

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
SPECIAL ATTORNEYS APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS, That I, WARREN SPANNAUS, Attorney General of the State of Minnesota, by virtue of the authority vested in me by statute, and upon the written request of the Department of Revenue (a copy of which is attached), do hereby constitute and appoint

JOHN W. WINDHORST, JR.

and the law firm of DORSEY, MARQUART, WINDHORST, WEST & HALLADAY

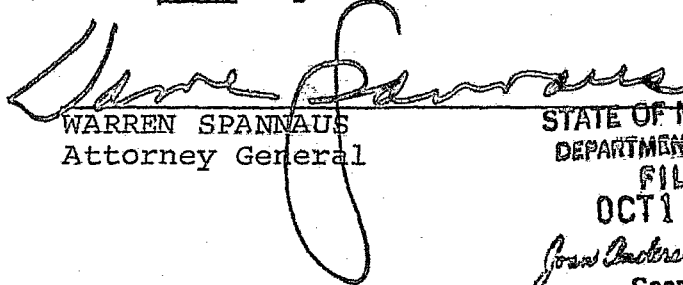
of Minneapolis, Minnesota, as Special Attorneys to provide legal consultation on the cases titled Adcor Realty Co. v. State of Minnesota, et al.; Robert C. Muir Co., et al. v. State of Minnesota, et al.; McCutcheon, et al. v. State of Minnesota, et al.; City of Shakopee v. State of Minnesota, et al.; Berens & Sons, Inc. v. State of Minnesota, et al., and to serve at the pleasure of the Attorney General. This appointment shall be effective October 2, 1975, and is subject to the terms and conditions hereinafter set forth:

1. REPORTS. The Special Attorneys shall submit a monthly report setting forth in detail their activities regarding this appointment.

2. COMPENSATION AND EXPENSES. As compensation for satisfactory performance of the duties herein described, the Special Attorneys shall be compensated at a rate not to exceed \$50.00 per hour for a total not to exceed \$5,000. The Special Attorneys shall be reimbursed for travel expenses in accordance with the rules and regulations promulgated by the State of Minnesota, Commissioner of Administration governing the travel of state officers and employees. All compensation and expenses shall be paid from funds appropriated to the Department of Revenue.

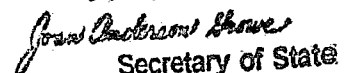
3. STATUS. The Special Attorneys shall not be considered state employees, shall not be eligible for the state's life insurance or basic health benefits coverage and shall not accrue vacation or sick leave or any benefits other than those expressly provided herein.

Executed in St. Paul, Minnesota, this 2nd day of October, 1975.


WARREN SPANNAUS
Attorney General

STATE OF MINNESOTA
DEPARTMENT OF STATE

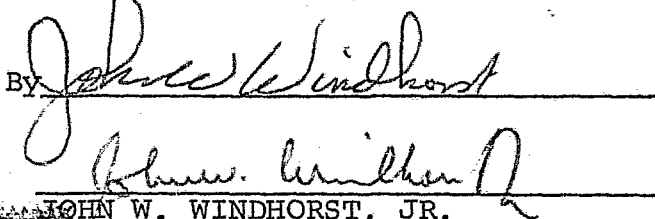
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Secretary of State

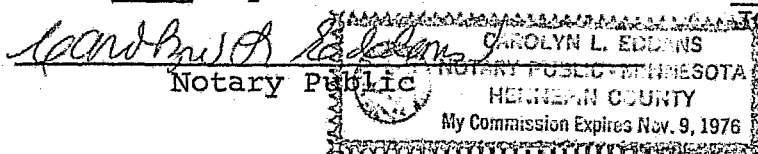
STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss.

JOHN W. WINDHORST, JR. and the law firm of DORSEY, MARQUART, WINDHORST, WEST & HALLADAY, do swear that they will support the Constitution of the United States and of this State and that they will faithfully discharge the duties of the position of Special Attorneys under the terms and conditions of this appointment to the best of their judgment and ability, so help us.

DORSEY, MARQUART, WINDHORST, WEST & HALLADAY

By 
JOHN W. WINDHORST, JR.

Subscribed and sworn to before me
this 6 day of October, 1975.


Carolyn L. Edmons
Notary Public
HENNEPIN COUNTY
My Commission Expires Nov. 9, 1976

#281717

October 1, 1975

Honorable Warren Spannaus
Attorney General
102 State Capitol
St. Paul, Minnesota 55155

RE: Constitutionality of Minn. St. Ch. 473F

Dear Mr. Spannaus:

You will recall that the constitutionality of the so-called Fiscal Disparities Law, Minn. St. Ch. 473F, was attacked and sustained in the case of Village of Burnsville v. Onischuk, 222 N.W.2d 523 (1974).

I am sure that you are also aware that new suits have recently been brought again challenging the constitutionality of the Fiscal Disparities Law (three in Scott County and two in Anoka County).

In the earlier case, Mr. John W. Windhorst, Jr., acting as attorney for the Metropolitan Council, was the principal lawyer for the defense. I understand that while attorneys on your staff in the Solicitor General's office will assume the main burden of the defense in the present cases, you also feel it advisable to have the assistance of Mr. Windhorst available as a consultant, in view of the special knowledge and experience he gained in the previous litigation.

I concur with your view on this point, and on behalf of the Department of Revenue, I request you to contract with Mr. Windhorst to act as a consultant to the Attorney General's office in the pending litigation. The Department of Revenue will contribute up to \$5,000 for the payment of legal fees to Mr. Windhorst for such consultant services.

I understand that the Metropolitan Council has also agreed to contribute \$1,000 for the payment of Mr. Windhorst's services in the pending litigation.

Hon. Warren Spannaus - Page Two

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Please send me a copy of any agreement that you make with Mr. Windhorst so that I can initiate the necessary steps to arrange for payment of his fees in accordance with the above commitment.

Yours very truly,

ARTHUR C. ROEMER
Commissioner of Revenue

ACR:CHL/db