The following file contains two documents:

- The FY 2011-12 Joint Budget Committee Staff supplemental document dated January 23, 2012, for Capital Construction; and
- The FY 2011-12 Joint Budget Committee Staff supplemental document dated January 19, 2012, for Capital Construction.

COLORADO GENERAL ASSEMBLY JOINT BUDGET COMMITTEE



SUPPLEMENTAL REQUESTS FOR FY 2009-10, FY 2010-11, AND FY 2011-12

CAPITAL CONSTRUCTION

JBC Working Document - Subject to Change Staff Recommendation Does Not Represent Committee Decision

> Prepared By: Patrick Brodhead, JBC Staff January 23, 2012

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Totals for All Supplementals	N.A.	7

Prioritized Supplementals

Supplemental Request, Departmental Priority #1 Reduce Capital Spending from Wildlife Cash Fund

	Request	Recommendation
Total	(\$16,584,376)	(\$16,584,376)
FTE	<u>0.0</u>	0.0
General Fund	0	0
Cash Funds	(14,348,652)	(14,348,652)
Reappropriated Funds	0	0
Federal Funds	(2,235,724)	(2,235,724)

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?YES[An emergency or act of God; a technical error in calculating the original appropriation; data that was
not available when the original appropriation was made; or an unforseen contingency.]YES

JBC staff and the Department agree that this supplemental is the result of *data that was not available when the original appropriation was made.*

Department Request: The Department of Natural Resources, Division of Parks and Wildlife, requests a negative supplemental totaling \$16,584,376, including \$14,348,652 cash funds and \$2,235,724 federal funds. This supplemental request impacts a total of 14 projects and 18 line item appropriations within the Capital Construction section of the annual Long Bill for FY 2009-10, FY 2010-11, and FY 2011-12. Specifically, the request:

- Eliminates funding for one project, the Colorado Outdoor Recreation Center, and reduces cash and federal funds spending authority for 10 projects for FY 2009-10;
- Reduces cash and federal funds spending authority for three projects for FY 2010-11, including one continuation project also funded in FY 2009-10; and
- Eliminates funding for three projects, including the Gunnison Regional/Area Office and Hunter Education Facility and two continuation projects also funded in FY 2010-11, and reduces cash and federal funds spending authority for one project for FY 2011-12.

Staff Recommendation: Staff recommends that the Committee approve the supplemental request for a reduction of \$16,584,376, including \$14,348,652 cash funds and \$2,235,724 federal funds.

Staff Analysis: The Wildlife Cash Fund is the primary cash fund used to fund operating and capital expenses for wildlife programs in the Division of Parks and Wildlife. Revenues accrue to the Wildlife Cash Fund from the sale of hunting and fishing licenses. The Parks and Wildlife Board has a policy to maintain a reserve in the Wildlife Cash Fund equal to 10 percent of annual license revenue.

The Division is requesting this negative supplemental to redirect \$14.4 million cash funds from select capital construction projects in order to rebuild the reserve in the Wildlife Cash Fund. The reserve is currently \$15.8 million below the level required by the policy set by the Parks and Wildlife Board due to calculation errors in FY 2008-09 and FY 2009-10. Specifically, the Division reports that some capital expenditures and vendor commissions and fees were not included in the calculations used to determine the required reserve amount. Furthermore, the amount of unspent appropriated capital construction spending authority was not deducted from the reserve total in some calculations. The request states that these reporting omissions and errors were undetected due to a failure to conduct timely reserve calculations, employee turnover and vacancies, and inadequate employee training. The Division first reported on this issue to the Capital Development Committee in August, 2011, and JBC staff brought the issue to the Committee's attention during this year's briefing process.

Project Name	Project Description	Original Appropriation*	Requested Change	Recommended Change	New Total with Recommendation
CAPITAL CONSTRU	CTION]			
Supplemental #1 - Red	luce Capital Spending from Wildlife Cash	Fund			
Fiscal Year 2009-10					
Colorado Outdoor Educational Recreation Center	The project provides funding for the design and construction of an outdoor Educational and Recreation Center near the Denver metropolitan area. The projected cost to construct the center was greater than estimated and the project has been abandoned.		(3,000,000)	(3,000,000)	0
Cooperative Habitat Development	The project provides funding to increase the quality and quantity of habitat on private property, thereby improving small game hunting opportunities and enhancing populations of sensitive species in Colorado.		(75,000)	(75,000)	350,000
Dam Maintenance, Repair, and Improvement	The project provides funding for the ongoing maintenance, repair, and improvements to dams located on property owned or leased by the Division. This appropriation funds a spillway study and alternative analysis at Beaver Park Reservoir in Monte Vista and other miscellaneous repairs.		(1,645)	(1,645)	260,855

Project Name	Project Description	Original Appropriation*	Requested Change	Recommended Change	New Total with Recommendation
Employee Housing Repairs	The project funds the annual repair, maintenance, and modernization of employee housing located on properties owned and managed by the Division. This appropriation funds five projects.	670,845	(77,298)	(77,298)	593,547
Fish Unit Maintenance and Improvement	The project provides funding for emergency repairs and improvements at a number of the 18 fish production facilities owned and operated by the State. This appropriation funds two projects.	2,373,000	(2,269,734)	(2,269,734)	103,266
Grants for Improvements, Repairs, and Development on Wetlands and Shooting Ranges	The project provides funding to develop, improve, or repair wetlands, and improve or repair existing shooting ranges in order to preserve and restore habitat for water- dependent species, and enhance shooting recreation opportunities.	1,200,000	(612,446)	(612,446)	587,554
Major Repairs and Minor Improvements	The project funds controlled maintenance and repairs on the fixed assets owned by the Division. This appropriation funds 26 projects.	631,806	(363,385)	(363,385)	268,421
Motorboat Access on Lakes and Streams	The project provides funding to improve motorboat access on lakes and streams in Colorado. This appropriation funds three projects.	<u>417,900</u>	<u>(79,406)</u>	<u>(79,406)</u>	<u>338,494</u>
	Cash Funds Federal Funds	104,475 313,425	(19,852) (59,554)	(19,852) (59,554)	84,623 253,871
Property Maintenance, Improvements, and Development	The project funds facility and habitat improvements on land owned or leased by the Division. This appropriation funds 12 projects.	1,750,455	(546,722)	(546,722)	1,203,733

Project Name	Project Description	Original Appropriation*	Requested Change	Recommended Change	New Total with Recommendation
Small Maintenance and Improvement Projects	The project funds small maintenance and improvement projects at facilities owned or leased by the Division. This appropriation funds 19 projects.	594,720	(140,036)	(140,036)	454,684
Stream and Lake Improvements	The project funds enhancements of degraded streams and lakes for the benefit of fisheries and anglers. This appropriation funds five projects.	534,450	(58,945)	(58,945)	475,505
	Total for FY 2009-10 Cash Funds Federal Funds	<u>\$11,860,676</u> 11,547,251 313,425	<u>(\$7,224,617)</u> (7,165,063) (59,554)		<u>\$4,636,059</u> 4,382,188 253,871
Fiscal Year 2010-11					
Asset Development or Improvements	The project provides funding to address the construction of new facilities, erect or repair fencing, build or repair public access roads and parking lots, develop water resources, post signs, and/or manipulate habitat and vegetation. This appropriation funds 31 projects.	2,471,600	(692,457)	(692,457)	1,779,143
Infrastructure and Real Property Maintenance	The project provides funding to maintain and improve division properties. The funding included in this appropriation is intended to address maintenance on an as- needed basis. This appropriation funds 12 projects.	681,030	(122,484)	(122,484)	558,546

		Original	Requested	Recommended	New Total with
Project Name	Project Description	Appropriation*	Change	Change	Recommendation
Motorboat Access on Lakes and Streams	The project makes improvements to motorboat access on lakes and streams in Colorado and promotes fishing recreation in the state. This appropriation funds 10 projects.	<u>512,180</u>	<u>(134,517)</u>	<u>(134,517)</u>	<u>377,663</u>
	Cash Funds	128,045	(33,629)	(33,629)	94,416
	Federal Funds	384,135	(100,888)	(100,888)	283,247
	Total for FY 2010-11 Cash Funds Federal Funds	<u>\$3,664,810</u> 3,280,675 384,135	<u>(\$949,458)</u> (848,570) (100,888)	· · · · · · · · · · · · · · · · · · ·	<u>\$2,715,352</u> 2,432,105 283,247
Fiscal Year 2011-12					
Asset Development or Improvements	The project provides funding to improve or create division assets. This appropriation funds fish barrier construction at Rifle Gap Reservoir, a spring collection system for Rifle Falls fish hatchery, and a waterline project to replace a leaking pipe at the Division's fish research hatchery.	1,363,221	(1,363,221)	(1,363,221)	0
Gunnison Regional/Area Office and Hunter Education Facility	The project provides funding to build a new Southwest Regional Office and Gunnison Area Office with a hunter education facility. The new facility would allow the Division to save time and travel expenses, and improve customer service.	<u>5,155,058</u>	<u>(5,155,058)</u>	<u>(5,155,058)</u>	<u>0</u>
	Cash Funds	3,372,726	(3,372,726)	(3,372,726)	0
	Federal Funds	1,782,332	(1,782,332)	(1,782,332)	0

		Original	Requested	Recommended	New Total with
Project Name	Project Description	Appropriation*	Change	Change	Recommendation
Infrastructure and Real	The project funds the maintenance and	2,129,911	(1,501,422)	(1,501,422)	628,489
Property Maintenance	improvement of the Division's properties				
	statewide. This appropriation funds 30				
	projects.				
Motorboat Access on	The project provides funding to construct	<u>390,600</u>	(390,600)	(390,600)	<u>0</u>
Lakes and Streams	motorboat access facilities such as boat				
	ramps, docks, roads, parking lots, and				
	restrooms. This appropriation funds				
	improved motorboat access on Tarryall				
	Reservoir.				
	Cash Funds	97,650	(97,650)	(97,650)	0
	Federal Funds	292,950	(292,950)	(292,950)	0
	Total for FY 2011-12	<u>\$9,038,790</u>	<u>(\$8,410,301)</u>	<u>(\$8,410,301)</u>	<u>\$628,489</u>
	Cash Funds	6,963,508	(6,335,019)	(6,335,019)	628,489
	Federal Funds	2,075,282	(2,075,282)	(2,075,282)	0
	Total for Supplemental #1	<u>\$24,564,276</u>	<u>(\$16,584,376)</u>	<u>(\$16,584,376)</u>	<u>\$7,979,900</u>
	Cash Funds	21,791,434	(14,348,652)	(14,348,652)	7,442,782
	Federal Funds	2,772,842	(2,235,724)	(2,235,724)	537,118

* All funds are cash funds unless otherwise indicated

COLORADO GENERAL ASSEMBLY JOINT BUDGET COMMITTEE



SUPPLEMENTAL REQUESTS FOR FY 2010-11 AND FY 2011-12

CAPITAL CONSTRUCTION

JBC Working Document - Subject to Change Staff Recommendation Does Not Represent Committee Decision

> Prepared By: Patrick Brodhead, JBC Staff January 19, 2012

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Totals for FY 2010-11 Supplementals	N.A.	10

Non-prioritized Supplementals

JBC Staff Initiated Supplemental Technical Corrections

	Request	Recommendation
Total	\$0	\$0
FTE	<u>0.0</u>	<u>0.0</u>
General Fund	0	0
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?	YES
[An emergency or act of God; a technical error in calculating the original appropriation; data that was	
not available when the original appropriation was made; or an unforseen contingency.]	
This supplemental is the result of a technical error in calculating the original appropriation	

This supplemental is the result of a technical error in calculating the original appropriation.

Department Request: The Department has not requested this supplemental.

Staff Recommendation: Staff recommends that the Committee approve the following technical corrections:

- 1. Change the fund source from cash funds to capital construction fund exempt for a FY 2006-07 project (Green Center Improvements) that appears in S.B. 11-155;
- 2. Amend the Capital Construction Fund transfer in S.B. 11-222 to make \$500,000 of the transfer General Fund Exempt rather than General Fund; and
- 3. Correct the statutory reference for the Highway Users Tax Fund appropriations in the letternote on the capital construction totals of S.B. 11-209 (Long Bill).

Staff Analysis: The FY 2010-11 capital construction supplemental bill (S.B. 11-155) included an adjustment to the FY 2006-07 Long Bill. In the FY 2006-07 Long Bill, an appropriations column exists for capital construction fund exempt, which does not exist in subsequent Long Bills. As a result, an unaffected appropriation for a project (Green Center Improvements) was inadvertently moved from the capital construction fund exempt column to the cash funds column. This technical correction would move the appropriation back to its original column of capital construction fund exempt.

The FY 2011-12 capital construction transfer bill (S.B. 11-222) included a transfer of \$48.2 million from the General Fund to the Capital Construction Fund. However, \$500,000 of that transfer should have been General Fund Exempt instead of General Fund pursuant to statute. By way of background, Referendum C, passed by Colorado voters in November 2005, allows the State to retain and spend all revenue that is collected in excess of the TABOR limit for FY 2005-06 through FY 2009-10. For FY 2010-11 and subsequent fiscal years, Referendum C allows the State to retain all revenues that are in excess of the TABOR limit, but less than the excess state revenues cap¹, for that fiscal year. This revenue must be placed in the General Fund Exempt Account. Of the amount transferred in S.B. 11-222, \$500,000 should have been appropriated from the General Fund Exempt Account for strategic transportation projects pursuant to Section 24-77-103.6 (2) (d), Colorado Revised Statutes. This technical correction would appropriate the correct amount of General Fund and General Fund Exempt in the capital construction transfer bill.

The FY 2011-12 Long Bill (S.B. 11-209) included an incorrect statutory reference to the Highway Users Tax Fund in the letternote on the capital construction totals. The Long Bill currently references Section 43-4-201 (3) (a) (I) (B), C.R.S., but should instead reference Section 33-10-111 (4), C.R.S. This technical correction would change this statutory reference in the Long Bill.

	Previously Approved
Total	\$33,140,000
FTE	<u>0.0</u>
General Fund	0
Cash Funds	33,140,000
Reappropriated Funds	0
Federal Funds	0

Previously Approved Interim Supplemental #1 Judicial Department, New Judicial Center

Description of Supplemental: This FY 2011-12 interim supplemental provides \$33,140,000 cash funds spending authority for expenses related to the construction of the Ralph L. Carr Justice Center and parking garage. The Department originally understood the authorizing legislation to include

¹ The "excess state revenues cap" is equal to the highest annual total state revenues from FY 2005-06 through FY 2009-10, adjusted each subsequent fiscal year for inflation, the percentage change in state population, enterprises, and debt service changes.

continuous spending authority for the requested cash funds. However, after closer scrutiny, it was realized that this spending authority needed to be appropriated by the General Assembly.

The rules governing interim supplementals in Section 24-75-111 (5), C.R.S., require the Committee to introduce all interim supplementals that it approves. Staff will include this supplemental in the Department's supplemental bill.

Previously Approved Interim Supplemental #2 Colorado State University, Critical Care Unit, Pharmacy, and Student Lab Renovation (Veterinary Teaching Hospital)

	Previously Approved
Total	\$1,525,000
FTE	<u>0.0</u>
General Fund	0
Cash Funds	1,525,000
Reappropriated Funds	0
Federal Funds	0

Description of Supplemental: This FY 2011-12 interim supplemental provides \$1,525,000 cash funds spending authority to renovate 5,390 GSF in the Veterinary Teaching Hospital in order to improve student learning and accommodate an increased client caseload. The source of cash funds in the original request included \$716,750 from a \$1,001 annual fee charged to non-resident students of the veterinary program, and \$808,250 in matching university funds earned through tuition and client-based service revenues. The university has updated the source of cash funds to include \$655,750 from a \$1,001 annual fee charged to non-resident students of the veterinary program, and \$869,250 in matching university funds earned through tuition and client-based service revenues. These numbers were adjusted because the university incorrectly calculated the annual ratio of resident students to non-resident and WICHE students. In order to spend the WICHE fee revenue, the university must share proportionately in the cost of any planned renovations or purchases based on the annual ratio of resident students to non-resident and WICHE students.

In addition, the original request sought to have the following letternote attached to the approved appropriation: "This amount shall be from institutional sources and WICHE funds. It falls below the threshold in Section 24-75-303 and is shown here for information purposes only. Therefore, it shall not be accounted for in the state's Capital Construction Fund and the limitations on

encumbrance timeliness and use of internal workforce do not apply." However, JBC staff failed to bring this language to the Committee's attention during the initial interim supplemental presentation.

Staff Recommendation: Staff recommends that the Committee approve the updated source of cash funds as well as the requested letternote language.

The rules governing interim supplementals in Section 24-75-111 (5), C.R.S., require the Committee to introduce all interim supplementals that it approves. Staff will include this supplemental in the Department's supplemental bill.

Previously Approved Interim Supplemental #3 University of Colorado Denver, Center for Bioethics and Humanities

FY 2010-11	Previously Approved
Total	\$0
FTE	<u>0.0</u>
General Fund	0
Cash Funds	0
Reappropriated Funds	0
Federal Funds	0

Description of Supplemental: This FY 2010-11 interim supplemental provides an extension of spending authority for the \$8,254,692 cash funds appropriation for this project until June 30, 2014. This is the university's second request for an extension of spending authority for this project. The project received an appropriation of \$5.4 million cash funds in FY 2003-04. A supplemental request to extend that spending authority an additional three years was approved in FY 2006-07. An additional appropriation of \$2.8 million cash funds was granted in FY 2008-09.

The rules governing interim supplementals in Section 24-75-111 (5), C.R.S., require the Committee to introduce all interim supplementals that it approves. Staff will include this supplemental in the Department's supplemental bill.

Previously Approved Interim Supplemental #4 University of Colorado at Boulder, Visual Arts Complex

FY 2010-11	Previously Approved
Total	\$0
FTE	<u>0.0</u>
General Fund	0
Cash Funds	0
Reappropriated Funds	0
Federal Funds	0

Description of Supplemental: This FY 2010-11 interim supplemental provides an extension of spending authority for the \$63,522,302 appropriation, including \$18,475,164 state funds and \$45,047,138 cash funds, for this project until June 30, 2014. A deficiency in the building's ventilation and exhaust systems was discovered after the building opened to partial occupancy earlier this year. The university also discovered issues involving temperature control of museum exhibit space. The university indicates that it has not expended \$1.6 million of the project's appropriation, and it plans to use this remaining funding to correct the building's deficiencies. However, the spending authority for this project will expire on June 30, 2011, which does not allow adequate time to make the corrections.

The rules governing interim supplementals in Section 24-75-111 (5), C.R.S., require the Committee to introduce all interim supplementals that it approves. Staff will include this supplemental in the Department's supplemental bill.

Previously Approved Interim Supplemental #5 Colorado School of Mines, Weaver Towers Renovation

FY 2010-11	Previously Approved
Total	\$700,000
FTE	<u>0.0</u>
General Fund	0
Cash Funds	700,000
Reappropriated Funds	0
Federal Funds	0

Description of Supplemental: Colorado School of Mines previously received an appropriation of \$9,999,993 cash funds to renovate 57,655 GSF in the 228-bed Weaver Towers Residence Hall to address failing building systems and outdated fixtures. This FY 2010-11 interim supplemental provides an additional appropriation of \$700,000 cash funds in order to incorporate additional renovations to building systems and security.

The rules governing interim supplementals in Section 24-75-111 (5), C.R.S., require the Committee to introduce all interim supplementals that it approves. Staff will include this supplemental in the Department's supplemental bill.

	FY 2010-11	FY 2011-12	Fiscal Year 2010-11 or 2011-12 Supplemental		
	Appropriation	Appropriation /Transfer	Requested Change	Recommended Change	New Total with Recommendation
CAPITAL CONSTRUCTION					
JBC Staff Initiated Supplemental -					
Technical Corrections					
S.B. 11-222	<u>N.A</u>	<u>48,171,749</u>	<u>0</u>	<u>0</u>	<u>48,171,749</u>
General Fund Transfer		48,171,749	0	(500,000)	47,671,749
General Fund Exempt Transfer		0	0	500,000	500,000
Previously Approved Interim Supplemental #1 - Judicial Department, New Judicial	I				
Center	N.A.	0	33,140,000	33,140,000	33,140,000
FTE		<u>0.0</u>	0.0	<u>0.0</u>	0.0
General Fund		0	0	0	0
Cash Funds		0	33,140,000	33,140,000	33,140,000
Reappropriated Funds		0	0	0	0
Federal Funds		0	0	0	0

	FY 2010-11	FY 2011-12	Fiscal Year 2010-11 or 2011-12 Supplemental		
	Appropriation	Appropriation	Requested	Recommended	New Total with
		/Transfer	Change	Change	Recommendation
Duranianaly American Interim Complemental					
Previously Approved Interim Supplemental					
#2 - Colorado State University, Critical					
Care Unit, Pharmacy, and Student Lab					
Renovation (Veterinary Teaching Hospital)	N.A.	0	1,525,000	1,525,000	1,525,000
FTE		<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund		0	0	0	0
Cash Funds		0	1,525,000	1,525,000	1,525,000
Reappropriated Funds		0	0	0	0
Federal Funds		0	0	0	0
Totals for FY 2011-12 Supplementals					
Capital Construction					
Totals for ALL Capital Construction line items	108,076,951	163,631,832	34,665,000	34,665,000	198,296,832
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund Transfer	0	0	0	(500,000)	(500,000)
General Fund Exempt Transfer	0	0	0	500,000	500,000
Capital Construction Fund	19,954,062	50,018,234	0	0	50,018,234
Cash Funds	77,849,391	78,377,617	34,665,000	34,665,000	113,042,617
Reappropriated Funds	0	0	0	0	0
Federal Funds	10,273,498	35,235,981	0	0	35,235,981

	FY 2010-11	FY 2011-12	Fiscal Year 2010-11 or 2011-12 Supplemental		
	Appropriation	Appropriation /Transfer	Requested Change	Recommended Change	New Total with Recommendation
Fiscal Year 2010-11 Supplementals					
Previously Approved Interim Supplemental					
#3 - University of Colorado Denver, Center for Bioethics and Humanities	N.A.	N.A.	N.A.	N.A.	N.A.
Previously Approved Interim Supplemental #4 - University of Colorado at Boulder,					
Visual Arts Complex	N.A.	N.A.	N.A.	N.A.	N.A.
Previously Approved Interim Supplemental #5 - Colorado School of Mines, Weaver					
Towers Renovation - FY 2010-11	9,999,993	0	700.000	700,000	10,699,993
FTE	0.0	<u>0.0</u>	0.0	<u>0.0</u>	<u>0.0</u>
General Fund	0	0	0	0	0
Cash Funds	9,999,993	0	700,000	700,000	10,699,993
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

	FY 2010-11	FY 2011-12	Fiscal Year 2010-11 or 2011-12 Supplemental		
	Appropriation	Appropriation /Transfer	Requested Change	Recommended Change	New Total with Recommendation
Totals for FY 2010-11 Supplementals					
Capital Construction					
Totals for ALL Capital Construction line items	108,076,951	163,631,832	700,000	700,000	108,776,951
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	0	0	0	0	0
General Fund Exempt	0	0	0	0	0
Capital Construction Fund	19,954,062	50,018,234	0	0	19,954,062
Cash Funds	77,849,391	78,377,617	700,000	700,000	78,549,391
Reappropriated Funds	0	0	0	0	0
Federal Funds	10,273,498	35,235,981	0	0	10,273,498

Key:

N.A. = Not Applicable or Not Available