STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT CASE TYPE: CIVIL

Association for Government Accountability,

File No.: 62-CV-17-3396 Judge John H. Guthmann

Petitioner,

v.

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,

AFFIDAVIT OF DEPUTY COMMISSIONER ERIC HALLSTROM

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.
- Attached as Exhibit 1 is an Allotments Within Appropriation Report for the House as of June 21,
   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.
- 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  $\nearrow$  2 day of June 2017.

State of Minnesota My Commission Expires January 31, 2020

LYNDA M HANLY Notary Public



Run DateTime: 6/21/2017 4:09 Paynsey County, MN



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 General DeptID:

L1210000

House of Representatives

AppropID: L121000

House Of Representatives

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

<u>Appropriations</u>	
Original	32,383,000
Current	32,383,000
Cancel	0
Reduction	0
Other Classes	0

Receipts	
Original Estimate	0
Current Estimate	0
Collected	0
Variance Est-Col	0
Dedicated Cap	0
_	

Roll Forward	<u>[</u>
Roll Forward In	1,958,226
Roll Forward Out	0

<u>Transfers</u>	
Anticipated In	0
Actual In	0
Anticipated Out	0
Actual Out	0

Allotment-Free	1,958,226
Uncommitted	4,858,908
Unexpended	4,858,908

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

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



6/22/2017 3:05 PM Run DateTime: 6/21/2017 4:10 Phynsey County, MN

ALLOTMENTS WITHIN APPROPRIATION REPORT

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

AppropID Short Descr<br/>SenateApprop Type<br/>05Bud Auth Opt<br/>ALegal Citation<br/>15 077 01 002<br/>002Bud Program<br/>L1020Bud Activity<br/>L102020Budget Status<br/>Dudget Status<br/>Copen

<u>Appropriations</u>	
Original	32,286,000
Current	32,286,000
Cancel	0
Reduction	0
Other Classes	0

<u>Receipts</u>	
Original Estimate	0
Current Estimate	0
Collected	0
Variance Est-Col	0
Dedicated Cap	0

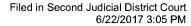
Roll Forward	
Roll Forward In	1,578,346
Roll Forward Out	0

<u>Transfers</u>	
Anticipated In	0
Actual In	0
Anticipated Out	0
Actual Out	0

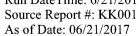
1,578,346
5,063,366
5,063,366

	<b>Budgeted</b>	Remaining
Budget/Encumbrance Authority	33,864,346	5,063,366
<b>Spending Authority</b>	33,864,346	5,063,366
Transfer Authority	33,864,346	5,063,366

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



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#### 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

7

Fund:

1000

De

General

DeptID: L1210000

House of Representatives

AppropID: L121001

House Carry Forward

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

<u>Appropriations</u>	
Original	0
Current	0
Cancel	0
Reduction	0
Other Classes	0

<u>Receipts</u>	
Original Estimate	0
Current Estimate	0
Collected	0
Variance Est-Col	0
Dedicated Cap	0
-	

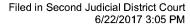
Roll Forward	
Roll Forward In	8,330,624
Roll Forward Out	0
	Roll Forward In

<u>Transfers</u>	_
Anticipated In	0
Actual In	0
Anticipated Out	0
Actual Out	0

Allotment-Free	8,330,624
Uncommitted	8,330,624
Unexpended	8,330,624

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

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

L1110000

AppropID:

L111001

Senate Senate Carryforward

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

<b>Appropriations</b>	
Original	0
Current	0
Cancel	0
Reduction	0
Other Classes	0

<u>Receipts</u>	
Original Estimate	0
Current Estimate	0
Collected	0
Variance Est-Col	0
Dedicated Cap	0
-	

Roll Forward	
Roll Forward In 3,711,773	
Roll Forward Out 0	

Transfers	
Anticipated In Actual In Anticipated Out Actual Out	0 0 0

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

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

General Fund Appropriations Expenditures by Month FY17

	July	YTD	<u>August</u>	YTD	September	YTD	<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

YTD	<u>November</u>	YTD	<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

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