

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 BETTY MYERS

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)

Betty Myers, being first duly sworn, deposes and states:

1. I am the Controller of the Minnesota State Senate. I began my employment with the Senate as interim Fiscal Services Manager on August 17, 2017, and was appointed as the Senate Controller on September 25, 2017. I am responsible for preparing a biennial budget for the Senate, and assisting the Secretary of the Senate with quarterly reporting of Senate expenditures to the Committee on Rules and Administration. My duties also include administering the payment of compensation to members and staff and ensuring that the Senate complies with all applicable legal and financial reporting requirements. As a result of my position with the Senate, I am familiar with the fiscal obligations and operation of the Senate.

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 Senate for the 2018–2019 fiscal biennium.

3. The Department of Management and Budget (MMB) is responsible for allotting funds to the Senate. The Senate sends payment requests to MMB as they become due. MMB processes the requests and directs the appropriate financial institution to transfer the funds. MMB requires that the payment requests identify the specific funding account for the transfer. MMB will not process a payment request that does not identify an existing funding account. Most payment requests identify the funding account that corresponds to the appropriation for the current fiscal year. MMB has the sole discretion to create and name these funding accounts.

4. MMB has not created a funding account for the appropriations to the Senate for fiscal year 2018. Instead, MMB created two funding accounts for the Senate: (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 Senate 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 the "court order" funding account and all remaining funds in it. The only remaining funding account for the Senate 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 Senate that corresponds to the appropriation to the fiscal year 2018. Instead, MMB has forced the Senate 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' decision to ignore the judgment of the Court and deny the Senate access to its appropriations for fiscal year 2018 has negatively affected Senate operations. The Senate implemented travel restrictions on July 1, 2017, which remain in place now. The Senate Capitol Investment Committee will not be conducting bonding tours to view proposed bonding requests in preparation for the regular session. Bonding tours are an essential part of the Capital Investment Committee's understanding of capital requests. There are currently 255 bonding proposals totaling \$3.3 billion. The Capital Investment Committee's ability to give each bonding proposal fair consideration will be significantly affected by the Governor's and Commissioner Frans' actions. These consequences are significant and highlight the impact the Governor's actions continue to have on the Senate's ability to exercise its constitutional powers and duties.


Betty Myers

Subscribed and sworn to before me
This 25th day of October, 2017


Notary Public
My commission expires: Jan 31, 2021

