

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



**SUPPLEMENTAL REQUESTS FOR FY 2015-16
OFFICE OF THE GOVERNOR**

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

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TABLE OF CONTENTS

	Narrative Page	Numbers Page
Department Overview	1	N.A.
Summary: FY 2015-16 Appropriation and Recommendation	1	N.A.
Prioritized Supplementals in Department-assigned Order		
S1 (OIT) CBMS Client Correspondence and RMS Adjustment	3	11
S2 (OIT) Voice Services Spending Authority	6	12
Non-prioritized Supplementals		
Previously Approved Supplemental Request	9	N.A.
Statewide Common Policy Supplemental Requests	10	N.A.
Totals for All Supplementals	N.A.	13
Appendices		
Appendix A: Numbers Pages	11	N.A.

OFFICE OF THE GOVERNOR

Department Overview

The Office of the Governor includes the functions associated with the Governorship (oversight of executive branch agencies, policy development, communications, and citizen support services), as well as the Office of the Lieutenant Governor, Office of State Planning and Budgeting, Office of Economic Development and International Trade, Office of Information Technology, and Colorado Energy Office.

Summary: FY 2015-16 Appropriation and Recommendation

Governor - Lieutenant Governor - State Planning and Budgeting: Recommended Changes for FY 2015-16						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2015-16 Appropriation						
S.B. 15-234 (Long Bill)	\$268,978,544	\$41,427,966	\$42,239,163	\$178,818,806	\$6,492,609	1,085.7
Other legislation	<u>1,682,849</u>	<u>240,234</u>	<u>0</u>	<u>1,442,615</u>	<u>0</u>	<u>3.0</u>
Current FY 2015-16 Appropriation	\$270,661,393	\$41,668,200	\$42,239,163	\$180,261,421	\$6,492,609	1,088.7
Recommended Changes						
Current FY 2015-16 Appropriation	\$270,661,393	41,668,200	\$42,239,163	\$180,261,421	\$6,492,609	1,088.7
S1 (OIT) CBMS Client Correspondence and RMS Adjustment	1,425,539	0	0	1,425,539	0	0.0
S2 (OIT) Voice Services Spending Authority	0	0	0	0	0	0.0
1331 Community Behavioral Health System Realignment	200,000	200,000	0	0	0	0.0
NP1 Supplemental Fleet Vehicle Request*	<u>(5,448)</u>	<u>2,828</u>	<u>0</u>	<u>(8,276)</u>	<u>0</u>	<u>0.0</u>
Recommended FY 2015-16 Appropriation	\$272,281,484	\$41,871,028	\$42,239,163	\$181,678,684	\$6,492,609	1,088.7
Recommended Increase/(Decrease)	\$1,620,091	\$202,828	\$0	\$1,417,263	\$0	0.0
Percentage Change	0.6%	0.5%	0.0%	0.8%	0.0%	0.0%
FY 2015-16 Executive Request	\$273,569,678	\$41,871,028	\$42,239,163	\$182,966,878	\$6,492,609	1,088.7
Request Above/(Below) Recommendation	\$1,288,194	\$0	\$0	\$1,288,194	\$0	0.0

*Represents the requested appropriation change, not the staff recommendation. This request item will be addressed in a separate staff supplemental recommendations presentation for the Department of Personnel on January 25, 2016.

Request/Recommendation Descriptions

S1 (OIT) CBMS Client Correspondence and RMS Adjustment: The Governor’s Office of Information Technology, in conjunction with the Departments of Health Care Policy and Financing and Human Services, requests four changes to FY 2015-16 appropriations for the Colorado Benefits Management System (CBMS). First, the Department of Health Care Policy and Financing seeks an increase of \$1,425,539 total funds, including \$510,234 General Fund, to mail out proof of insurance tax information for Medicaid and CHP+ enrollees. Second, the agencies’ request a refinance of appropriations for CBMS based on up-to-date usage statistics. Third, the Department of Health Care Policy and Financing seeks a letternote revision to the current Long Bill to note that funds allocated from the Old Age Pension Health and Medical Care Cash Fund are continuously appropriated and are informational only. Finally, the Departments of Health Care Policy and Financing and Human Services ask for the ability to transfer up to 5.0 percent of the total CBMS appropriations between line items and between agencies, as needed. Staff recommends approving the first, second, and fourth requests and rejecting the third proposal.

S2 (OIT) Voice Services Spending Authority: The Governor’s Office of Information Technology requests an increase of \$1,288,194 reappropriated funds for FY 2015-16 to align anticipated State agency expenditures for phone services over the Internet with Long Bill spending authority. Staff recommends rejecting this request because it does not meet supplemental criteria and it is not needed for the Office to continue to meet State agency demands for new phone services over the Internet in the current fiscal year.

1331 Community Behavioral Health System Realignment: During the September 2015 Joint Budget Committee quarterly meeting, staff (Carolyn Kampman) recommended, and the Committee approved, an appropriation of \$200,000 General Fund for FY 2015-16 to allow the Office of State Planning and Budgeting, in conjunction with the Departments of Health Care Policy and Financing and Human Services, to contract for a study of the alignment and distribution of State moneys for behavioral health services.

NP1 Supplemental Fleet Vehicle Request: The Office of the Governor requests a decrease of \$5,448 total funds, including an increase of \$2,828 General Fund, for FY 2015-16 for an adjustment to the Office’s share of expenses related to leasing fleet vehicles through the Department of Personnel. This request item will be addressed in a separate staff supplemental recommendations presentation for the Department of Personnel on January 25, 2016. Staff will incorporate the Committee’s action into the supplemental bill. Note, the dollar amounts in the previous table represent the requested appropriation change.

Prioritized Supplemental Requests

SUPPLEMENTAL REQUEST, DEPARTMENT PRIORITY #1 (OIT) CBMS CLIENT CORRESPONDENCE AND RMS ADJUSTMENT

All Agencies (HCPF, DHS, OIT)	Request	Recommendation
Total*	<u>\$1,425,539</u>	<u>\$1,425,539</u>
General Fund	139,346	139,346
Cash Funds	765,079	765,079
Reappropriated Funds*	1,425,539	1,425,539
Federal Funds	521,114	521,114

*Reappropriated funds are not included in the total to avoid a double count that would artificially inflate the dollar amount of the request and recommendation.

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? [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 unforeseen contingency.]	YES and NO
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JBC staff agrees with the agencies that three of the four components of this request (Client Correspondence Increase, Random Moment Sampling Adjustment, and Five Percent Transfer Authority) meet supplemental criteria due to data that was not available when the original appropriation was made. JBC staff disagrees with the agencies that the Letternote Change to OAP Health and Medical Cash Fund request meets supplemental criteria.

Department Request: The Governor’s Office of Information Technology, in conjunction with the Departments of Health Care Policy and Financing and Human Services, requests four changes to FY 2015-16 appropriations for the Colorado Benefits Management System (CBMS). The following table, and subsequent narrative, summarizes each of the four requests.

FY 2015-16 CBMS Client Correspondence and Random Moment Sampling Adjustments				
Change Item	TF	GF	CF	FF
1. Client Correspondence Increase	\$1,425,539	\$510,234	\$204,483	\$563,909
2. Random Moment Sampling Adjustment	0	(370,978)	560,596	(189,618)
3. Letternote Change to OAP Health and Medical Cash Fund	0	0	0	0
4. Five Percent Transfer Authority	0	0	0	0
Total	\$1,425,539	\$139,256	\$765,079	\$374,291

1. **Client Correspondence Increase** – The Department of Health Care Policy and Financing seeks an increase of \$1,425,539 total funds, including \$510,234 General Fund, annualizing to \$1,494,430 total funds for FY 2016-17 and \$1,553,274 for FY 2017-18, respectively, to mail out proof of insurance tax information for all Medicaid and CHP+ enrollees. The moneys are requested to be reappropriated to the Governor’s Office of Information Technology to arrange for the mailings.

2. **Random Moment Sampling Adjustment** – The Departments of Health Care Policy and Financing and Human Services request a refinance of appropriations for CBMS based on up-

to-date system usage statistics. This is a total funds neutral request that decreases General Fund appropriations by \$370,978 across the two departments for FY 2015-16. Note, the Department of Human Services portion of the request includes an increase of cash funds from the Old Age Pension Fund. Moneys appropriated from this source would otherwise transfer to the General Fund. Thus, the request to reduce \$370,978 Generally Fund should be considered as a request to reduce General Fund by \$85,673 (decrease of \$370,978 General Fund minus an increase of \$285,305 Old Age Pension Fund).

3. **Letternote Change to OAP Health and Medical Cash Fund** – The Department of Health Care Policy and Financing seeks a letternote revision to the current Long Bill to note that funds allocated from the Old Age Pension Health and Medical Care Cash Fund are continuously appropriated and are shown in the Long Bill for informational purposes only.
4. **Five Percent Transfer Authority** – The Departments of Health Care Policy and Financing and Human Services ask for the ability to transfer up to 5.0 percent of the total CBMS appropriation between line items and between agencies, as needed.

Staff Recommendation: Staff recommends the following for each of the four request components:

Change Item	Staff Recommendation
1. Client Correspondence Increase	Approve
2. Random Moment Sampling Adjustment	Approve
3. Letternote Change to OAP Health and Medical Cash Fund	Reject
4. Five Percent Transfer Authority	Approve

Staff Analysis:

1. **Client Correspondence Increase** – The Affordable Care Act (ACA) requires most individuals to have health insurance coverage or potentially to pay a penalty for noncompliance. The federal government requires the Department of Health Care Policy and Financing to send out a tax form to all individuals covered by Medicaid or CHP+ by January 31, 2016 indicating that these individuals had qualifying coverage during the months they were enrolled in these programs in calendar year 2015. This is codified in 26 U.S.C. §6055 (Reporting of Health Insurance Coverage). The filing form is known as a 1095. Individuals use the 1095 as a proof of insurance to avoid paying the individual mandate penalty.

The Department of Health Care Policy and Financing forecasts that it needs to send out 1.5 million pieces to fulfill its federal-mandated obligations. The amount of funding needed to send out these additional client correspondences is \$1.4 million total funds. The following table summarizes the calculations.

*JBC Staff Supplemental Recommendations: FY 2015-16
Staff Working Document – Does Not Represent Committee Decision*

FY 2015-16 Client Correspondence Increase	
Initial Number of Mailings +	1,349,942
Number of Remailings	<u>134,994</u>
= Total Number of Mailings	1,484,936
Postage Rate (dollars)	\$0.96
Total Cost	\$1,425,539
	<i>General Fund</i> \$510,234
	<i>Cash Funds</i> \$204,483
	<i>Federal Funds</i> \$563,909

Staff recommends approving this component of the request. At the start of each fiscal year, CBMS appropriations are encumbered to existing contracts or committed to specific expenses for maintaining the operations of the system. There is limited flexibility available to the agencies in the middle of the fiscal year to redirect funds encumbered for other purposes to cover the cost of the 1095 mailings. If the supplemental is not approved, the agencies will over-expend current CBMS appropriations and/or submit an emergency supplemental to remedy the situation.

Note, staff is skeptical that funding for mailing out 1095 forms could not have been requested for inclusion in the FY 2015-16 Long Bill during the figure setting process last year. The federal statute containing this requirement has been in place for several years, and, as such, costs associated with compliance with this law should have been anticipated and requested. Regardless of timing and process, staff recommends that this component of the request be approved due to a lack of other options to fund the mailings and avoid violating federal law.

- 2. Random Moment Sampling Adjustment** – Random Moment Sampling (RMS) is a federally approved method used to accurately determine proportions of staff time spent providing certain services to particular groups of clients. The process assists the State in documenting its federal claims for certain kinds of social service administrative monies. The legislature provided funding in FY 2013-14 to change and improve the methodology used to collect RMS statistics. The new method has been implemented and is now producing data accurate enough to be used to adjust appropriations for CBMS. Staff recommends approving this component of the request to align appropriations with expenditures based on these new data. The following table summarizes the recommended appropriation changes by agency.

FY 2015-16 Random Moment Adjustments				
Department	TF	GF	CF	FF
Health Care Policy and Financing	\$1,154,556	\$315,356	\$275,291*	\$563,909*
Human Services	(1,154,556)	(686,334)	285,305**	(753,527)**
Total Adjustment	\$0	(\$370,978)	\$560,596	(\$189,618)

*Cash funds are from the Hospital Provider Fee Cash Fund, Old Age Pension Health and Medical Care Fund, and Children's Basic Health Plan Trust. Federal funds are from Medicaid.

**Cash funds are from the Old Age Pension Fund (Human Services). Federal funds are from the Temporary Assistance For Needy Families (TANF) block grant and the Supplemental Nutrition Assistance Program (SNAP).

3. **Letternote Change to OAP Health and Medical Cash Fund** – Staff recommends rejecting this request because adding language to indicate that a fund is continuously appropriated does not meet supplemental criteria, nor would it impact how moneys appropriated from the fund are administered or disbursed. By statute, this fund is already continuously appropriated and shown in the Long Bill for informational purposes. Staff recommends that this technical change in letternote wording be implemented in the FY 2016-17 Long Bill.

4. **Five Percent Transfer Authority** – Appropriations each fiscal year for CBMS are made for the Departments of Health Care Policy and Financing and Human Services based on a forecast of how much each of the different programs supported by the system will use the system. As projects are completed during the fiscal year, more recent system usage statistics are used to determine specifically how much each agency and each program is billed. This causes gaps to occur between appropriations and expenditures. The Department requests, and staff recommends, that authority is provided for the agencies to transfer up to 5.0 percent of the total CBMS appropriation between line items and between agencies, as needed, to compensate for discrepancies between appropriations and expenditures.

**SUPPLEMENTAL REQUEST, DEPARTMENT PRIORITY #2
(OIT) VOICE SERVICES SPENDING AUTHORITY**

	Request	Recommendation
Total	<u>\$1,288,194</u>	<u>\$0</u>
Reappropriated Funds	1,288,194	0

<p>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? [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 unforeseen contingency.]</p>	NO
<p>JBC staff and the Department agree that this request does not meet supplemental criteria.</p>	

Department Request: The Governor’s Office of Information Technology (OIT) requests an increase of \$1,288,194 reappropriated funds spending authority for FY 2015-16, annualizing to \$1,583,149 and \$1,884,003 in FY 2016-17 and FY 2017-18, respectively, to align anticipated State agency expenditures for phone services over the Internet with current Long Bill spending authority.

Staff Recommendation: Staff recommends rejecting this request because it does not meet supplemental criteria and it is not needed for the Office to continue to meet State agency demands for new phone services over the Internet in the current fiscal year. Staff does, however, recommend that the issue be considered for FY 2016-17 during the figure setting process.

Staff Analysis: OIT arranges for the provision of both cloud-based telecommunications services and traditional private branch exchange (PBX) telephone services on behalf of State agencies. For traditional PBX services, agencies pay the vendor directly from moneys contained

in their operating line items (moneys pass-through OIT for payment). For cloud-based telecommunications services, OIT makes payments to vendors on behalf of agencies and bills the agencies for monthly usage. Agencies pay OIT from moneys contained in their operating line items that are transferred into OIT's Information Technology Revolving Fund. Moneys in the Information Technology Revolving Fund are continuously appropriated to OIT.

State agencies, including the Legislative Branch, have migrated from PBX technologies to cloud-based telecommunications services at a rapid rate in the last four years due to the maturity of the underlying technology and the availability of funds to do so following the most recent economic downturn. For FY 2011-12, OIT indicates that State agencies had 4,371 cloud-based telephone lines. The Office forecasts that number increasing to 11,265 by FY 2017-18.

Due to the rapid expansion of cloud-based telecommunications services, OIT requests an increase of \$1,288,194 reappropriated funds spending authority for FY 2015-16, annualizing to \$1,583,149 and \$1,884,003 in FY 2016-17 and FY 2017-18, respectively, to align anticipated State agency expenditures for phone services over the Internet with Long Bill spending authority. This request does not require increases for the State agencies purchasing these services from OIT because the moneys for phone services are already appropriated in agency operating line items. The request simply seeks to account for OIT's expenses on behalf of agencies.

Staff recommends rejecting this request for three reasons:

- First, the request does not meet supplemental criteria. Documentation from OIT indicates that while it does not meet supplemental criteria, it is beneficial to update the current Long Bill appropriation to reflect the demand for cloud-based telecommunications services. Transparency in appropriations is beneficial to all parties, and should be considered for the FY 2016-17 Long Bill, but it is not something that necessitates a mid-year legislative change.
- Second, rejecting this request does not negatively impact the delivery of cloud-based telecommunications services for FY 2015-16. As current statute allows, State agencies may use moneys appropriated to operating line items to procure these services from OIT. The moneys are paid to OIT and deposited in the Information Technology Revolving Fund. As mentioned above, moneys in this fund are continuously appropriated to OIT, thus spending authority is not required for OIT to provide these services.

On a related note, OIT's use of the Information Technology Revolving Fund is not limited to the provision of cloud-based telecommunications services. The Office uses this fund for moneys that State agencies pay it for all the information technology services it provides. This includes services paid for with moneys appropriated to agencies for common policy purposes from Payments to OIT line items, as well as services paid for with moneys from agency operating line items (e.g. cloud-based telephony and related data services). Given that moneys transferred to the Information Technology Revolving Fund may be expended by OIT without seeking approval from the legislature, the Committee may wish to consider whether using a continuously appropriated fund for all OIT services provides the legislature with the appropriate level of oversight to monitor expenditures and formulate annual appropriations.

- Third, the monthly costs for cloud-based telecommunications services are less expensive than the PBX telephone lines that are being replaced by State agencies by an estimated \$8 per line per month. However, this request does not include offsetting decreases in the operating line item appropriations for State agencies to reflect this savings. As a result, following the upgrade to cloud-based telecommunications services, agency appropriations for operating line items are greater than the need for which funds were originally appropriated. Staff recommends that the Committee weigh the merits of different options at its disposal to capture the budgetary savings associated with the implementation of information technology tools. One such option would be for the Committee to only approve requests for increased OIT funding that include tangible budgetary savings in agency line items.
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Non-prioritized Supplemental Requests

PREVIOUSLY APPROVED INTERIM SUPPLEMENTAL REQUEST COMMUNITY BEHAVIORAL HEALTH SYSTEM REALIGNMENT

	Request	Approved
Total	<u>\$200,000</u>	<u>\$200,000</u>
General Fund	200,000	200,000

Department Request: The Departments of Health Care Policy and Financing and Human Services and the Office of the Governor requested an increase of \$200,000 General Fund for FY 2015-16 for the Office of State Planning and Budgeting (OSPB) to contract with an outside vendor to examine how funding should be distributed and aligned between two the departments (the Department of Human Services and the Department of Health Care Policy and Financing) and among service providers to best support mental health and substance use disorder services statewide.

Summary: The study of the community behavioral health system realignment will examine the following impacts related to the implementation of the federal Affordable Care Act (ACA) and Medicaid expansion:

- Impacts of state-level financing changes on the behavioral health system, and what elements of the mental health and substance use disorder treatment systems are not funded through Medicaid or private insurance;
- Impact of individuals rolling on and off Medicaid;
- Impacts of insured, uninsured, and underinsured populations on behavioral health care providers; and
- Strategies and best practices in other Department of Human Services’ program areas (including the Office of Children, Youth, and Families; the Office of Economic Security, and the Office of Early Childhood) to make full use of available Medicaid funding and determine how State funds can be leveraged to fund those behavioral health-related services not covered by Medicaid.

Committee Action: During the September 2015 Joint Budget Committee quarterly meeting, staff (Carolyn Kampman) recommended, and the Committee approved, an appropriation of \$200,000 to allow OSPB to conduct the proposed study. The Committee also approved roll-forward authority through FY 2016-17 for this appropriation.

Statewide Common Policy Supplemental Requests

These requests are not prioritized and are not analyzed in this packet. The JBC will act on these items later when it makes decisions regarding common policies.

Department's Portion of Statewide Supplemental Request	Total	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Supplemental Fleet Vehicle Request	(\$5,448)	\$2,828	\$0	(\$8,276)	\$0	0.0

Staff Recommendation: The staff recommendation for these requests is pending Committee action on common policy supplementals. Staff asks permission to include the corresponding appropriations in the Department's supplemental bill when the Committee acts on common policy supplementals. If staff believes there is reason to deviate from the common policy, staff will appear before the Committee at a later date to present the relevant analysis.

*JBC Staff Supplemental Recommendations - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision*

Appendix A: Number Pages

	FY 2014-15 Actual	FY 2015-16 Appropriation	FY 2015-16 Requested Change	FY 2015-16 Rec'd Change	FY 2015-16 Total w/Rec'd Change
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**GOVERNOR - LIEUTENANT GOVERNOR - STATE PLANNING AND BUDGETING
John Hickenlooper, Governor**

S1 (OIT) CBMS Client Correspondence and RMS Adjustment

(5) OFFICE OF INFORMATION TECHNOLOGY

(E) Applications

Colorado Benefits Management System	<u>42,527,588</u>	<u>29,103,800</u>	<u>1,425,539</u>	<u>1,425,539</u>	<u>30,529,339</u>
FTE	52.5	52.5	0.0	0.0	52.5
Reappropriated Funds	42,527,588	29,103,800	1,425,539	1,425,539	30,529,339
Total for S1 (OIT) CBMS Client Correspondence and RMS Adjustment	42,527,588	29,103,800	1,425,539	1,425,539	30,529,339
FTE	<u>52.5</u>	<u>52.5</u>	<u>0.0</u>	<u>0.0</u>	<u>52.5</u>
Reappropriated Funds	42,527,588	29,103,800	1,425,539	1,425,539	30,529,339

JBC Staff Supplemental Recommendations - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2014-15 Actual	FY 2015-16 Appropriation	FY 2015-16 Requested Change	FY 2015-16 Rec'd Change	FY 2015-16 Total w/Rec'd Change
S2 (OIT) Voice Services Spending Authority					
(5) OFFICE OF INFORMATION TECHNOLOGY					
(C) Network Services					
Colorado State Network Circuits	<u>6,908,088</u>	<u>6,016,138</u>	<u>735,640</u>	<u>0</u>	<u>6,016,138</u>
Cash Funds	607,685	0	0	0	0
Reappropriated Funds	6,300,403	6,016,138	735,640	0	6,016,138
Data Services	<u>219,000</u>	<u>219,000</u>	<u>11,000</u>	<u>0</u>	<u>219,000</u>
Reappropriated Funds	219,000	219,000	11,000	0	219,000
Voice Services	<u>6,671,480</u>	<u>7,224,406</u>	<u>541,554</u>	<u>0</u>	<u>7,224,406</u>
FTE	12.0	12.0	0.0	0.0	12.0
Cash Funds	1,200,005	1,200,000	0	0	1,200,000
Reappropriated Funds	5,471,475	6,024,406	541,554	0	6,024,406
Total for S2 (OIT) Voice Services Spending					
Authority	13,798,568	13,459,544	1,288,194	0	13,459,544
FTE	<u>12.0</u>	<u>12.0</u>	<u>0.0</u>	<u>0.0</u>	<u>12.0</u>
Cash Funds	1,807,690	1,200,000	0	0	1,200,000
Reappropriated Funds	11,990,878	12,259,544	1,288,194	0	12,259,544

JBC Staff Supplemental Recommendations - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2014-15 Actual	FY 2015-16 Appropriation	FY 2015-16 Requested Change	FY 2015-16 Rec'd Change	FY 2015-16 Total w/Rec'd Change
Totals Excluding Pending Items					
GOVERNOR					
TOTALS for ALL Departmental line items	268,759,280	270,661,393	2,713,733	1,425,539	272,086,932
<i>FTE</i>	<u>1,068.4</u>	<u>1,088.7</u>	<u>0.0</u>	<u>0.0</u>	<u>1,088.7</u>
General Fund	26,845,178	41,668,200	0	0	41,668,200
Cash Funds	49,697,793	42,239,163	0	0	42,239,163
Reappropriated Funds	183,491,965	180,261,421	2,713,733	1,425,539	181,686,960
Federal Funds	8,724,344	6,492,609	0	0	6,492,609