

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.

**AFFIDAVIT OF PAUL M.
MARINAC**

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)

Paul M. Marinac, being first duly sworn, deposes and states:

1. I am the Revisor of Statutes ("Revisor"). As a result of my position and experience, I am familiar with the legal obligations and the actual operation of the Office of the Revisor of Statutes.

2. I make this affidavit based on personal knowledge of the facts stated herein and offer this affidavit in support of the Legislature's response to the Governor's motion to stay enforcement of this Court's judgment which was entered on July 20, 2017.

3. The purpose of this Affidavit is to inform the Court of the consequences of the use of funds otherwise appropriated to the Office of the Revisor of Statutes to instead fund the

operations of the Minnesota House of Representatives and the Minnesota Senate for as long as these funds would allow. The consequences of this action directly threaten the Legislature's ability to carry out its core functions.

4. The Office of the Revisor of Statutes has a complement of 59 highly skilled and trained attorneys, legal editors, computer professionals, and support staff. Our authorized budget for fiscal years 2018 and 2019 is \$12,523,000. Minn. Laws 2017, First Special Session, ch. 4, art. 1, § 2, subd. 4. The action suggested by Governor Dayton's counsel to take the operating and carryforward funds of this office would require the layoff of these employees and the ceasing of all the critical support we provide to the Legislature, constitutional officers, departments and agencies, and the public. This action would significantly impact the lives of these employees. Furthermore, it is likely that we would not be able to rehire some of them if funding were subsequently restored. Because of the highly specialized work they do, hiring and training replacements would be a significant challenge and in the short term would negatively affect the quality of support the Office of the Revisor of Statutes provides.

5. The Office of the Revisor of Statutes is a statutory office created by Laws 1939, chapter 442, to make a topical, continuous revision of state statutes. The Revisor's powers are enumerated in Minnesota Statutes, chapter 3C. The Revisor republishes the compilation of general and permanent laws of the state of Minnesota, called Minnesota Statutes, in even-numbered years and publishes a supplement to it in odd-numbered years.

6. The Office of the Revisor of Statutes annually publishes the Laws of Minnesota, which contains all the laws of each legislative session, those of a general and permanent nature and those of a temporary or local nature.

7. Minnesota Statutes, section 3C.13 provides that these publications are prima facie

evidence of the laws contained in them in all courts and proceedings. Under Minnesota Statutes, chapter 3E, the Uniform Electronic Legal Materials Act, both the electronic record and non-electronic record of this legal material has been designated as official.

8. The practical effect of these publication duties is that the Revisor is responsible for compiling, maintaining, and securing the complete and official body of statutory law for the state of Minnesota. These duties are essential to the core function of the legislative branch in making law. Denying access to this funding directly threatens the Legislature's ability to discharge its constitutional duties.

9. Without funding for these publication duties, the public will be denied its current access to the law of the state. The Revisor provides free copies of all publications to public libraries throughout the state. The Revisor also has developed and maintains the computer system used to secure this information and make it available to the public in electronic form on the Legislature's web site. Under Minnesota Statutes, chapter 3E, the Revisor, as official publisher of this legal material, is charged with the responsibility to preserve, secure, and provide public access to it. Without funding, this responsibility cannot be met.

10. Since 1947, the Office of the Revisor of Statutes has been a legislative drafting office for the Minnesota Legislature. Its statutory drafting duties are set out in Minnesota Statutes, section 3C.03. The Revisor provides essential drafting support to the Legislature and is responsible for creating or reviewing and approving legislative documents such as all bill drafts, amendments, house committee reports, all house and senate engrossments, house and senate desk comparisons, side-by-side comparisons, conference committee reports, and enrollments.

11. Under Minnesota Statutes, sections 3C.03 and 3C.035, the Revisor of Statutes provides similar drafting support to all constitutional officers, and all departments and agencies.

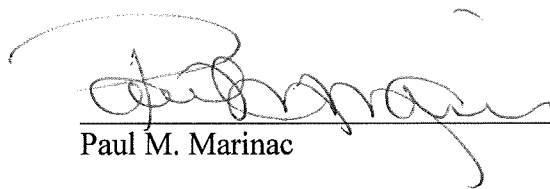
The Revisor also has administrative rule drafting and publication duties for all executive branch departments and agencies. Minnesota Statutes, section 14.07 provides that no agency decision to adopt a rule is effective until the Revisor has certified that its form is approved. Without the Revisor's support and assistance, these departments and agencies would not be able to carry out this rulemaking responsibility and the public's access to this discrete body of law will be adversely affected. The Revisor also compiles and publishes Minnesota Rules, the permanent compilation of administrative rules. This publication is also deemed to be official under Minnesota Statutes, chapter 3E and the public access concerns expressed in item 8 apply to this legal material as well.

12. The Revisor of Statutes, under the supervision of the Chief Clerk of the House and the Secretary of the Senate, engrosses and enrolls all legislation. As enrolling clerk, the Revisor is the Legislature's agent in preparing, checking, and presenting all enrollments to the governor, as required by the Minnesota Constitution. All this information is made available by the Revisor to the public on its web site. Denial of funding to the Revisor would mean that all support for these critical legislative duties would end.

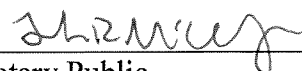
13. The Office of the Revisor of Statutes maintains critical Information Technology systems to support its work and directly support the work of the Minnesota House of Representatives, the Minnesota Senate, and the Legislative Coordinating Commission. These core technologies include a secure data center, network equipment, data storage devices, computer servers, a relational data management system, commercial software products, custom software applications, and end user devices such as phones, desktop computers, and printers. These systems are combined to create a secure local area network for digital communication within and outside the Minnesota Legislature; desktop and productivity software to support the critical drafting and publication duties the Revisor provides to the Legislature, constitutional officers, and departments

and agencies; the document creation and editing system that is used to produce legislative documents, administrative rules, and court rules; the public bill status system for data entry and retrieval; the public administrative rules status system for data entry and retrieval; and the Office of Revisor of Statutes' web site, the main portal for public access to statutes and administrative rules. Maintenance of these systems is not possible without continued funding for the people and equipment employed by the Revisor to do this work.

14. Terminating the funding for the critical Information Technology needs provided by the Office of the Revisor of Statutes will require the termination of all the vendor agreements presently in place. These agreements cover all the software and hardware purchased and maintained by the Revisor on behalf of the Legislature. All automated systems that have been created by the Office of the Revisor of Statutes to prepare legislative bills and administrative rules and related documents, the public display of this legal material, and public access to it will no longer be supported and maintained. Any subsequent hardware or software failure may mean that the work being supported by these systems can no longer be done, which would significantly impact the Legislature's ability to discharge its constitutional responsibilities.


Paul M. Marinac

Subscribed and sworn to before me
This 8th day of November, 2017


Notary Public
My commission expires: 1-31-2020

