

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT
CASE TYPE: CIVILAssociation for Government
Accountability,File No.: 62-CV-17-3396
Judge John H. Guthmann

Petitioner,

v.

**AFFIDAVIT OF
DEPUTY
COMMISSIONER
ERIC HALLSTROM**Myron Frans in his Official Capacity as
Commissioner of Management and
Budget as an agency of the Executive
Branch of the State of Minnesota;
Minnesota House of Representatives
Budget and Accounting Office, and
Minnesota Senate Fiscal Services
Department,

Respondents.

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

ERIC HALLSTROM, being first duly sworn, deposes and states as follows:

1. My name is Eric Hallstrom. I am the Deputy Commissioner for Defendant Minnesota Department of Management and Budget ("MMB") and I have held this position since March 2015. In that role, I have access to records, which are public data, from MMB's accounting system that give summary information regarding the Senate and House of Representatives' financial accounts and expenditures. The legislature does not typically provide MMB with details of its budget, and has not provided MMB with detail supporting its FY 2018-2019 budget.
2. Attached as Exhibit 1 is an Allotments Within Appropriation Report for the House as of June 21, 2017, which shows the amounts unspent from the House's general fund appropriation for FY

- 2017 as of that date. According to the Report, the House has \$4,858,908 remaining of its FY 2017 general fund appropriation.
3. Attached as Exhibit 2 is an Allotments Within Appropriation Report for the Senate as of June 21, 2017, which shows the amounts unspent from the Senate's general fund appropriation for FY 2017 as of that date. According to the Report, the Senate has \$5,063,366 remaining of its FY 2017 general fund appropriation.
 4. Unlike the other branches of government, at the end of the biennium, the Legislature is authorized to carry over any unspent general fund appropriations into an account, called a "carry forward" account, that can be used for future spending "to pay expenses associated with sessions, interim activities, public hearings, or other public outreach efforts and related activities". Minn. Stat. § 16A.281.
 5. Attached as Exhibit 3 is an Allotments Within Appropriation Report for the House as of June 21, 2017, which shows the amounts held in the House's carry forward account as of that date. According to the Report, the House has \$8,330,624 in its carry forward account.
 6. Attached as Exhibit 4 is an Allotments Within Appropriation Report for the Senate as of June 21, 2017, which shows the amounts held in the Senate's carry forward account as of that date. According to the Report, the Senate has \$2,931,270 in its carry forward account.
 7. Any amounts from the FY 2017 general fund appropriations that are unspent will be carried over into the respective carry forward accounts. MMB anticipates that the House and Senate will make some additional expenditures prior to July 1, 2017. For example, it is anticipated that prior to July 1, 2017, the Senate will use \$683,954 of its FY 2017 general fund appropriation to pay the June 2017 lease payment the Senate owes to the Minnesota Department of Administration for the Senate Office Building and parking garage.

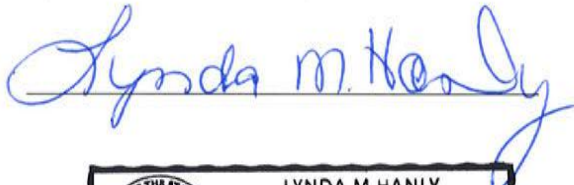
8. Attached as Exhibit 5 is a spreadsheet prepared from the data in MMB's accounting system that shows the House and Senate's FY 2017 monthly expenditures from their general fund appropriations, as well as the carry forward and FY2017 general fund balances as of June 21, 2017. MMB has this data in its accounting system because of its duty to "keep the state's general account books according to generally accepted government accounting principles." Minn. Stat. § 16A.055, subd. 1(3). As the State's Controller, the Commissioner of MMB "signs the checks" so to speak, for the Legislature. Minn. Stat. § 16A.40. This is a purely ministerial task. So long as the Legislature has sufficient funds in its accounts, MMB authorizes payment when the Legislature submits payment requests to MMB.

FURTHER YOUR AFFIANT SAITH NOT.



ERIC HALLSTROM

Subscribed and sworn to before me
this 22 day of June 2017.






ALLOTMENTS WITHIN APPROPRIATION REPORT

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				

Allotment-Free	1,958,226	Budget/Encumbrance Authority	<u>Budgeted</u>	<u>Remaining</u>
Uncommitted	4,858,908		34,341,226	4,858,908
Unexpended	4,858,908		Spending Authority	34,341,226
		Transfer Authority	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
<u>Totals by Account Group</u>							
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

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				

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

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

AppropID Short Descr **Approp Type** **Bud Auth Opt** **Legal Citation** **Bud Program** **Bud Activity** **Budget Status**
 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				

Allotment-Free	8,330,624	Budgeted	8,330,624	Remaining	8,330,624
Uncommitted	8,330,624	Budget/Encumbrance Authority	8,330,624	Spending Authority	8,330,624
Unexpended	8,330,624	Transfer Authority	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
Totals by Account Group							
Payroll Allotments	PAYRLL	0	0	0	0	0	0
Non-Payroll Allotments	NONPAY	0	0	0	0	0	0

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Source Report #: KK001

As of Date: 06/21/2017



ALLOTMENTS WITHIN APPROPRIATION REPORT

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

AGENCY: L11 Senate

Budget Period: 2017

Fund: 1000
GeneralDeptID: L1110000
SenateAppropID: 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		<u>Budgeted</u>	<u>Remaining</u>
Uncommitted	2,931,270	Budget/Encumbrance Authority	3,711,773	2,931,270
Unexpended	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
<u>Totals by Account Group</u>							
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

General Fund Appropriations
Expenditures by Month
FY17

	<u>July</u>	<u>YTD</u>	<u>August</u>	<u>YTD</u>	<u>September</u>	<u>YTD</u>	<u>October</u>
House	\$1,431,421	\$1,431,421	\$2,248,386	\$3,679,807	\$2,398,507	\$6,078,314	\$2,293,199
Senate	\$2,714,060	\$2,714,060	\$2,172,186	\$4,886,246	\$2,106,019	\$6,992,265	\$2,124,986

<u>YTD</u>	<u>November</u>	<u>YTD</u>	<u>December</u>	<u>YTD</u>	<u>January</u>	<u>YTD</u>	<u>February</u>	<u>YTD</u>
\$8,371,513	\$2,475,849	\$10,847,362	\$2,517,606	\$13,364,968	\$2,517,367	\$15,882,335	\$3,003,604	\$18,885,939
\$9,117,251	\$2,412,239	\$11,529,490	\$2,659,769	\$14,189,259	\$2,518,800	\$16,708,059	\$2,509,611	\$19,217,670

<u>March</u>	<u>YTD</u>	<u>April</u>	<u>YTD</u>	<u>May</u>	<u>YTD</u>	as of 6/21/17		<u>Balance</u>
						<u>June</u>	<u>YTD</u>	
\$2,979,043	\$21,864,982	\$3,100,404	\$24,965,386	\$2,855,693	\$27,821,079	\$1,661,239	\$29,482,318	\$4,858,908
\$2,219,871	\$21,437,541	\$2,606,796	\$24,044,337	\$2,944,143	\$26,988,480	\$1,812,500	\$28,800,980	\$5,063,366

Monthly Average <u>as of 5/31/17</u>	Carry-Forward Balance <u>as of 6/21/17</u>
\$2,529,189	\$8,330,624
\$2,453,498	\$2,931,270