

**DEPARTMENT OF LOCAL AFFAIRS**

This Adobe file contains the following two (2) supplemental packets that were presented to the Joint Budget Committee for the Department of Local Affairs:

<b>Figure Setting Packet</b>	<b>Adobe Acrobat Page Numbers</b>
1. February 1, 2010 – Additional Supplemental Request for Cash Fund Transfer to the General Fund for Budget Balancing Purposes	Pages 2-4
2. January 19, 2010 – Regular Supplemental Document	Pages 5-30

# MEMORANDUM

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**TO:** Members of the Joint Budget Committee

**FROM:** Bernie Gallagher, JBC Staff (866-4957)

**SUBJECT:** Request for additional transfer of severance tax revenue to the General Fund for FY 2009-10 budget balancing purposes

**DATE:** February 1, 2010

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Subsequent to staff's presentation on January 19, 2010, for the Department of Local Affairs, staff has learned definitively that the Department requests that Severance Tax revenue identified as being "frozen" are in fact being requested for transfer to the General Fund for budget balancing purposes in FY 2009-10.

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## Cash Fund Transfers

**Department Requested Transfer**  
**Transfer from the Local Government Severance Tax Fund**  
**Statutory Change Required**

FY 2009-10	Request	Recommendation
Transfer from the Local Government Severance Tax Fund to the General Fund	\$42,727,796	\$42,727,796

**Department Request:**

The Department requests that \$42.7 million be transferred from the Local Government Severance Tax Fund to the General Fund in FY 2009-10 to assist with balancing the budget as a result of the state's revenue shortfall.

**Staff Analysis:**

*Revenue Source:* The Local Government Severance Tax Fund consists of 50 percent of total gross receipts realized from the severance taxes imposed on extracted minerals and mineral fuels. Revenues are deposited in the fund on a monthly basis. According to the Legislative Council Staff's Economic and Revenue Forecast, dated December 18, 2009, the tax revenue received by the Local Government Severance Tax Fund in FY 2009-10 will be approximately \$35.8 million (less estimated interest), a decrease of \$123.7 million (77.5 percent).

*Purpose:* This fund provides: (1) direct distribution; and (2) grant opportunities for localities affected by mineral development. Funds also are distributed to political subdivisions to compensate them for loss of property tax revenue resulting from the deduction of severance taxes paid in the determination of the valuation for assessment of producing mines. Seventy percent (\$25.1 million) of the moneys deposited in the fund are distributed as grants by the Department and thirty percent (\$10.7 million) is directly distributed by formula to impacted localities.

*Action Taken:* During the 2009 legislative session, S.B. 09-279 (Augment FY 2008-09 and FY 2009-10 General Fund Revenues), transferred \$7.5 million from the Local Government Severance Tax Fund to the General Fund as a part of a budget balancing action for FY 2008-09. **On January 19, the JBC approved that \$7.6 million be transferred to the General Fund in FY 2009-10 for budget balancing purposes.**

*Action Proposed:* To accommodate the September 2009 Legislative Council Staff economic and revenue forecast which indicated that General Fund revenues would require an additional \$240.7 million to balance to the Governor's August 24, 2009 budget balance plan, on October 28, 2009 the Governor revised this request by increasing the amount of moneys frozen to \$37.4 million for FY 2009-10 (increase of \$12.4 million). This number was again revised on December 1, 2009 to be \$37.9 million, for a total **potential** transfer of \$45.5 million. Then again, to accommodate the December 2009 Legislative Council Staff economic and revenue forecast which indicated that General Fund revenues would require an additional \$40 million to balance to the Governor's September budget balance plan, on January 27, 2010, the Governor revised this request by increasing the amount of moneys frozen to \$50.3 million for FY 2009-10 (increase of \$4.8 million). The increase of \$4.8 million reflects the anticipated increase in Severance Tax revenues the state will receive in FY 2009-10, according to the December 2009 Legislative Council Staff Economic and Revenue Forecast.

**The Department requests that \$42.7 million (\$37.9 million plus \$4.8 million) be transferred from the Local Government Severance Tax Fund to the General Fund in FY 2009-10 for budget balancing purposes.** This proposal would completely halt Mineral and Energy Impact grant awards from Severance Tax revenue for the remainder of FY 2009-10. **This action will not affect the direct distribution of Severance Tax revenues to impacted localities.** On August 31, 2009, approximately \$44.5 million was distributed to impacted local governments based on a statutory formula.

*Local Impact.* At the local level, in FY 2008-09, the Energy and Mineral Impact Assistance Program awarded 359 grants for projects totaling \$102.5 million. The local contribution was \$327.2 million, for a total state and local investment of \$429.7 million. The Department indicates that through this program, the state has been able to leverage a three-to-one match with socially or economically impacted political sub-divisions. Thus, the request to reduce the Local Government Severance Tax Fund by \$42.7 million, upwards of \$170.8 million in state and local moneys may not be made available for projects related to planning, construction, and maintenance of public facilities and for the provision of public services in mineral-impacted counties. In combination with the previously approved transfer of \$7.6 million, the fund would be reduced by \$50.3 million, thus potentially reducing upwards of \$201.2 million in moneys available for projects in energy impacted communities. **If the supplemental request is denied, these moneys would be available for related projects.**

*State Impact.* At the state level, **if the supplemental request is approved, these moneys will assist the General Assembly with balancing the FY 2009-10 budget.** However, if the supplemental request is denied, the General Assembly will have to find a commensurate amount of funding elsewhere to assist with balancing the budget as a result of the state's revenue shortfall.

**Staff Recommendation:**

Staff recommends that the Committee introduce legislation to transfer \$42,727,796 from the Local Government Severance Tax Fund to the General Fund in FY 2009-10 to assist with balancing the budget as a result of the state's revenue shortfall. This action will increase the amount approved by the JBC for transfer from this fund to the General Fund from \$7.6 million to \$50,327,796 to balance the FY 2009-10 budget.

**COLORADO GENERAL ASSEMBLY  
JOINT BUDGET COMMITTEE**



**SUPPLEMENTAL REQUESTS FOR FY 2009-10**

**DEPARTMENT OF LOCAL AFFAIRS**

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

**Prepared By:  
Bernie Gallagher, JBC Staff  
January 19, 2010**

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**Prioritized Supplementals**

**Supplemental Request, Department Priority #1  
 Refinance General Fund with Reappropriated Funds**

	Request	Recommendation
Total	\$181,162	\$181,162
FTE	<u>0.0</u>	<u>0.0</u>
General Fund	(943,127)	(943,127)
FTE	(6.9)	(6.9)
Reappropriated Funds	1,124,289	1,124,289
FTE	6.9	6.9

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [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.]	<b>YES</b>
<i>JBC staff and the Department agree that this request is the result of data that was not available when the original appropriation was made.</i>	

**Department Request:**

The Department requests that 4.9 FTE staff associated with the Field Services Unit and 2.0 FTE staff associated with the State Demography Office, which are funded with General Fund, be refinanced with reappropriated funds. The request includes a total General Fund reduction of \$943,127 and 6.9 FTE and a commensurate increase of \$1,124,289 reappropriated funds and 6.9 FTE. Of the reappropriated amount, \$181,162 reflects the additional indirect costs that will be collected by the Department from the increased reappropriated funds appropriation.

**Staff Analysis:**

**DEPARTMENT REQUEST**

*Department Proposal.* The Department analyzed staff funding and the associated funding sources to determine if there were any cases where any personnel were being funded from a source that may have been at one time applicable, but may no longer be appropriate. Through this analysis, the Department identified 4.9 FTE staff in the Field Services section of the Division of Local Government and 2.0 FTE staff in the State Demography Office which were being funded with General Fund, but should be more appropriately funded with Mineral and Energy Impact funds as



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a result of their work on programs directly related to communities impacted by mineral development and extraction. Thus, the Department proposes that the identified staff be not funded with General Fund, as is the case, but rather with reappropriated funds, which reflect revenues the Department receives from severance taxes and the State's share of federal mineral leasing taxes collected by the federal government.

*Components of the Request to Refinance.* The following table provides an overview of the components of the request, by Long Bill line item. There were two Department divisions that are impacted, the Executive Director's Office and the Division of Local Government.

<b>Long Bill Line Items Impacted by the Supplemental Request</b>			
<b>LONG BILL DIVISION and Line Item</b>	<b>Total</b>	<b>General Fund</b>	<b>Reappropriated Funds</b>
<b>(1) EXECUTIVE DIRECTOR'S OFFICE</b>			
Group Health, Life, and Dental	\$0	(\$92,927)	\$92,927
Short-term Disability	0	(1,003)	1,003
S.B. 04-257 Amortization Equalization Disbursements	0	(12,940)	12,940
S.B. 06-235 Supplemental Amortization Equalization Disbursements	0	(8,088)	8,088
Capitol Complex Leased Space	<u>0</u>	<u>(181,162)</u>	<u>181,162</u>
<i>Subtotal - (1) EXECUTIVE DIRECTOR'S OFFICE</i>	<b>\$0</b>	<b>(\$296,120)</b>	<b>\$296,120</b>
<b>(4) DIVISION OF LOCAL GOVERNMENT</b>			
<b>(A) Local Government and Community Services</b>			
<b>(1) Administration</b>			
Personal Services	0	(153,996)	153,996
<b>(B) Field Services</b>			
Program Costs	0	(493,011)	493,011
<b>(C) Indirect Cost Assessment</b>			
Indirect Cost Assessment	<u>181,162</u>	<u>0</u>	<u>181,162</u>
<i>Subtotal - (4) DIVISION OF LOCAL GOVERNMENT</i>	<b>181,162</b>	<b>(647,007)</b>	<b>828,169</b>
<b>Total - Supplemental Request</b>	<b>\$181,162</b>	<b>(\$943,127)</b>	<b>\$1,124,289</b>
<b>FTE affected by the refinancing</b>	<b>0</b>	<b>(6.9)</b>	<b>6.9</b>
<i>Severance Tax Revenues (66.7 percent)</i>			749,526
<i>Federal Mineral Lease Revenues (33.3 percent)</i>			374,763

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**BACKGROUND**

*Overview.* According to the Department, every resident of Colorado lives within three governments' jurisdictions: the state, a county, and a school district, and over 70 percent also live within municipal boundaries. Many hundreds of special districts bring the total to over 3,000 local jurisdictions, adding immeasurably to the complexity of government in Colorado. The Division of Local Government is charged helping to manage the intergovernmental relationship between the state and local governments.

*Division of Local Government.* The Division of Local Government (DLG) was created in 1966 as a recommendation of the Governor's Local Affairs Study Commission. Pursuant to Section 24-32-104, C.R.S., the DLG is required to: (1) provide technical assistance and information to local governments on available federal and state programs and act as a liaison with other state agencies concerned with local governments; (2) be a source of information to the Governor and General Assembly on local government needs and problems; and (3) perform research on local government issues.

*Field Services Section.* The Field Services Section is staffed by 21.2 FTE in eight regional offices. Field staff provide specific technical and financial assistance to local officials and their support staff in 64 counties, 269 municipalities, and 2,918 special districts in all areas of local government operations. Technical assistance includes: workshops, publications, individual consultations and on-line resources with topics covering budgeting and financial management, land use planning, special district elections, general government administration, purchasing, personnel, and water and wastewater management. Financial assistance includes: overseeing application, contract and payment distribution processes, developing partnerships with federal funding agency providers and conducting training sessions for local government grantees in project administration activities.

*State Demography Office.* The State Demography Office consists of 6.0 FTE whom perform a variety of demographic analysis for the purposes of forecasting population growth, energy industry employment trends, housing data, and demand for public facilities and services. Specifically, the data used by the identified staff for refinancing, related to the Energy and Mineral Impact program, help to accurately allocate Federal Mineral Lease and Severance Tax revenues to localities through both direct distribution and grants.

**PROGRAM METRICS & TRENDS**

*Energy & Mineral Impact Assistance Program.* The following table provides some general program metrics calculated by staff related to the Energy & Mineral Impact Grant Program. The data is informational in nature, however staff would like to highlight the "Leverage Ratio", which reflects the total amount of capital that is generated for every \$1 contributed by the state, which over the last

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three completed fiscal years was 3.8. The three-year average grant amount was \$310,843 distributed to 332 awardees. Please note that most contracts are signed within one year, but the negotiation process can sometimes take up to four years. Even once a contract is signed, not all of the money may be encumbered by the Department if there are conditions in the contract.

Energy & Mineral Impact Grant Program Performance Measures (\$ million)									
Fiscal Year	M&E Impact Award	Local Match	Total Project	Leverage Ratio	Total number of awards, by total project amount				
					Total	<\$1M	\$1M<\$5M	\$5M<\$10M	\$10M+
2006-07	\$90.7	\$249.2	\$339.9	3.7	297	207	77	9	4
2007-08	116.3	294.0	410.2	3.5	341	235	92	8	6
2008-09	102.5	327.2	429.7	4.2	359	257	87	10	5
<b>3-Yr Avg</b>	<b>\$103.2</b>	<b>\$290.1</b>	<b>\$393.3</b>	<b>3.8</b>	<b>332</b>	<b>233</b>	<b>85</b>	<b>9</b>	<b>5</b>

*Trends:* Over three years, the Department has awarded \$309.5 million in energy impact grants, leveraging approximately \$1.2 billion in total moneys to areas impacted by mineral extraction. The leverage ratio over the three year period is 3.8. This indicates that for every \$1 the state contributes, localities matched this with \$2.80. In FY 2008-09, the program leveraged nearly \$3.20 from localities for every state dollar invested, a 28 percent annual leverage increase.

In addition, over this same three year period, the number of grants awarded, which could substitute as a workload measure, has increased by 62, or 21 percent, thus representing a substantial workload increase over this time period. This workload measure does not account for the numerous other in-process grants which had been awarded prior to this time period, noting that most awards span between three to four years in duration.

*Staff Conclusion.* Staff concludes that the Department's request to refinance all of the Field Services section and a portion of the State Demographer's office with Mineral and Energy Impact moneys is warranted and further believes that this supplemental refinancing be ongoing and not reversed in subsequent years when State General Fund revenues become more available. It is noteworthy to mention that in discussions with Colorado Municipal League (CML) and Colorado Counties, Inc. (CCI), staff has learned that both these representative bodies value the services that the Field Services unit provides to their membership and did not specifically provide any documented protest to this proposal by the Governor, however did caveat that they would prefer this situation not be the case, but unfortunately are aware of the State's difficult revenue shortfall.

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**Staff Recommendation:**

Staff recommends that the Committee approve the Department's supplemental request and refinance the identified FTE as is described in the table above. Staff also requests permission to make any adjustments to letternotes in accordance with Committee action.

**Non-Prioritized Supplementals**

**JBC Staff Initiated Supplemental #1  
 Reflect Current Year ARRA Funds**

	Request	Recommendation
Federal Funds	\$0	\$19,671,292

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [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.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of <i>data that was not available when the original appropriation was made.</i>	

**Staff Request:**

Staff recommends that mid-year appropriations adjustments be made to the Department's FY 2009-10 federal funds appropriation to better reflect the distribution of federal moneys *made available* to Colorado by the American Recovery and Reinvestment Act (ARRA) of 2009.

**Request Detail:**

The following table provides the estimated allocation of federal ARRA moneys to the Department, by Long Bill line item. These are the amounts the supplemental bill would be adjusted by if this request is approved by the JBC.

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<b>JBC Staff Recommended Adjustments to the 2009 Long Bill</b>			
<b>Long Bill Section and Line Item</b>	<b>Federal Stimulus</b>	<b>Purpose</b>	<b>Federal Funds</b>
<b>(3) DIVISION OF HOUSING</b>			
(A) Administration			
<i>Homeless Prevention and Rapid Rehousing Program [NEW]</i>	ARRA Homeless Prevention and Rapid Rehousing Program	These moneys will help provide short- and medium-term rental assistance services. Note that other wrap-around services will be provided from the previously approved interim supplemental authorizing the transfer of \$4,750,000 reappropriated funds from the Department of Human Services.	\$8,154,036
<b>Subtotal - (1) DIVISION OF HOUSING</b>			<b>\$8,154,036</b>
<b>(4) DIVISION OF LOCAL GOVERNMENT</b>			
(A) Local Government and Community Services (3) Community Services			
<i>Community Services Block Grant</i>	ARRA made available through existing CSBG program.	Provide additional moneys for the purposes of reducing poverty, revitalize low-income communities, and assist low-income families become self-sufficient.	\$8,684,648
(B) Field Services			
<i>Community Development Block Grant</i>	ARRA made available through existing CDBG program.	Provide additional moneys for wastewater facilities in Red Cliff and Boone, as well as a medical facility expansion in Bent County.	2,832,608
<b>Subtotal - (4) DIVISION OF LOCAL GOVERNMENT</b>			<b>\$11,517,256</b>
<b>Total Funds</b>			<b>\$19,671,292</b>

**Staff Recommendation:**

Staff recommends that the JBC approve staff's request to make the appropriate adjustments to the affected Long Bill line items, as described in the table above. Staff further requests permission to adjust letternotes to reflect any JBC action

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**Previously Approved Interim Supplemental  
 TANF Emergency Fund Initiative**

	<b>Previously Approved Appropriation</b>
Reappropriated Funds -- TANF moneys appropriated to the Department of Human Services	\$4,750,000

**Description of Supplemental:**

In September 2009, the JBC approved a \$29 million increase of federal funds for FY 2009-10 to the Department of Human Services in order to implement programs that will mitigate the effects of current economic conditions, create jobs, and draw down all of the federal funding made available by the Temporary Assistance for Needy Families Emergency Fund (TANF) provisions of the American Recovery and Reinvestment Act of 2009 (ARRA).

Of this amount, which was approved by the JBC in September 2009, \$4,750,000 would be used in collaboration with the Colorado Community and Interagency Council on Homelessness to leverage federal funds for the Homeless Prevention and Rapid Re-Housing Program. The entire program, including any HUD funding, would be administered by the Department of Local Affairs. It is estimated that these moneys will support services for 1,440 families at an average cost of \$3,300 per family. The TANF dollars would allow for wrap-around services for families that cannot be covered by the HUD grant, such as childcare and substance abuse treatment. An estimated 50 percent of homeless individuals are families with children, according to the Colorado Coalition for the Homeless.

**Staff Recommendation:**

When JBC staff presented to the Committee in September 2009, staff recommended that a new line item be created in the Department of Local Affairs and named, "**TANF-Funded Homeless Prevention and Rapid Rehousing Program**". However, because the Department will also receive additional HUD moneys related to the Homeless Prevention and Rapid Re-Housing Program, staff would recommend that these two sources be combined into a single line item in the Department's supplemental bill which amends the 2009 Long Bill. Staff recommends that the new line item be instead named, "**Homeless Prevention and Rapid Rehousing Program**", which would consist of reappropriated funds reflecting the TANF moneys transferred from the Department of Human Services, as well as additional federal HUD moneys received for the other complementary services. Staff further requests permission to create a letternote reflecting Committee action.

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*The rules governing interim supplementals require the Committee to introduce all interim supplementals that it approves. (See Section 24-75-109 (5), C.R.S.) Staff will include this supplemental in the Department's supplemental bill.*

**Non-Prioritized Supplemental Request  
 Budget Adjustment to Reflect FY 2009-10 Furloughs**

	<b>Request</b>	<b>Recommendation</b>
Total Funds	<u>(\$168,957)</u>	<u>(\$168,957)</u>
General Fund	(19,947)	(19,947)
Cash Funds	(42,718)	(42,718)
Reappropriated Funds	(51,888)	(51,888)
Federal Funds	(54,404)	(54,404)

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [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.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of <i>data that was not available when the original appropriation was made.</i>	

**Department Request:**

The General Assembly included a statewide personal services reduction equivalent to 1.82 percent of each agencies' appropriation in the FY 2009-10 Long Bill (S.B. 09-259). The net FY 2009-10 impact of the one-time reduction was \$26.5 million, of which \$16.1 million was General Fund. The executive branch was given the flexibility to develop and implement a plan to meet the mandated reduction. The Governor requests an adjustment to the personal services reductions within the FY 2009-10 Long Bill to reflect the actual staffing actions taken within each agency to achieve a decrease of 1.82 percent. The Department's request reflects a decrease of \$168,957, including \$19,947 General Fund.

**Request Detail:**

The following table details the Department's requested adjustments to reflect the personal services reductions from furloughs, by Long Bill division and line item.

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<b>Department Request: Furlough Impact by Long Bill Line Item</b>						
<b>Long Bill Section and Line Item</b>	<b>Total</b>	<b>General Fund</b>	<b>Cash Funds</b>	<b>Reapprop. Funds</b>	<b>Federal Funds</b>	<b>FTE</b>
<b>(1) EXECUTIVE DIRECTOR'S OFFICE</b>						
Personal Services	(\$28,843)	\$0	\$0	(\$28,843)	\$0	0.0
Short-term Disability	(509)	(124)	(88)	(154)	(143)	0.0
S.B. 04-257 Amortization Equalization Disbursements	(6,573)	(1,603)	(1,138)	(1,985)	(1,847)	0.0
S.B. 06-235 Supplemental Amortization Equalization Disbursements	<u>(4,109)</u>	<u>(1,002)</u>	<u>(711)</u>	<u>(1,241)</u>	<u>(1,155)</u>	<u>0.0</u>
<i>Subtotal - (1) Executive Director's Office</i>	<b>(40,034)</b>	<b>(2,729)</b>	<b>(1,937)</b>	<b>(32,223)</b>	<b>(3,145)</b>	<b>0.0</b>
<b>(2) PROPERTY TAXATION</b>						
Division of Property Taxation	(14,349)	(8,803)	(4,127)	(1,419)	0	0.0
Board of Assessment Appeals	<u>(12,406)</u>	<u>0</u>	<u>0</u>	<u>(12,406)</u>	<u>0</u>	<u>0.0</u>
<i>Subtotal - (2) Property Taxation</i>	<b>(26,755)</b>	<b>(8,803)</b>	<b>(4,127)</b>	<b>(13,825)</b>	<b>0</b>	<b>0.0</b>
<b>(3) DIVISION OF HOUSING</b>						
<b>(A) Administration</b>						
Personal Services	(20,161)	(3,091)	(524)	0	(16,546)	0.0
Manufactured Buildings Program	(24,812)	0	(24,812)	0	0	0.0
<i>Subtotal - (4) Division of Housing</i>	<b>(44,973)</b>	<b>(3,091)</b>	<b>(25,336)</b>	<b>0</b>	<b>(16,546)</b>	<b>0.0</b>
<b>(4) DIVISION OF LOCAL GOVERNMENT</b>						
<b>(A) Local Government and Community Services</b>						
<b>(1) Administration</b>						
Personal Services	(11,606)	(2,272)	0	(3,661)	(5,673)	0.0
Local Utility Management Assistance	(3,687)	0	(3,687)	0	0	0.0
Conservation Trust Fund Disbursements	(4,237)	0	(4,237)	0	0	0.0
Environmental Protection Agency Water/Sewer File Project	(882)	0	0	0	(882)	0.0



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<b>Department Request: Furlough Impact by Long Bill Line Item</b>						
<b>Long Bill Section and Line Item</b>	<b>Total</b>	<b>General Fund</b>	<b>Cash Funds</b>	<b>Reapprop. Funds</b>	<b>Federal Funds</b>	<b>FTE</b>
(4) Waste Tire Fund, Waste Tire Recycling, Reuse and Removal Grants	(1,743)	0	(1,743)	0	0	0.0
(B) Field Services						
Program Costs	(9,883)	0	0	(2,179)	(7,704)	0.0
Search and Rescue Program	<u>(1,651)</u>	<u>0</u>	<u>(1,651)</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
<i>Subtotal - (4) Division of Local Government</i>	<b>(33,689)</b>	<b>(2,272)</b>	<b>(11,318)</b>	<b>(5,840)</b>	<b>(14,259)</b>	<b>0.0</b>
<b>(5) DIVISION OF EMERGENCY MANAGEMENT</b>						
Administration	<b>(23,506)</b>	<b>(3,052)</b>	<b>0</b>	<b>0</b>	<b>(20,454)</b>	<b>0.0</b>
Department's Total Supplemental Request	(\$168,957)	(\$19,947)	(\$42,718)	(\$51,888)	(\$54,404)	0.0

**Staff Analysis:**

The Department's supplemental request reflects how the Department implemented the statewide personal services reduction in FY 2009-10. **Staff is amenable to all of the recommended adjustments.**

The supplemental reductions compound with the reductions included in the FY 2009-10 Long Bill (S.B. 09-259). The following table provides further detail related to the total amount of funds that were reduced or are planned to be reduced from the Department's budget in FY 2009-10 related to the statewide personal services base reduction.

<b>Personal Services Adjustments</b>	<b>Total</b>	<b>General Fund</b>	<b>Cash Funds</b>	<b>Reapprop. Funds</b>	<b>Federal Funds</b>	<b>FTE</b>
Personal Services Base Reduction (included in 2009 Long Bill, S.B. 09-259)	(\$170,918)	(\$62,941)	(16,114)	(50,755)	(41,108)	0.0
Current supplemental request	(168,957)	(19,947)	(42,718)	(51,888)	(54,404)	0.0
Department's Total Impact from the Personal Services Base Reduction	(\$339,875)	(\$82,888)	(\$58,832)	(\$102,643)	(\$95,512)	0.0

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**Staff Recommendation:**

Staff recommends the JBC reduce the appropriation to the Department for FY 2009-10 by \$168,957 (including \$19,947 General Fund) to the various line items identified in the table above. Staff further requests permission to adjust letternotes to reflect any JBC action.

**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.

<b>Department's Portion of Statewide Supplemental Request</b>	<b>Total</b>	<b>General Fund</b>	<b>Cash Funds</b>	<b>Reapprop. Funds</b>	<b>Federal Funds</b>	<b>FTE</b>
Risk Management Contract Review and Reduction	(\$729)	(\$678)	(\$23)	(\$28)	\$0	0.0
Capitol Complex Building Maintenance Reductions	(6,773)	(4,171)	(294)	(1,240)	(1,068)	0.0
Risk Management Reduction of Liability, Property and Workers' Compensation Volatility	(3,355)	(3,120)	(143)	(92)	0	0.0
Elimination of Noxious Weed Abatement	(2,550)	0	0	0	(2,550)	0.0
State Fleet Rebates - One Time Refinance	(9,281)	(7,491)	0	(1,790)	0	0.0
Annual Fleet Vehicle Replacement True-up	(1,519)	(1,230)	0	(289)	0	0.0
Mail Equipment Upgrade	(5,928)	(2,188)	(643)	(873)	(2,224)	0.0
OIT Personal Services Reduction Initiative	(1,664)	(1,664)	0	0	0	0.0
FY 2009-10 OIT Management and Administration One-time Adjustment	(2,036)	(750)	0	0	(1,286)	0.0
<b>Department's Total Statewide Supplemental Requests</b>	<b>(\$33,835)</b>	<b>(\$21,292)</b>	<b>(\$1,103)</b>	<b>(\$4,312)</b>	<b>(\$7,128)</b>	<b>0.0</b>

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**Staff Recommendation:**

The staff recommendation for these requests is pending Committee approval of common policy supplementals. **Staff asks permission to include the corresponding appropriations in the Department's supplemental bill when the Committee approves this common policy supplemental.** If staff believes there is reason to deviate from the common policy, staff will appear before the Committee later to present the relevant analysis.

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**Cash Fund Transfers**

**Department Requested Transfer**

**Transfer from the Local Government Severance Tax Fund**

**Statutory Change Required**

FY 2009-10	Request	Recommendation
Transfer from the Local Government Severance Tax Fund to the General Fund	\$7,600,000	\$7,600,000

**Department Request:**

The Department requests that \$7.6 million be transferred from the Local Government Severance Tax Fund to the General Fund in FY 2009-10 for state budget balancing purposes.

**Staff Analysis:**

*Revenue Source:* The Local Government Severance Tax Fund consists of 50 percent of total gross receipts realized from the severance taxes imposed on extracted minerals and mineral fuels. Revenues are deposited in the fund on a monthly basis. According to the Legislative Council Staff's Economic and Revenue Forecast, dated December 18, 2009, the tax revenue received by the Local Government Severance Tax Fund in FY 2009-10 will be approximately \$35.8 million (less estimated interest), a decrease of \$123.7 million (77.5 percent).

*Purpose:* This fund provides direct distribution and grant opportunities for localities affected by mineral development. Funds also are distributed to political subdivisions to compensate them for loss of property tax revenue resulting from the deduction of severance taxes paid in the determination of the valuation for assessment of producing mines. Seventy percent (\$25.1 million) of the moneys deposited in the fund are distributed as grants by the Department and thirty percent (\$10.7 million) is directly distributed by formula to impacted localities.

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*Action Taken:* During the 2009 legislative session, S.B. 09-279 (Augment FY 2008-09 and FY 2009-10 General Fund Revenues), transferred \$7.5 million from the Local Government Severance Tax Fund to the General Fund as a part of a budget balancing action for FY 2008-09.

*Action Proposed:* On August 24, 2009, the Governor's proposed as a part of his budget balancing package for FY 2009-10, that \$7.6 million from this fund be transferred to the General Fund. In addition, the Governor directed the State Controller to withhold from distribution (i.e., "freeze") \$25 million until January 31, 2009, pending further action by the General Assembly.

To accommodate the September 2009 Legislative Council Staff economic and revenue forecast which indicated that General Fund revenues would require an additional \$240.7 million to balance to the Governor's August 24, 2009 budget balance plan, on October 28, 2009 the Governor revised this request by increasing the amount of moneys frozen to \$37.4 million for FY 2009-10 (increase of \$12.4 million). This number was again revised on December 1, 2009 to be \$37.9 million, for a total potential transfer of \$45.5 million. This action effectively halts the allocation of Mineral and Energy Impact Grant Program awards from severance tax revenues for the remainder of FY 2009-10 (please note that this action did not affect any awards dispersed to eligible localities on August 31, 2009, which was approximately \$44.5 million).

According to a policy change proposal issued by the Office of State Planning and Budgeting (OSPB) on November 6, 2009, the Governor is proposing that upwards of \$60 million from the Local Government Severance Tax Fund has been identified to provide a **one-day transfer** of revenue to the General Fund. This transfer would be part of a larger bill transferring set amounts from various cash funds to the General Fund on June 30, 2010 to effect the balancing of the State's budget. These transfers would then be reversed on July 1, 2010 (similar to action taken in Section 28 of S.B. 09-279). **This aspect of the proposal has been provided for informational purposes only**, and is not currently a part of the Governor's FY 2009-10 budget reduction plan, but will likely be formally presented as a budget balancing proposal at a later point in time.

*Local Impact.* At the local level, in FY 2008-09, the Energy and Mineral Impact Assistance Program awarded 359 grants for projects totaling \$102.5 million. The local contribution was \$327.2 million, for a total state and local investment of \$429.7 million. The Department indicates that through this program, the state has been able to leverage a three-to-one match with socially or economically impacted political sub-divisions. Thus, the request to reduce the Local Government Severance Tax Fund by \$7.6 million, could have a net reduction of approximately \$30.4 million in moneys available for projects related to planning, construction, and maintenance of public facilities and for the provision of public services in mineral-impacted counties. *If the supplemental request is denied, these moneys would be available to political sub-divisions for related projects, but would still require the Department's Executive Director to approve any grants or loans.*

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*State Impact.* At the state level, if the supplemental request is approved, these moneys will assist the General Assembly with balancing the FY 2009-10 budget. However, if the supplemental request is denied, the General Assembly will have to find a commensurate amount of funding elsewhere to assist with balancing the budget as a result of the state's revenue shortfall.

**Staff Recommendation:**

Staff recommends that the Committee introduce legislation to transfer \$7.6 million from the Local Government Severance Tax Fund to the General Fund in FY 2009-10 to assist with balancing the budget as a result of the state's revenue shortfall.

**Department Requested Transfer  
 Transfer from the Local Government Permanent Fund  
 Statutory Change Required**

FY 2009-10	Request	Recommendation
Transfer from the Local Government Permanent Fund to the General Fund	\$14,305,697	\$14,305,697

**Department Request:**

The Department requests that \$14.3 million be transferred from the Local Government Permanent Fund to the General Fund in FY 2009-10 for state budget balancing purposes.

**Staff Analysis:**

*Revenue Source:* This fund consists of 50 percent the State's share of all "bonus" (fixed and up-front) payments made to the federal government in consideration for granting a lease. Revenues are deposited as they come in on an ongoing basis from the federal government. According to the Legislative Council Staff's Economic and Revenue Forecast, dated December 18, 2009, the tax revenue collected by the federal government and subsequently received by the Local Government Permanent Fund in FY 2009-10 will be approximately \$4.2 million, a decrease of \$26.7 million (86.3). This decrease is largely attributable to the one-time bonus payment related to the leasing of the Roan Plateau, which was \$56 million, which was 90 percent of all FML bonus moneys received.

*Purpose:* To help assist localities mitigate fluctuations in federal mineral lease revenues. Statute provides that in the event that federal mineral lease revenues deposited into the fund decline by 10 percent or more than the preceding fiscal year, the General Assembly may appropriate moneys from the fund to the Department, which then must directly distribute to localities by formula.

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*Action Taken:* No moneys from this fund have been transferred to the General Fund for budget-balancing purposes. However it should be noted that in FY 2008-09, \$17 million was transferred from the Local Government Permanent Fund to the Local Government Mineral Impact Fund for use in FY 2009-10, pursuant to S.B. 09-232 for the purposes of for infrastructure projects with priority given to communities most directly impacted by energy production, and to grant applications that are submitted jointly by multiple local governments or seek funding for multi-jurisdictional projects.

*Action Proposed:* As a part of the Governor's August 24, 2009 budget balancing package, \$14.3 million has been identified for transfer from this fund to the General Fund. The most recent balance in the Permanent Fund is approximately \$15.1 million (November 9, 2009). Thus, unless additional bonus moneys are anticipated, the proposed transfer would significantly deplete the Permanent Fund. The action described requires a statutory change by the General Assembly.

*Local Impact.* If the supplemental request is denied, these moneys would remain available to localities, by bill, to help mitigate the fluctuations in federal mineral leasing tax revenues.

*State Impact.* At the state level, *if the supplemental request is approved, these moneys will assist the General Assembly with balancing the FY 2009-10 budget.* However, if the supplemental request is denied, the General Assembly will have to find a commensurate amount of funding elsewhere to assist with balancing the budget as a result of the state's revenue shortfall.

**Staff Recommendation:**

As was stated above, the purpose of this fund is to help assist localities mitigate fluctuations in federal mineral lease revenues. However, the 2009 General Assembly passed S.B. 09-232, which transferred \$17 million out of the fund for the intent of providing moneys to localities to mitigate the impact of decreased Energy and Mineral Impact Program grants and loans. Thus, the General Assembly has already set the precedent that the current financial crisis the State is facing has warranted the necessity to utilize funds from this source. Therefore, staff recommends that the Committee introduce legislation to transfer \$14,305,697 from the Local Government Permanent Fund to the General Fund in FY 2009-10 to assist with balancing the budget as a result of the state's revenue shortfall.

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**Department Requested Transfer  
 Transfer from the Local Government Limited Gaming Impact Fund  
 Statutory Change Required**

FY 2009-10	Request	Recommendation
Transfer from the Local Government Limited Gaming Impact Fund to the General Fund	\$5,100,000	\$5,100,000

**Department Request:**

The Department requests that \$5.1 million be transferred from the Local Government Limited Gaming Impact Fund in FY 2009-10 for state budget balancing purposes.

**Staff Analysis:**

*Revenue Source:* This fund consists of 13 percent of all limited gaming tax revenues (less administrative expenditures) received by the State that would otherwise be transferred to the General Fund (50 percent). Thus, essentially 6.5 percent of all limited gaming tax revenues received. According to the Legislative Council Staff's Economic and Revenue Forecast, dated December 18, 2009, the tax revenue received by the Local Government Limited Gaming Impact Fund in FY 2009-10 will be approximately \$5.5 million.

*Purpose:* To provide financial assistance to designated local governments for documented gaming impacts. Assistance is provided in the form of grants under the authority of the Executive Director. Of the amount deposited into the fund, 98 percent of moneys are distributed as grants to qualifying impacted localities and special districts. The remaining 2 percent is appropriated to the Department of Human Services to provide gambling addiction services to Colorado residents. Eligible recipients include Teller and Gilpin counties, and an eight county area contiguous to these counties, which includes Boulder, Clear Creek, Grand, Jefferson, El Paso, Fremont, Park, and Douglas counties. Archuleta, La Plata, and Montezuma counties are also eligible because they are contiguous to tribal lands where gaming activities are being conducted. Further municipalities within gaming counties (except for gaming cities of Black Hawk, Central City, and Cripple Creek), and special districts which provide emergency services within eligible counties are permitted to apply. In FY 2008-09, the Department awarded \$6.9 million to 48 projects related to the impact that gambling has on the communities in which it operates, including projects related to law enforcement, judicial system impacts, gambling addiction, rescue, child neglect, alcoholism, and public safety equipment and training.

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*Action Taken:* During the 2009 legislative session, S.B. 09-208 (Augment FY 2008-09 General Fund Revenues), transferred \$950,000 from this fund to the General Fund for FY 2008-09 budget balancing purposes.

*Action Proposed:* As a part of the Governor's August 24, 2009 budget balancing package, \$5.1 million has been identified for transfer from this fund to the General Fund. This action will eliminate new grant funding for FY 2009-10.

*Local Impact:* If the supplemental request is denied, these moneys would remain available to localities for projects related to law enforcement, judicial system impacts, gambling addiction, rescue, child neglect, alcoholism, and public safety equipment and training. If the supplemental request is approved, the Department has indicated that the gambling addiction services as provided by the Department of Human Services will not be affected.

*State Impact:* If the supplemental request is approved, these moneys will assist the General Assembly with balancing the FY 2009-10 budget. However, if the supplemental request is denied, the General Assembly will have to find a commensurate amount of funding elsewhere to assist with balancing the budget as a result of the state's revenue shortfall.

**Staff Recommendation:**

Staff recommends that the Committee introduce legislation to transfer \$5.1 million from the Local Government Limited Gaming Impact Fund to the General Fund in FY 2009-10 to assist with balancing the budget as a result of the state's revenue shortfall.

**Department Requested Transfer  
 Transfer from the Waste Tire Recycling Development Cash Fund  
 Statutory Change Required**

FY 2009-10	Request	Recommendation
Transfer from the Waste Tire Recycling Development Cash Fund to the General Fund	\$1,900,000	\$1,900,000

**Department Request:**

The Department requests that \$1.9 million be transferred from the Waste Tire Recycling Development Cash Fund in FY 2009-10 for state budget balancing purposes.



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**Staff Analysis:**

*Revenue Source:* This fund consists of a portion (\$0.50) of the revenue generated from the \$1.50 fee collected on the sale of new tires.

*Purpose:* Moneys deposited in the fund are used to encourage the disposal, recycle or reuse of illegally dumped tires and to encourage the recycling of reuse and waste tires.

*Action Taken:* During the 2009 legislative session, S.B. 09-279 (Augment FY 2008-09 and FY 2009-10 General Fund Revenues), transferred \$150,000 from this fund to the General Fund for FY 2008-09 budget balancing purposes.

*Action Proposed:* On August 24, 2009, the Governor's proposed as a part of his budget balancing package for FY 2009-10, that \$1.9 million from this fund be transferred to the General Fund. This action will effectively eliminate new grant funding in FY 2009-10. The action described requires a statutory change by the General Assembly.

*Local Impact:* If the supplemental request is denied, these moneys would remain available to localities to encourage the recycling and the reuse of waste tires.

*State Impact:* If the supplemental request is approved, these moneys will assist the General Assembly with balancing the FY 2009-10 budget. However, if the supplemental request is denied, the General Assembly will have to find a commensurate amount of funding elsewhere to assist with balancing the budget as a result of the state's revenue shortfall.

**Staff Recommendation:**

Staff recommends that the Committee introduce legislation to transfer \$1.9 million from the Waste Tire Recycling Development Cash Fund to the General Fund in FY 2009-10 to assist with balancing the budget as a result of the state's revenue shortfall.

**Department Requested Transfer  
 Transfer from the Processors and End Users of Waste Tires Cash Fund  
 Statutory Change Required**

FY 2009-10	Request	Recommendation
Transfer from the Processors and End Users of Waste Tires Cash Fund to the General Fund	\$800,000	\$800,000

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**Department Request:**

The Department requests that \$800,000 be transferred from the Processors and End Users of Waste Tires Cash Fund in FY 2009-10 for state budget balancing purposes.

**Staff Analysis:**

*Revenue Source:* This fund consists of a portion (\$0.25) of the revenue generated from the \$1.50 fee collected on the sale of new tires.

*Purpose:* Moneys deposited in the fund are used to encourage the disposal, recycle or reuse of illegally dumped tires and to encourage the recycling of reuse and waste tires.

*Action Taken:* During the 2009 legislative session, S.B. 09-279 (Augment FY 2008-09 and FY 2009-10 General Fund Revenues), transferred \$500,000 from this fund to the General Fund for FY 2008-09 budget balancing purposes.

*Action Proposed:* On August 24, 2009, the Governor's proposed as a part of his budget balancing package for FY 2009-10, that \$800,000 from this fund be transferred to the General Fund. This action will effectively eliminate new grant funding in FY 2009-10. The action described requires a statutory change by the General Assembly.

*Local Impact:* If the supplemental request is denied, these moneys would remain available to localities and companies to encourage the recycling and the reuse of waste tires.

*State Impact:* If the supplemental request is approved, these moneys will assist the General Assembly with balancing the FY 2009-10 budget. However, if the supplemental request is denied, the General Assembly will have to find a commensurate amount of funding elsewhere to assist with balancing the budget as a result of the state's revenue shortfall.

**Staff Recommendation:**

Staff recommends that the Committee introduce legislation to transfer \$800,000 from the Processors and End Users of Waste Tires Cash Fund to the General Fund in FY 2009-10 to assist with balancing the budget as a result of the state's revenue shortfall.

	FY 2008-09	FY 2009-10	Fiscal Year 2009-10 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<b>DEPARTMENT OF LOCAL AFFAIRS</b>					
<b>Executive Director - Susan E. Kirkpatrick</b>					
<b>Supplemental #1 - Refinance General Fund with Reappropriated Funds</b>					
TOTAL - Various Line Items	N.A.	6,773,003	181,162	181,162	6,954,165
FTE	<u>N.A.</u>	<u>48.9</u>	<u>0.0</u>	<u>0.0</u>	<u>48.9</u>
General Fund		2,437,295	(943,127)	(943,127)	1,494,168
FTE		15.2	(6.9)	(6.9)	8.3
Cash Funds		501,021	0	0	501,021
FTE		1.0	0.0	0.0	1.0
Reappropriated Funds		2,833,904	1,124,289	1,124,289	3,958,193
FTE		24.7	6.9	6.9	31.6
Federal Funds		1,000,783	0	0	1,000,783
FTE		8.0	0.0	0.0	8.0

	FY 2008-09	FY 2009-10	Fiscal Year 2009-10 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<b>JBC Staff Initiated Supplemental - Reflect Current Year ARRA Funds</b>					
TOTAL - Various Line Items	635,347,537	721,105,964	19,671,292	19,671,292	740,777,256
FTE	<u>220.9</u>	<u>244.0</u>	<u>0.0</u>	<u>0.0</u>	<u>244.0</u>
General Fund	75,141,061	75,115,710	0	0	75,115,710
FTE	30.2	32.6	0.0	0.0	32.6
Cash Funds	58,660,885	61,787,808	0	0	61,787,808
FTE	23.0	32.2	0.0	0.0	32.2
Reappropriated Funds	7,413,371	7,580,946	0	0	7,580,946
FTE	34.6	39.5	0.0	0.0	39.5
Federal Funds	494,132,220	576,621,500	19,671,292	19,671,292	596,292,792
FTE	133.1	139.7	0.0	0.0	139.7
<b>Previously Approved Interim Supplemental - TANF Emergency Fund Initiative</b>					
<i>(3) Division of Housing</i>					
<i>(A) Administration</i>					
Homeless Prevention and Rapid Rehousing					
Program [NEW]	<u>N.A.</u>	<u>N.A.</u>	4,750,000	4,750,000	4,750,000
FTE			<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
Reappropriated Funds			4,750,000	4,750,000	4,750,000
Federal Funds			0	0	0

	FY 2008-09	FY 2009-10	Fiscal Year 2009-10 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<b>Budget Adjustment to Reflect FY 2009-10 Furloughs</b>					
TOTAL - Various Line Items	<u>N.A.</u>	<u>66,721,824</u>	<u>(168,957)</u>	<u>(168,957)</u>	<u>66,552,867</u>
General Fund		3,331,960	(19,947)	(19,947)	3,312,013
Cash Funds		55,112,597	(42,718)	(42,718)	55,069,879
Reappropriated Funds		4,639,794	(51,888)	(51,888)	4,587,906
Federal Funds		3,637,473	(54,404)	(54,404)	3,583,069
<b>Totals Excluding Pending Items</b>					
DEPARTMENT OF LOCAL AFFAIRS					
TOTALS for ALL Departmental line items	357,020,340	370,017,534	24,433,497	24,433,497	394,451,031
FTE	<u>170.9</u>	<u>186.5</u>	<u>0.0</u>	<u>0.0</u>	<u>186.5</u>
General Fund	12,294,828	11,889,613	(963,074)	(963,074)	10,926,539
FTE	58.0	50.6	(6.9)	(6.9)	43.7
<i>GFE Account (included above)</i>	<i>4,035,090</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
Cash Funds	186,138,932	258,645,041	(42,718)	(42,718)	258,602,323
FTE	27.5	30.7	0.0	0.0	
Reappropriated Funds	92,651,909	6,108,376	5,822,401	5,822,401	11,930,777
FTE	47.5	60.3	6.9	6.9	67.2
Federal Funds	65,934,671	93,374,504	19,616,888	19,616,888	112,991,392
FTE	37.9	44.9	0.0	0.0	44.9

	FY 2008-09	FY 2009-10	Fiscal Year 2009-10 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<b>Statewide Common Policy Supplementals</b> (see narrative for more detail)	<u>N.A.</u>	<u>N.A.</u>	(33,835)	<u>Pending</u>	<u>N.A.</u>
General Fund			(21,292)		
Cash Funds			(1,103)		
Reappropriated Funds			(4,312)		
Federal Funds			(7,128)		
<b>Totals Including Pending Items</b>					
<b>DEPARTMENT OF LOCAL AFFAIRS</b>					
TOTALS for ALL Departmental line items	357,020,340	370,017,534	24,399,662	24,433,497	394,451,031
FTE	<u>170.9</u>	<u>186.5</u>	<u>0.0</u>	<u>0.0</u>	<u>186.5</u>
General Fund	12,294,828	11,889,613	(984,366)	(963,074)	10,926,539
FTE	58.0	50.6	(6.9)	(6.9)	43.7
<i>GFE Account (included above)</i>	<i>4,035,090</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
Cash Funds	186,138,932	258,645,041	(43,821)	(42,718)	258,602,323
FTE	27.5	30.7	0.0	0.0	30.7
Reappropriated Funds	92,651,909	6,108,376	5,818,089	5,822,401	11,930,777
FTE	47.5	60.3	6.9	6.9	67.2
Federal Funds	65,934,671	93,374,504	19,609,760	19,616,888	112,991,392
FTE	37.9	44.9	0.0	0.0	44.9

Key:

"N.A." = Not Applicable or Not Available