>Account Group</u>	<u>Budget</u>	<u>Pre-Encumbered</u>	<u>Encumbered/Committed</u>	<u>Expended</u>	<u>Unobligated</u>	<u>Unexpended</u>
L1120000-Senate	NONPAY	32,286,000	0	0	28,800,980	3,485,020	3,485,020
		32,286,000	0	0	28,800,980	3,485,020	3,485,020
<b>Totals by Account Group</b>							
Payroll Allotments	PAYRLL	0	0	0	0	0	0
Non-Payroll Allotments	NONPAY	32,286,000	0	0	28,800,980	3,485,020	3,485,020



ALLOTMENTS WITHIN APPROPRIATION REPORT

Run Date/Time: 6/21/2017 4:10 PM  
Source Report #: KK001  
As of Date: 06/21/2017

Selection Criteria: Budget Period - 2017, Fund - 1000 to 1000, Agency - L11, AppropID - L111000 to L111001  
AGENCY: L11 Senate

Budget Period: 2017 Fund: 1000 General DeptID: L1110000 Senate AppropID: L111001 Senate Carryforward

<u>AppropID Short Descr</u>	<u>Approp Type</u>	<u>Bud Auth Opt</u>	<u>Legal Citation</u>	<u>Bud Program</u>	<u>Bud Activity</u>	<u>Budget Status</u>
Senate Cf	03	A	MS 16A.281	L1020	L102020	Open

<u>Appropriations</u>		<u>Receipts</u>		<u>Roll Forward</u>		<u>Transfers</u>	
Original	0	Original Estimate	0	Roll Forward In	3,711,773	Anticipated In	0
Current	0	Current Estimate	0	Roll Forward Out	0	Actual In	0
Cancel	0	Collected	0			Anticipated Out	0
Reduction	0	Variance Est-Col	0			Actual Out	0
Other Classes	0	Dedicated Cap	0				

Allotment-Free	0
Uncommitted	2,931,270
Unexpended	2,931,270

	<u>Budgeted</u>	<u>Remaining</u>
Budget/Encumbrance Authority	3,711,773	2,931,270
Spending Authority	3,711,773	2,931,270
Transfer Authority	3,711,773	2,931,270

**ALLOTMENT BALANCES**

<u>Allotment DeptID and Descr</u>	<u>Account Group</u>	<u>Budget</u>	<u>Pre-Encumbered</u>	<u>Encumbered/Committed</u>	<u>Expended</u>	<u>Unobligated</u>	<u>Unexpended</u>
L1120000-Senate	NONPAY	3,711,773	0	0	780,503	2,931,270	2,931,270
		3,711,773	0	0	780,503	2,931,270	2,931,270
<b>Totals by Account Group</b>							
Payroll Allotments	PAYRLL	0	0	0	0	0	0
Non-Payroll Allotments	NONPAY	3,711,773	0	0	780,503	2,931,270	2,931,270

# **Exhibit E**

MINNESOTA SENATE BUDGET  
FY 2016-17

Line Item	FY 2016 Budget Proposed	FY 2017 Budget Proposed	FY 2016-17 Budget Proposed
<b>1 Salaries</b>			
2 Permanent Salaries	12,198,565	12,679,372	24,877,937
3 Temporary Salaries	300,000	550,000	850,000
4 Senators Payroll	2,123,470	2,123,470	4,246,940
5 <b>Subtotal, Salaries</b>	<b>14,622,035</b>	<b>15,352,842</b>	<b>29,974,877</b>
6			
<b>7 Benefits</b>			
8 DCP Match	528,750	176,250	705,000
9 Child Care/Med-Dent Admin Fee	5,000	5,000	10,000
10 Insurance	3,287,279	3,287,279	6,574,558
11 MSRS Employers Share	913,781	941,194	1,854,975
12 FICA Employers Share	946,864	975,270	1,922,134
13 Medicare Employers Share	221,885	228,541	450,426
14 Unemployment Compensation	20,000	20,000	40,000
15 Workers Compensation	20,000	20,000	40,000
16 <b>Subtotal, Benefits</b>	<b>5,943,559</b>	<b>5,653,534</b>	<b>11,597,093</b>
17			
<b>18 Services/Expenses</b>			
19 Rentals	8,000	8,000	16,000
20 Repairs State of Minn	2,500	2,500	5,000
21 Repairs Outside Vendor	2,500	2,500	5,000
22 Maintenance Agreement	303,850	312,965	616,815
23 Printing	42,000	42,000	84,000
24 Rental-Copiers	9,600	9,600	19,200
25 Micrographics	500	500	1,000
26 Chaplains	1,500	1,500	3,000
27 Audit	25,000	0	25,000
28 Development IMB	25,000	25,000	50,000
29 Software	184,000	190,000	374,000
30 Computer Development	140,000	145,000	285,000
31 Dry Cleaning	500	500	1,000
32 Postage/Meter Stamps	100,000	100,000	200,000
33 Communication	206,000	212,000	418,000
34 Delivery Service	1,000	1,000	2,000
35 Mileage	240,000	240,000	480,000
36 Housing In-State	400,000	400,000	800,000
37 Session Per Diem In-State	575,000	775,000	1,350,000
38 Session Per Diem Out-State	1,500	1,500	3,000
39 Interim Per Diem In-State	100,000	120,000	220,000
40 Interim Per Diem Out-State	15,000	15,000	30,000
41 Travel In-State	75,000	75,000	150,000
42 Travel Out-State	100,000	100,000	200,000
43 Registration Fee In-State	5,000	5,000	10,000
44 Registration Fee Out-State	27,500	27,500	55,000
45 Fees/Notary/Summons/Admissions	2,500	2,500	5,000
46 Membership Fees	2,000	2,000	4,000
47 Tuitions/Training	20,000	20,000	40,000
48 Video/Media	58,000	0	58,000
49 Photographic	8,000	8,000	16,000
50 Office Supplies	75,000	75,000	150,000
51 Publications	15,000	15,000	30,000
52 Water Coolers	15,000	15,000	30,000
53 Furniture/Equipment	5,000	5,000	10,000
54 Construction Projects	0	0	0
55 Misc	14,646	15,264	29,910
56 <b>Subtotal, Services/Expenses</b>	<b>2,806,096</b>	<b>2,969,829</b>	<b>5,775,925</b>
57			
58 <b>TOTAL OPERATING</b>	<b>23,371,690</b>	<b>23,976,205</b>	<b>47,347,895</b>
59			
<b>60 Senate Building</b>			
61 Debt Service	3,502,500	6,085,000	9,587,500
62 Maintenance	1,087,810	2,224,795	3,312,605
63 <b>Total, Senate Building</b>	<b>4,590,310</b>	<b>8,309,795</b>	<b>12,900,105</b>
64			
65 <b>GRAND TOTAL (Operating &amp; Building)</b>	<b>27,962,000</b>	<b>32,286,000</b>	<b>60,248,000</b>
66			
67 <b>Total Appropriation</b>	<b>27,962,000</b>	<b>32,286,000</b>	<b>60,248,000</b>
68 <b>Difference: Approp Minus Total Spending</b>	<b>0</b>	<b>0</b>	<b>0</b>

# **Exhibit F**

## Recommended Statewide Objectives 2011 Potential Minnesota Government Shutdown

Prepared by the Statewide Contingency Response Team  
Commissioner of MMB Jim Schowalter, Chair

June 15, 2011

### I. Planning Assumptions

- Agencies should plan to continue only priority one and two critical services;
- Agencies should plan minimal/necessary staffing levels for the priority one and two critical services.
- Agencies should include in their planning; personnel, resources (financial and others) and those support services that are both directly related to, and absolutely necessary to continue priority one and priority two critical services;

### II. Statewide Priority Service Objectives

The State's Statewide Contingency Response Team (SCRT) has established five statewide objectives that must be met during a government shutdown. In order, they are:

- A. provision of basic custodial care for residents of state correctional facilities, regional treatment centers, nursing homes, veterans' homes, and residential academies and other state operated services;
- B. maintenance of public safety and immediate public health concerns;
- C. provision of benefit payments to individuals;
- D. preservation of the essential elements of the financial system of the government; and
- E. provision of *necessary* administrative and support services for the above goals.

### III. Priority Service Definitions and Categories

In addition, the SCRT has established four statewide priority service definitions to meet the aforementioned objectives. All agencies must assign their services to the following four priority levels:

#### A. Priority 1 Critical Services (Immediate threat to public health and/or safety)

Services with critical/core activities that must remain uninterrupted. Generally, these would include agencies and facilities that operate 24-hours a day.



Categories:

- 1.0 Providing for security;
- 1.1 Medical care of inpatients and emergency outpatient care;
- 1.2 Activities essential to ensure continued public health and safety, including safe use of food, drugs, and hazardous materials;
- 1.3 Continuance of transportation safety functions and the protection of transport property;
- 1.4 Protection of lands, buildings, waterways, equipment and other property owned by the government;
- 1.5 Care of prisoners and other persons in the custody of government;
- 1.6 Law enforcement and criminal investigations;
- 1.7 Emergency and disaster response or assistance;
- 1.8 Activities that ensure the production of power and the maintenance of the power distribution system;
- 1.9 A process for maintaining communication with agency personnel and the SCRT
- 2.0 Support/Administrative services to support the Priority 1 Critical Service.

**B. Priority 2 Critical Services**

**(Disorder or a severe, statewide economic impact may develop if not delivered in a few days)**

Services with critical/core activities that have a recovery time of 25 hours to five days that can be disrupted temporarily or might be periodic in nature, but must be re-established within a few days.

Categories:

- 2.0 Activities essential to the preservation of the essential elements of the financial system of the government, including the borrowing and tax collection activities of the government and systems to support these activities;
- 2.1 Contract performance where a suspension or termination could be regarded a material default, and that could result in substantial money damages against the state, and there is no dependency on substantial support from state resources that are not funded ("substantial" means something more than merely cutting a check for payment, but rather entail the need for continued full time activity on the part of three or more full time employees);
- 2.2 Activities having a severe and permanent negative financial impact to business or vulnerable populations or groups of individuals within Minnesota.
- 2.3 Support/Administrative services to support the Priority 2 Critical Service.

**C. Priority 3 Critical Services**

**(Services required by law or rule that can be suspended by law or rule during an emergency)**

Activities with a recovery time objective of six days to 30 days that can be disrupted temporarily but must be re-established sometime before the emergency or disruptive event is over (<6 weeks).

**D. Priority 4 Critical Services**

**(Services that could be suspended during an emergency and are not required by law or rule)**

Activities with a recovery time objective of 30+ days which can be deferred for the duration of a long-term event (6-8 weeks).