

Explanation of Governor Kaine’s Proposed Budget Amendments

Item 0 Additional General Fund Revenue Available for Appropriation

This amendment increases the general fund revenues and the total projected revenues available for appropriation by \$29.2 million to account for the reversion of certain unspent operating appropriations on June 30, 2006 and the collection of additional Lottery proceeds in fiscal year 2006. The individual sources of this additional revenue are shown below:

<u>Unspent Balances 6/30/06</u>	<u>Amount</u>
Additional FY2006 Lottery Proceeds	\$16,500,000
Treasury Board – Debt Service	8,389,000
Public Education (enrollment)	3,258,913
Dept. of Medical Assistance Services	<u>1,050,000</u>
Total	\$29,197,913

Item 30 Reimbursements for use of personal vehicles

This amendment provides additional funds to cover increased mileage costs of court personnel. The General Assembly authorized an increase in the rate used to reimburse state personnel for the use of their personal vehicles in the course of performing their official duties. The court system is comprised of numerous courts and a large number of personnel. In addition, many circuits consist of several courts located within a large geographical area, requiring judges and staff to incur significant mileage while traveling between courts. The additional funds recommended will minimize the fiscal impact on other court programs.

Item 30 Indigent defense caps

Given the concern about adequate compensation levels for court-appointed attorneys providing criminal indigent defense, this language amendment makes note that the Administration will continue to dialogue and share information with the Supreme Court, Indigent Defense Commission, Attorney General and Chairmen of the House and Senate Courts of Justice Committees in analyzing the appropriate funding levels for these individuals.

Item 54.20 Supplement funding for the Office of Commonwealth Preparedness

The 2006 General Assembly passed legislation proposed by the Attorney General that codified the Office of Commonwealth Preparedness and mandated particular responsibilities. The funding and staffing levels proposed in the enrolled budget will not allow the Office to carry out these additional responsibilities. Accordingly, this amendment adds six positions at a cost of \$621,472 in fiscal year 2007 and \$590,343 in fiscal year 2008, to better ensure the safety and well-being of our citizens.

Item 87 Virginia Horse Center Foundation language amendment

This amendment extends the deadline from July 14, 2006 to August 15, 2006 for the Secretary of Agriculture and Forestry to submit a plan to the Governor for implementation of the requirements of any loan received by the Virginia Horse Center Foundation from the United States Department of Agriculture. The amendment also extends the deadline from July 21, 2006 to September 1, 2006 for the Governor to complete his review of the plan. Additionally, the amendment adds a requirement that the plan shall include a provision for protecting open spaces owned by the Foundations through a land conservation program. Finally, in the event that the plan is not approved by the Governor or is not implemented, the amendment adds a requirement that the reduced appropriation of \$1,300,000 shall be provided to the Virginia Equine Center Foundation and shall be used solely for debt service on bonds or notes existing as of July 1, 2006.

Item 104 Funding amendment for Alleghany Highlands regional economic development effort

This amendment provides funding for grants to assist a regional economic development effort involving the Counties of Alleghany, Bath, and Highland, the City of Covington, and the Towns of Clifton Forge and Iron Gate.

Item 119 Funding amendment for the Hampton Roads Partnership

This amendment provides funding to the Hampton Roads Partnership to support the Commonwealth's modeling and simulation industry through oversight and coordination of local efforts.

Item 135 Additional Lottery profits for Basic Aid and local school divisions

Lottery profits for FY 2006 will be greater than the estimate included in the Appropriation Act. This will result in a general fund balance of \$16.5 million at the end of FY 2006 dedicated to public education. A proportion of the balance will be transferred to Basic Aid in FY 2007 to offset the state share of public education and the remaining amount will be distributed to school divisions based on a per pupil basis. This amendment makes the necessary funding changes to effect this action.

Item 203 Funding for the Grace E. Harris Institute

Funding was provided in the 2005 Session to support the Grace E. Harris Leadership Institute at Virginia Commonwealth University's Center for Public Policy. The enrolled bill eliminates funding for this activity. This amendment restores funding to the Grace E. Harris Institute which will serve as a training ground for individuals that would like to pursue a leadership role in an institution of higher education or in state government.

Item 244 Language amendment related to the New College Institute

The enrolled bill specifically allocated funding among three institutions of higher education to deliver programs related to the New College Institute. This amendment removes the language governing the allocation to the various collaborative institutions as actual amounts needed may vary, as contracts are negotiated. In addition, the amendment clarifies that the specific programs listed are desired, even though they may not be practical or possible to implement in the near-term.

Item 250 Additional funding for I-81 research-related entity

The enrolled budget included \$3.0 million to support Virginia's efforts to establish research-related entities along the I-81 corridor. To help ensure the success of this venture, this amendment provides an additional \$2.0 million, raising the total funding available to \$5.0 million. The initial investment made in this initiative has the potential of yielding substantial dividends to the Commonwealth in many forms, including an enhanced reputation, increased state and local revenues, and potential future investment by other research-related entities and support industries.

Item 263 Language amendment related to school efficiency review costs

This amendment would provide changes for school division reimbursements to the state for school efficiency reviews. Currently, school divisions reimburse the state 25 percent of contracted consultant cost. The revised definition of cost will include the direct cost incurred by the state for that fiscal year to coordinate the school efficiency review in addition to the 25 percent of contracted consultant cost. The proposed definition excludes indirect costs such as purchasing, heating, etc. not directly related to a school efficiency review.

Item 263 Language amendment for school efficiency review repayments

This amendment conforms the budget bill to the Code of Virginia. Chapter 596, (HB 607) of the 2006 regular session of the General Assembly, changed the requirement of recommendations from being "implemented" to "initiated" before the reimbursement timeframes are triggered.

Item 334 Reappropriation authority for Fee Child Care

The amendment provides authority for FY 2006 general fund balances to be reappropriated and used by the Department of Social Services to fund additional fee child care services. Amounts are limited to \$6.0 million in total and require a 50 percent match by a locality. The reappropriated amounts will address the exhaustion of federal pass through dollars which was accelerated by federal actions announced March 2006.

Item 359 Funding amendment for Southside Rails to Trails

This amendment provides funding for acquisition of additional rail bed to be converted for trail use. The Department of Conservation and Recreation is working with the Roanoke River Rails to Trails to purchase the former Norfolk, Franklin, and Danville railroad corridor in Brunswick and Mecklenburg Counties. Approximately 58 miles have been acquired, and funding is needed for the remaining 116 miles. The \$200,000 will be used toward the next 25 mile increment, and it should purchase about 15 miles. The Rails to Trails project is a unique opportunity for land conservation, recreational use, and tourism.

Item 362 Funding amendment for the Chesapeake Bay Foundation

This amendment provides additional funding for the Chesapeake Bay Foundation to support Chesapeake Bay education field studies.

Item 362 Additional funding for fish mortality investigation

This amendment provides additional funding to investigate the potential factors resulting in fish lesions and mortality in the Shenandoah River. Funds will be used for water quality monitoring as well as evaluations of fish health.

Item 364 Funding amendment for Lynchburg's combined sewer overflow project

This amendment provides funding for the City of Lynchburg's combined sewer overflow project. The enrolled budget includes funding for the City of Richmond's combined sewer overflow project but nothing for the City of Lynchburg.

Item 384 Exempt Virginia Beach jail from construction moratorium

This language amendment provides an exemption for the City of Virginia Beach from the moratorium on new jail construction or expansion for the purpose of constructing a jail annex to be used by the City to house low-risk prisoners. The jail annex will increase the number of beds available for the City to house low-risk prisoners, freeing up crowded jail space to hold higher-risk prisoners.

Item 414 Additional positions for the motor vehicle safety inspection program

The 2006 General Assembly increased the maximum fee allowed for vehicle safety inspections, excluding motorcycles, by one dollar. This fee is collected by the vehicle safety inspection station. Of this dollar, \$0.50 is transferred to the Department of State Police to support the department's costs in administering the motor vehicle safety inspection program. This amendment provides appropriation authority and two additional positions for the department to administer this legislation. The cost for these two positions, which can be supported with the new revenues, is \$99,650 in fiscal year 2007 and \$90,850 in fiscal year 2008.

Item 481 Funding amendment for the Art Museum of Western Virginia

This amendment provides \$250,000 toward the expansion of the Art Museum of Western Virginia. The new 75,000 square foot facility, scheduled to open to the public in the fall of 2007, will house a significantly larger exhibition and education spaces, including an expanded Art Venture, as well as a flexible programming/theater space, a multi-purpose auditorium, a research library, a book and gift shop, a studio classroom, a “works on paper” study room, and a café with indoor and outdoor seating.

Item C-16 Funding amendment for Brumley Mountain Tract acquisition

This amendment provides \$2.4 million from the general fund and \$1.2 million in nongeneral fund appropriation in the introduced budget. The fund source for the nongeneral fund appropriation is a grant from the Virginia Land Conservation Foundation. The tract consists of approximately 4,800 acres of land in Washington County.

Item C-52 Authority for George Mason University to construct faculty and staff housing

As Northern Virginia’s housing costs continue to soar, it has become increasingly difficult for George Mason University to recruit and retain experienced, talented, and dedicated faculty and staff. This amendment provides substitute language authorizing the University to use the existing Public-Private Educational Facilities and Infrastructure Act of 2002 or enter into a comprehensive agreement with a private entity to develop a community designed to offer affordable market-quality housing for faculty and staff. The community would consist of a combination of 400 to 425 rental and for sale apartments, town homes, duplexes and single family homes to satisfy the demand of incoming faculty and staff. George Mason believes this initiative will help with the recruitment and retention of qualified staff.

Item C-91 Planning funds for the renovation of Lyman Beecher Brooks Library

This amendment provides \$1.4 million in funding to begin the architectural and engineering phase of this project. The library renovation is critical to the University’s reaccreditation in 2008, and the state needs to show that it is making an effort toward rectifying the poor condition of this facility. The project will renovate approximately 93,000 square feet of library space in order to provide upgraded reference, reading, student research, and computer spaces. These renovations will extend the useful life of the University's library and reduce student dependence on area university and city libraries.

Item C-198.50 New Academic Facilities, Virginia Western Community College and Manassas Campus, Northern Virginia Community College

This amendment provides funding for detailed architectural and engineering planning and design in support of the demolition and construction (replacement) of Anderson Hall at Virginia Western Community College and to plan the Phase III academic building on the Manassas Campus of Northern Virginia Community College. Anderson Hall was constructed in the late 1960's and is the largest instructional building on Western's college campus. It is home to the science, math, and health technology programs. The new Anderson Hall facility is proposed to house state-of-the-art laboratories for nursing, radiography, and dental hygiene, replacing the present antiquated facility and ensuring up-to-date instruction of the school's students. The Phase III academic building at the Manassas Campus will include computer labs, classrooms, and faculty offices and will be named in honor of the late Delegate Harry Parrish. This facility will provide space for the liberal arts programs, including visual and performing arts, helping to address the growing enrollment faced by this college.

Items C-232.20 and C-232.30 Authority for Virginia State University to enter into agreements supporting a new dining hall and dormitory complex

During the 2006 Session, Virginia State University sought budget language giving it authority to enter into agreements with its real estate foundation for the development and financing of both a new dining hall and a dormitory complex, to be known as the Campus Gateway Housing Complex. In addition, the University sought authority to contract with vendors to provide support to the two new capital projects. While these proposed language amendments were supported by the two houses during crossover, they were inadvertently omitted from the Conference Committee Report. This amendment corrects that oversight.

Item C-319.10 Additional resources to enhance the Jamestown 2007 commemoration

This action would provide additional funding to establish the Virginia Indian Heritage Program, as a complement to Virginia's Jamestown 2007 commemoration. As Virginia prepares to celebrate Virginia's 400th anniversary, such a program would prove an invaluable resource in helping to educate Virginians, as well as tourists who may travel to the Commonwealth for the commemoration, about the numerous contributions that Virginia's native Americans have made over the past 400 years.

§4-1.02 Language on withholding of spending authority

This amendment clarifies that the withholding of spending authority (unallotments) to capture savings that occur during the normal course of state government operations is not subject to the additional restrictions and reporting requirements that are specified in the General Provisions of the Appropriation Act which apply to

actions to withhold spending authority during times of a revenue shortfall. The amendment also eliminates unnecessary reporting requirements for a quarterly assessment of the current economic outlook and the requirements that agency budget reduction plans be released to the public prior to the Governor approving them. Since the budget reduction plans approved by the Governor are submitted to the General Assembly, there is no reason for the General Assembly to have access to those that are not recommended by the Governor. Such action would be confusing to the public and it would interfere with Executive Privilege and the Governor's ability to lead the Executive Department.

§4-1.06 Language in limited adjustments of appropriations

The enrolled bill includes language allowing the State Comptroller to authorize the disbursement of up to \$3.0 million against appropriations of a subsequent fiscal year, when an emergency arises or when July 1 falls on a weekend, provided that the Auditor of Public Accounts provides written concurrence. In practice, this action is very rarely necessary. Nevertheless, this language is not consistent with past practice, and it also raises an important constitutional issue regarding separation of powers. By requiring the Auditor of Public Accounts to concur in the action of the State Comptroller, the language in question allows a legislative official to unilaterally prevent an executive official from taking action which he is otherwise statutorily charged to do. To cure that constitutional defect, this amendment requires the State Comptroller to notify the Auditor of Public Accounts when any instance arises that requires such payments in lieu of getting written concurrence.

§4-3.02 Treasury Loans

This amendment makes a technical correction to delete the reference to capital projects in the section title since some of this section applies to anticipation loans for operating expenses. The restrictions on anticipation loans for projects not included in the budget are not found in another section (§4-3.02 c) and no amendments are proposed to that section.

§4-5.04 Language amendments to clarify mileage reimbursement rate

This amendment makes several technical adjustments to ensure that state employees are reimbursed at the most recent IRS allowable reimbursement rate for the use of a personal vehicle on state business. The enrolled bill did not change all of the references in this section from 32.5 cents to the IRS rate.

§4-6.01 Language amendment to strike restrictions on Governor appointments of Cabinet Secretaries and the Secretary of the Commonwealth

This amendment deletes language that attempts to prohibit a Governor from withdrawing a Cabinet nomination but then reappointing the same person after the adjournment of the session. This language is unnecessary because this situation has

never happened anytime in the past, and there are already sufficient explicit Constitutional provisions governing the appointment and confirmation process. Ultimately, the nominee is subject to confirmation by the General Assembly.

§4-6.01 Language amendment to increase the salary of the Executive Director of the Virginia Office for Protection and Advocacy

This is a technical amendment to bring the enrolled budget in line with HB 5012, the 2006 Amendments to the 2005 Appropriation Act. HB 5012 increased the salary of the Executive Director of the Virginia Office for Protection and Advocacy from \$104,454 to \$111,500, effective February 1, 2005, pursuant to action taken by the Board for the Virginia Office for Protection and Advocacy on January 25, 2005. The enrolled budget reverts the salary back to \$104,454. This amendment sets the July 1, 2006, salary at \$111,500, the same amount that was in HB 5012.

§4-6.03 Language amendment to clarify the Superintendent of Public Instruction benefits

This amendment provides that the new Superintendent of Public Instruction drawing a retirement benefit from the Virginia Retirement System shall not have his retirement allowance suspended while serving in the position and shall not earn any additional retirement benefits from any plan administered by the Virginia Retirement System.

§4-8.02 Language amendment to clarify when state agency budget reduction plans are released

This amendment eliminates a requirement for state agency budget reduction plans to be publicly released prior to them being approved by the Governor. Once they are approved by the Governor, such budget reduction plans are released as a matter of current policy. The release of unapproved plans could be confusing to the public if subsequent changes to the initial plans are made by the Governor.

Governor's 2006 Special Session Reconvened Amendments

Amendment # 1

Item 0

Revenues

Revenues

Language

Language:

Page 1, line 21, strike the first "\$1,376,820,555" and insert "\$1,406,018,468".

Page 1, line 21, strike the second "\$1,376,820,555" and insert "\$1,406,018,468".

Page 1, line 27, strike "\$17,762,624,622" and insert "\$17,791,822,535".

Page 1, line 27, strike "\$34,783,577,755" and insert "\$34,812,775,668".

Page 1, line 35, strike "\$39,276,052,271" and insert "\$39,305,250,184".

Page 1, line 35, strike "\$74,891,131,217" and insert "\$74,920,329,130".

Explanation:

(This amendment increases the general fund revenues and the total projected revenues available for appropriation by \$29,197,913 in the first year of the biennium to account for the anticipated reversion of certain unspent operating appropriations on June 30, 2006, as the result of actual enrollment, caseload and financial demands differing from budgeted assumptions for certain public school aid programs, debt service payments, and activities in the Department of Medical Assistance Services. It also accounts for the transfer of additional Lottery profits above the official forecast at the end of FY 2006.)

Amendment # 2

Item 30

Judicial Department

FY 06-07

FY 07-08

Supreme Court of Virginia

\$200,000

\$200,000 GF

Language:

Page 20, line 8, strike "\$21,926,499" and insert "\$22,126,499".

Page 20, line 8, strike "\$23,714,538" and insert "\$23,914,538".

Explanation:

(This amendment provides for the increase in cost associated with the mileage reimbursement rate increase from \$0.325 to \$0.445 a mile. The court system, due to its large staff and numerous courts, incurs significant mileage reimbursement expenses as judges and court personnel travel between courts. This additional funding will minimize the need for the courts to cover this increased cost from other programs.)

Governor's 2006 Special Session Reconvened Amendments

Amendment # 3

Item 30

Judicial Department

Supreme Court of Virginia

Language

Language:

Page 21, after line 8, insert:

"H. Given the concern about adequate compensation levels for court-appointed attorneys providing criminal indigent defense in the Commonwealth, the Governor shall continue to dialogue and share information with the Supreme Court, Indigent Defense Commission, Attorney General, and Chairmen of the House and Senate Courts of Justice Committees to consider the appropriate funding levels for court-appointed attorneys."

Explanation:

(This amendment provides for a continued dialogue and sharing of information between the branches of government over the issue of appropriate compensation for court-appointed criminal indigent defense attorneys. Through this dialogue, it is hoped that agreement can be reached on how best to address this issue.)

Amendment # 4

Item 54.20

Executive Offices

Office of Commonwealth Preparedness

FY 06-07

\$621,472

6.00

FY 07-08

\$590,343 GF

6.00 FTE

Language:

Page 38, after line 57, insert:

" § 1-21.10. Office of Commonwealth Preparedness (454)

54.20. Disaster Planning and Operations (72200)..... \$621,472 \$590,343

Emergency Planning (72205).. \$621,472 \$590,343

Fund Sources: General... \$621,472 \$590,343

Authority: Title 2.2, Chapter 3.1, Code of Virginia.

Total for Office of Commonwealth Preparedness... \$621,472 \$590,343

General Fund Positions... 6.00 6.00

Position Level..... 6.00 6.00

Fund Sources: General... \$621,472 \$590,343"

Explanation:

(This amendment provides additional funding to support the expanded activities of the Office of Commonwealth Preparedness. During the 2006 General Assembly session, legislation introduced by the

Governor's 2006 Special Session Reconvened Amendments

Attorney General was passed (Chapter 860 and 901) that expanded the Office's responsibilities, but no additional resources were provided.)

Amendment # 5

Item 87

Agriculture and Forestry

Secretary of Agriculture and Forestry

Language

Language:

Page 80, strike lines 8 through 46 and insert:

"A. 1. The Virginia Equine Center Foundation is authorized to convey its property, as may be necessary to fulfill the requirements of any loan agreement with the United States Department of Agriculture, consistent with the plan developed by the Secretaries of Agriculture and Forestry and Finance and approved by the Governor as provided for in A.2.

2. The amounts provided in the first year include \$4,500,000 from the general fund for the Virginia Horse Center Foundation. On or before August 15, 2006, the Secretary of Agriculture and Forestry, in coordination with the Secretary of Finance, shall develop a plan to implement the requirements of any loan received by the Virginia Horse Center Foundation from the United States Department of Agriculture. Such plan shall include provisions assuring the continued operation of the Virginia Horse Center as set forth by the General Assembly in its establishment of the Virginia Horse Center in 1985 as a "statewide center devoted to the staging of equine events and activities that will significantly enhance this important segment of Virginia's state character by providing a showplace for state, national and international horse competitions as well as a marketplace for horse promotion and sales." Such plan shall also include a provision for protecting the open spaces owned by the Foundations through a land conservation program. In developing the plan, the Secretaries shall solicit the input of the current members of the Virginia Equine Center Foundation and the reconstituted Virginia Horse Center Foundation.

3. Such plan shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees no later than August 15, 2006. The Governor shall review the plan for approval and implementation prior to September 1, 2006. If the Governor approves the plan, implementation of the plan shall be in a timely fashion consistent with any requirements of the United States Department of Agriculture loan.

4. If such plan is not approved by the Governor or is not implemented, the \$4,500,000 appropriation shall be reduced to \$1,300,000 from the general fund in the first year, which shall be provided to the Virginia Equine Center Foundation and shall be used solely for debt service on bonds or notes existing as of July 1, 2006."

Explanation:

(This amendment extends the deadline from July 14, 2006, to August 15, 2006, for the Secretary of Agriculture and Forestry to submit a plan to the Governor for implementation of the requirements of any loan received by the Virginia Horse Center Foundation from the United States Department of Agriculture. The amendment also extends the deadline from July 21, 2006, to September 1, 2006, for the Governor to complete his review of the plan. Additionally, the amendment adds a requirement that the plan shall include a provision for protecting open spaces owned by the Foundations through a land conservation program. Finally, in the event that the plan is not approved by the Governor or is not implemented, the amendment adds a requirement that the reduced appropriation of \$1,300,000 shall be provided to the Virginia Equine Center Foundation and shall be used solely

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for debt service on bonds or notes existing as of July 1, 2006. The dates provided for in the existing language do not provide sufficient time to complete the necessary plans and approvals.)

Amendment # 6

Item 104

Commerce and Trade	FY 06-07	FY 07-08
Department Of Housing And Community Development	\$250,000	\$250,000 GF

Language:

Page 92, line 1, strike "\$39,596,190" and insert "\$39,846,190".

Page 92, line 1, strike "\$37,621,190" and insert "\$37,871,190".

Page 96, after line 58, insert:

"T. Out of the amounts for Community Development Services, \$250,000 the first year and \$250,000 the second year from the general fund shall be deposited to the Virginia Removal or Rehabilitation of Derelict Structures Fund established under § 36-153, Code of Virginia. These amounts shall be allocated for grants to assist a regional economic development effort involving the Counties of Alleghany, Bath, and Highland, the City of Covington, and the Towns of Clifton Forge and Iron Gate."

Explanation:

(This amendment provides funding for grants to assist a regional economic development effort involving the Counties of Alleghany, Bath, and Highland, the City of Covington, and the Towns of Clifton Forge and Iron Gate.)

Amendment # 7

Item 119

Commerce and Trade	FY 06-07	FY 07-08
Virginia Economic Development Partnership	\$100,000	\$100,000 GF

Language:

Page 101, line 26, strike "\$18,562,701" and insert "\$18,662,701".

Page 101, line 26, strike "\$16,962,701" and insert "\$17,062,701".

Page 104, after line 19, insert:

"S. Out of the amounts for Economic Development Services, \$100,000 the first year and \$100,000 the second year from the general fund shall be provided to the Hampton Roads Partnership to support the Commonwealth's modeling and simulation industry."

Explanation:

(This amendment provides funding to the Hampton Roads Partnership to support the Commonwealth's modeling and simulation industry through oversight and coordination of local efforts.)

Governor's 2006 Special Session Reconvened Amendments

Amendment # 8

Item 135

Education: Elementary and Secondary

FY 06-07

FY 07-08

Direct Aid to Public Education

\$6,369,000

\$0 GF

Language:

Page 120, line 9, strike "\$5,868,218,186" and insert "\$5,874,587,186".

Page 120, line 52, strike "\$2,650,428,191" and insert "\$2,640,297,191".

Page 121, line 7, strike "\$4,881,859,565" and insert "\$4,874,555,768".

Page 121, line 42, strike "\$426,100,000" and insert "\$442,600,000".

Page 121, line 44, strike "\$453,599,995" and insert "\$470,099,995".

Page 132, strike lines 52 through 54.

Page 133, strike lines 1 through 2.

Page 132, after line 51, insert:

"2) In addition to this appropriation, \$249,641,656 the first year and \$249,641,656 the second year are transferred from Lottery Funds appropriated in this Item pursuant to paragraph 28.b.1) to Basic Aid Payments to provide for the state share of the Basic Operations Cost as defined in paragraphs a. and b.1) above.

3) In addition, \$10,131,000 the first year is transferred from Lottery Funds to Basic Aid Payments from the fiscal year 2006 Lottery profits that are appropriated in this Item pursuant to paragraph 28.b.2)."

Page 153, line 17, after "a.", insert "1)".

Page 153, after line 21, insert:

"2) This appropriation includes \$16,500,000 in the first year as an additional appropriation of Lottery profits that were earned in fiscal year 2006 as excess revenue that was not appropriated for public education."

Page 153, line 22, after "b.", insert "1)".

Page 153, line 23, after "shall be", insert "transferred and".

Page 153, line 25, strike "a" and insert "5.b.2)".

Page 153, after line 25, insert:

"2) Out of this appropriation, \$10,131,000 the first year shall be transferred from the additional appropriation in paragraph 28.a.2) above and used to fund the state's share of Basic Aid Payments as defined in paragraph 5.b.3) above."

Page 153, line 32, after "d.", insert "1)".

Page 154, after line 1, insert:

"2) Out of this appropriation, an amount estimated at \$6,369,000 the first year in additional Lottery proceeds shall be disbursed by the Department of Education to local school divisions to support the state share of an estimated \$9.45 per pupil the first year in adjusted daily membership. These per pupil amounts are subject to change for the purpose of payment to school divisions based on the actual March 31 ADM collected. These funds shall be matched by the local government, based on the composite index of local ability-to-pay, and shall be subject to the same terms and conditions as other Lottery proceeds appropriated in this Item."

Explanation:

(This amendment provides additional general fund appropriation based on prior year general fund balances resulting from higher than anticipated Lottery proceeds in FY06 for public education. A proportion of the balance based on the FY07 composite index will be transferred to Basic Aid to offset the state share of public education and the remaining amount will be distributed to school divisions based on a per pupil amount.)

Governor's 2006 Special Session Reconvened Amendments

Amendment # 9

Item 203

Education: Higher Education

Virginia Commonwealth University

FY 06-07

\$100,000

FY 07-08

\$100,000 GF

Language:

Page 195, line 24, strike "\$413,553,002" and insert "\$413,653,002".

Page 195, line 24, strike "\$433,568,884" and insert "\$433,668,884".

Page 199, after line 16, insert:

"O. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund is designated for the Grace E. Harris Leadership Institute at Virginia Commonwealth University's Center for Public Policy to provide training for the development of aspiring leaders."

Explanation:

(This amendment provides funds for an institute at the University's Center for Public Policy to provide training for the development of aspiring leaders.)

Amendment # 10

Item 244

Education: Other

New College Institute

Language

Language:

Page 225, strike lines 43 through 52

Page 226, strike lines 1 through 6, and insert:

"A. Out of the general fund appropriation in this Item, the New College Institute shall establish, in collaboration with Radford University, Longwood University, the University of Virginia, and other institutions, a Visiting Faculty Program that shall strive to deliver to the region programs in nursing, teacher education, computer science, technology and other relevant areas. The New College Institute will provide the appropriate level of payment as negotiated with each collaborating institution."

Explanation:

(This amendment removes the specific funding amounts listed in the budget that the New College Institute is to pay to various collaborating institutions as actual amounts needed may be higher or lower, as negotiated. It also provides general direction on the types of programs the Institute should provide rather than listing the specific programs the Institute will provide. Some of the programs required in the budget are not practical to implement at this time.)

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Amendment # 11

Item 250

Education: Other

	FY 06-07	FY 07-08
Higher Education Research Initiative	\$2,000,000	\$0 GF

Language:

Page 228, line 39, strike "\$5,300,000" and insert "\$7,300,000".

Page 229, line 16, strike "\$5,000,000" and insert "\$7,000,000".

Page 229, line 31, strike "\$3,000,000" and insert "\$5,000,000".

Explanation:

(This amendment provides additional funding to attract a research-related entity along the I-81 corridor. Attracting private research investment to the Commonwealth will enhance our competitiveness for research dollars among other states, and will help provide more local jobs, tax dollars, and investment in Virginia.)

Amendment # 12

Item 263

Finance

Department of Planning and Budget	Language
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Language:

Page 241, line 59, strike "implemented" and insert "initiated".

Explanation:

(This amendment conforms the budget bill to the Code of Virginia. Chapter 596, HB 607 of the 2006 regular session of the General Assembly, changed the requirement of recommendations from being "implemented" to "initiated" before the reimbursement timeframes are triggered.)

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Amendment # 13

Item 263

Finance

Department of Planning and Budget

Language

Language:

Page 241, line 29, strike "total".

Page 241, line 36, strike "total".

Page 241, line 44, strike "total".

Page 241, line 44, strike "a".

Page 241, strike lines 45 through 47 and insert "the direct cost incurred by the state for that fiscal year to coordinate the school efficiency review".

Page 241, line 52, strike "total".

Page 242, line 4, strike "total".

Explanation:

(This amendment provides changes for school division reimbursements to the state for school efficiency reviews. Currently, school divisions reimburse the state 25 percent of the contracted consultant cost. The revised definition of cost will include the direct cost incurred by the state for that fiscal year to coordinate the school efficiency review in addition to 25 percent of contracted consultant cost. The proposed definition will exclude indirect costs such as purchasing, heating, etc., not directly related to a school efficiency review.)

Amendment # 14

Item 334

Health & Human Resources

Department of Social Services

Language

Language:

Page 329, after line 11, insert:

"T. Notwithstanding other provisions of this act, the Director, Department of Planning and Budget, may reappropriate and allot up to \$6,000,000 from any discretionary unexpended general fund appropriations on the last day of the previous biennium, ending on June 30, 2006, for the purpose of non-mandated fee child care. Reappropriations may only be made to the Department of Social Services to be expended for fee child care services and no locality which requested Non-VIEW Child Day Care Pass-Through funding shall receive less than \$1,000 from the Department of Social Services. Distribution shall be made to those localities which provide a separate 50 percent match."

Explanation:

(This amendment provides authority for general fund balances to be reappropriated and used by the Department of Social Services to fund additional fee child care. General fund expenditures for child care services are increasing to the extent that available fee child care federal funding is being more fully utilized by the Department of Social Services. The overall state support for all child care services will be re-examined to consider the new federal requirements of states announced in March 2006 for work participation and the need to assist low income working families throughout the Commonwealth.)

Governor's 2006 Special Session Reconvened Amendments

Amendment # 15

Item 359

Natural Resources	FY 06-07	FY 07-08
Department Of Conservation And Recreation	\$200,000	\$0 GF

Language:

Page 350, line 17, strike "\$38,810,177" and insert "\$39,010,177".

Page 351, line 55, strike "\$200,000" and insert "\$400,000".

Explanation:

(This amendment provides additional funding for the purchase of right-of-way on abandoned railways. The acquisition is an opportunity for land conservation, recreational use, and tourism attraction.)

Amendment # 16

Item 362

Natural Resources	FY 06-07	FY 07-08
Department of Environmental Quality	\$50,000	\$50,000 GF

Language:

Page 352, line 48, strike "\$42,056,871" and insert "\$42,106,871".

Page 352, line 48, strike "\$42,140,412" and insert "\$42,190,412".

Page 353, line 39, strike "\$50,000 the first year and \$50,000" and insert "\$100,000 the first year and \$100,000".

Explanation:

(This amendment provides additional funding for the Chesapeake Bay Foundation to support Chesapeake Bay education field studies.)

Amendment # 17

Item 362

Natural Resources	FY 06-07	FY 07-08
Department of Environmental Quality	\$100,000	\$0 GF

Language:

Page 352, line 48, strike "\$42,056,871" and insert "\$42,156,871".

Page 353, line 27, strike "\$170,000" and insert "\$270,000".

Explanation:

(This amendment provides additional funding to investigate the potential factors resulting in fish lesions and mortality in the Shenandoah River. Funds will be used for water quality monitoring as well as evaluations of fish health.)

Governor's 2006 Special Session Reconvened Amendments

Amendment # 18

Item 364

Natural Resources

Department of Environmental Quality

FY 06-07

\$3,750,000

FY 07-08

\$0 GF

Language:

Page 354, line 12, strike "\$285,418,413" and insert "\$289,168,413".

Page 355, line 49, strike "\$3,750,000" and insert "\$7,500,000".

Page 355, line 53, after "year" insert "and the City of Lynchburg shall receive \$3,750,000 in the first year".

Explanation:

(This amendment provides funding for the City of Lynchburg's combined sewer overflow project. The enrolled budget includes funding for only the City of Richmond's combined sewer overflow project.)

Amendment # 19

Item 384

Public Safety

Department Of Corrections

Language

Language:

Page 369, after line 54, insert "n. The City of Virginia Beach, for the construction of a jail annex to house low-risk prisoners."

Explanation:

(This amendment exempts the City of Virginia Beach from the moratorium on new jail construction or expansion for the purpose of constructing a jail annex to be used to house low-risk prisoners. By providing this additional housing, the Virginia Beach jail will be able to reduce crowding and provide more space for higher-risk prisoners.)

Amendment # 20

Item 414

Public Safety

Department of State Police

FY 06-07

\$99,650

2.00

FY 07-08

\$90,850 NGF

2.00 FTE

Language:

Page 390, line 29, strike "\$207,657,832" and insert "\$207,757,482".

Page 390, line 29, strike "\$206,317,132" and insert "\$206,407,982".

Explanation:

(This amendment provides two nongeneral fund positions to assist the Department of State Police in the administration of the motor vehicle safety inspection program pursuant to passage of Chapter 620 by the 2006 General Assembly. The revenues generated by the increased fee provided through this legislation will support the two administrative positions.)

Governor's 2006 Special Session Reconvened Amendments

Amendment # 21

Item 481

Nonstate Entities	FY 06-07	FY 07-08
State Grants To Nonstate Entities-Nonstate Agencies	\$250,000	\$0 GF

Language:

Page 459, line 4, strike "\$36,714,770" and insert "\$36,964,770".
Page 460, line 27, strike "1,750,000" and insert "2,000,000".
Page 465, line 22, strike "36,714,770" and insert "36,964,770".

Explanation:

(This amendment provides \$250,000 toward the expansion of the Art Museum of Western Virginia. The new 75,000 square foot facility, scheduled to open to the public in the fall of 2007, will house a significantly larger exhibition and education spaces, including an expanded Art Venture, as well as a flexible programming/theater space, a multi-purpose auditorium, a research library, a book and gift shop, a studio classroom, a "works on paper" study room, and a café with indoor and outdoor seating.)

Amendment # 22

Item C-16

Agriculture and Forestry	FY 06-07	FY 07-08
Department of Forestry	\$2,400,000	\$0 GF
	\$1,200,000	\$0 NGF

Language:

Page 474, line 14, strike "Omitted" and insert:
"Acquisition: Acquire Brumley Mountain Tract (17233) \$3,600,000
Fund Sources : General \$2,400,000
Dedicated Special Revenue \$1,200,000"

Explanation:

(This amendment provides funding for approximately 4,800 acres of land in Washington County. The funding includes a grant from the Virginia Land Conservation Foundation. Brumley Mountain is a well-known landmark in southwest Virginia teeming with wildlife, from black bear, deer, and turkey to rare cerulean warblers migrating from the tropics. The tract of land is adjacent to existing state land holdings.)

Governor's 2006 Special Session Reconvened Amendments

Amendment # 23

Item C-52

Education: Higher Education

George Mason University

Language

Language:

Page 480, strike lines 31 through 46 and insert:

"1. In order to assist with the recruitment and retention of faculty and staff, George Mason University (GMU) is hereby granted the authority to construct affordable market-quality faculty and staff housing consisting of a mixture of up to 450 rental and for-sale apartments, town homes, duplexes, and single family homes either: (a) pursuant to the Public-Private Educational Facilities and Infrastructure Act of 2002 (§ 56-575.0 et seq., Code of Virginia), by entering into a comprehensive agreement with a private entity for the construction of such housing, or (b) for this housing project only, by entering into a construction agreement with a private entity, including a private entity that was competitively selected prior to the effective date of this act pursuant to the Code of Virginia, based on an alternative financing scenario, approved by the Governor, and pursuant to the following stipulations and conditions: (i) all post-General Assembly authorization review, approval, administrative, and policy and procedure functions performed by the Department of General Services, the Division of Engineering and Buildings, the Department of Planning and Budget and any other agency that supports the functions performed by these departments are hereby delegated to GMU; (ii) the GMU Board of Visitors shall develop and implement an appropriate system of policies, procedures, reviews and approvals for this project; (iii) the system so adopted shall provide for the review and approval of the project in order to ensure that the project otherwise complies with all requirements of the Code of Virginia regarding capital projects, excluding only the functions described in clause (i) above; (iv) GMU shall report to the Departments of Planning and Budget and General Services on the status of the project by December 31, 2006, and semi-annually by June 30 and December 31 thereafter until its completion; and (v) GMU shall ensure that Building Officials and Code Administrators code and fire safety inspections of the project are conducted and that the project is inspected by the State Fire Marshal prior to certification for building occupancy by the GMU assistant state building official to whom such inspection responsibility has been delegated pursuant to § 36-98.1 A. Nothing in this section shall be deemed to relieve GMU of any reporting requirement pursuant to § 2.2-1513, Code of Virginia.

2. Authority is also granted to enter into, as needed, capital leases for any components of an agreement authorized by paragraph 1 of this Item that may qualify as capital lease agreements. GMU shall identify any components of such an agreement that qualify as capital leases, as defined by Generally Accepted Accounting Principles (GAAP), and report such leases to the Department of Accounts, the Department of the Treasury and the Department of Planning and Budget. Any such agreement is exempt from § 4-3.03 b.2. of this act. If any such agreement contemplates the lease of property in the possession or control of GMU, this Item shall constitute the approval required by subsection B of § 2.2-1155 of the Code of Virginia for the term of such lease to be in excess of 50 years, up to and including the useful life of the improvements to such property, provided that the Governor also approves such a term.

3. If such faculty and staff housing is constructed on land owned by or leased to a private university-related foundation, or owned by or leased to a private entity, such project shall continue to be exempt from all requirements of any county or city zoning ordinances."

Governor's 2006 Special Session Reconvened Amendments

Explanation:

(This amendment provides authority to George Mason University to construct a variety of housing facilities for faculty and staff. The University is pursuing a creative arrangement to develop a housing community which will enable it to recruit and retain faculty and staff by offering affordable market-quality housing.)

Amendment # 24

Item C-91

Education: Higher Education	FY 06-07	FY 07-08
Norfolk State University	\$1,400,000	\$0 GF

Language:

Page 487, line 38, strike "Omitted" and insert
"Improvements: Renovate Lyman Beecher Brooks
Library (17313)
Fund Sources: General

\$1,400,000
\$1,400,000

Funds provided in this Item are for planning."

Explanation:

(This amendment provides funding for planning the first step towards renovating Norfolk State's library. Norfolk State must make progress towards upgrading the capabilities and amenities of its library to ensure reaccreditation of the University in 2008.)

Amendment # 25

Item C-198.50

Education: Higher Education	FY 06-07	FY 07-08
Virginia Community College System	\$1,800,000	\$0 GF

Language:

Page 504, after line 18, insert:

"C-198.50. New Construction: New Academic Facilities, Western Virginia and Manassas Campus, Northern Virginia (17465) \$1,800,000
Fund Sources: General \$1,800,000

Funds provided in this Item are for planning."

Explanation:

(This amendment provides funding for detailed architectural and engineering planning and design in support of the demolition and construction (replacement) of Anderson Hall at Virginia Western Community College and to plan the Phase III academic building on the Manassas Campus of Northern Virginia Community College. Anderson Hall was constructed in the late 1960's and is the largest instructional building on Western's college campus. It is home to the science, math, and health technology programs. The new Anderson Hall facility is proposed to house state-of-the-art laboratories for nursing, radiography, and dental hygiene, replacing the present antiquated facility and ensuring up-to-date instruction of the school's students. The Phase III academic building at the Manassas Campus will include computer labs, classrooms, and faculty offices and will be named

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in honor of the late Delegate Harry Parrish. This facility will provide space for the liberal arts programs, including visual and performing arts, helping to address the growing enrollment faced by this college.)

Amendment # 26

Item C-232.20

Education: Higher Education

Virginia State University

Language

Language:

Page 508, after line 24, insert:

"C-232.20.

1. Virginia State University is authorized to enter into a long-term lease or other written agreements with the Virginia State University Real Estate Foundation (VSUREF) for the development, design, construction, and financing of the new Campus Dining Facility. The University currently has one dining facility, Jones Dining Hall. Due to the predicted steady increase in student enrollment, construction of a new dining facility is required to meet the dining needs of the students, faculty, staff, and campus visitors. To provide a logical balance in distance from the present Jones Dining Hall, the new Campus Dining Facility will be located in the proximity of the Student Village and the proposed Campus Gateway Housing Complex. VSUREF will develop this dining facility to be an integral part of and in support of the Virginia State University dining system needs.
2. Virginia State University, with approval from the Governor, is further authorized to enter into written agreements with a public or private entity to support such a dining facility. The support may include agreements to (i) manage the operation and maintenance of the facility, including collection of dining fees and (ii) otherwise support the dining facility consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia."

Explanation:

(This amendment authorizes Virginia State University to enter into agreements with its real estate foundation for the development, design, construction, and financing of a new Campus Dining Facility. It further provides the University authority to contract with either a public or private entity to support the facility.)

Amendment # 27

Item C-232.30

Education: Higher Education

Virginia State University

Language

Language:

Page 508, after line 24, insert:

"C-232.30.

1. Virginia State University is authorized to enter into a long-term lease or other written agreements with the Virginia State University Real Estate Foundation (VSUREF) for the development, design, construction, and financing of the Campus Gateway Housing Complex, which is approved as part of the Virginia State University Housing Master Plan Phase I, with a size modification. Current housing needs have forced Virginia State University to a) expand upon the initial size and scope of the Campus Gateway Housing Complex and b) reduce the construction time frame of the new residential housing facility. The Campus Gateway Housing Complex

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will be constructed on the northeast approach to campus and will provide an aesthetic enhancement to the most widely used campus entrance. The Campus Gateway Housing Complex, with the increase in size, will be a 500-bed housing complex that will provide suite-style living quarters for Virginia State University students. VSUREF will develop this housing complex to be an integral part of the Virginia State University housing system, in support of the University's housing needs.

2. Virginia State University, with approval from the Governor, is further authorized to enter into written agreements with a public or private entity to support such a housing complex. The support may include agreements to (i) manage the operation and maintenance of the facility, including collection of rental fees and (ii) otherwise support the housing complex consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia."

Explanation:

(This amendment authorizes Virginia State University to enter into agreements with its real estate foundation for the development, design, construction, and financing of a new Campus Gateway Housing Complex. It further provides the University authority to contract with either a public or private entity to support the facility.)

Amendment # 28

Item C-319.10

Transportation

Department of Transportation

Language

Language:

Page 524, line 13, after "requirements.", insert:

"The foregoing authorization shall be contingent on the Governor authorizing from the same source of funding up to \$500,000 for the Jamestown-Yorktown Foundation, in conjunction with the Virginia Foundation for the Humanities, to establish the Virginia Indian Heritage Program to bring additional focus to the Jamestown 2007 Commemoration and provide an effective means of educating tourists and Virginians about native histories and cultures within the Commonwealth prior to and during the past 400 years."

Explanation:

(This amendment provides resources to enhance the Jamestown 2007 Commemoration by educating its participants on Virginia's native histories, presence, and contributions to the heritage of the Commonwealth. This will allow a truly complete and collaborative effort in presenting Virginia's history and culture to the world.)

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Amendment # 29

Item 4-1.02

Appropriations

Withholding of Spending Authority

Language

Language:

Page 540, line 27, after "action" insert:

"pursuant to a budget reduction plan approved by the Governor to address a declared shortfall in budgeted revenue."

Page 541, strike lines 17 through 19.

Page 541, line 20, strike "b)" and insert "4."

Page 541, line 33, after "appropriations." strike the remainder of the line.

Page 541, strike lines 34 through 38.

Page 541, line 39, strike "7" and insert "6".

Explanation:

(This amendment clarifies that the withholding of spending authority to address a revenue shortfall will be subject to conditions spelled out in the General Provisions (including a reforecast of revenues) and specified reporting requirements but such conditions and reporting shall not apply to unallotment actions to capture savings that may occur in the normal course of state operations. This amendment also eliminates unnecessary reporting requirements for a quarterly assessment of the current economic outlook and the public release of agency budget reduction plans before they have been approved by the Governor.)

Amendment # 30

Item 4-1.06

Appropriations

Limited Adjustments Of Appropriations

Language

Language:

Page 546, line 35, after "with" strike "the written concurrence of" and insert "notification to".

Explanation:

(This amendment strikes a provision which requires the State Comptroller (an executive official) to get the approval of the Auditor of Public Accounts (a legislative official) before he makes cash disbursements which the State Comptroller is otherwise charged to do by statute. This provision is questionable on constitutional grounds.)

Governor's 2006 Special Session Reconvened Amendments

Amendment # 31

Item 4-3.02

Deficit Authorization and Treasury Loans

Treasury Loans

Language

Language:

Page 552, line 22, after "LOANS" strike "FOR PROJECTS INCLUDED IN THIS ACT".

Page 552, line 22, after "anticipation loans" strike the remainder of the line.

Page 552, line 23, strike "included in this act".

Explanation:

(This amendment makes a technical correction to delete the reference to capital projects in the section title since some of this section applies to anticipation loans for operating expenses. The restrictions on anticipation loans for projects not included in the budget are found in another section (§ 4-3.02 c) and no amendments are proposed to that section.)

Amendment # 32

Item 4-5.04

Special Conditions and Restrictions on Expenditures

Goods and Services

Language

Language:

Page 564 line 51, after "(a)" strike "32.5 cents per mile" and insert "the IRS rate".

Page 565 line 1, after "of" strike "32.5 cents per mile" and insert "the IRS rate".

Page 565 line 2, after "be" strike "32.5 cents per mile" and insert "the IRS rate".

Explanation:

(This amendment makes several technical adjustments to ensure that state employees are reimbursed at the most recent IRS allowable reimbursement rate for the use of a personal vehicle on state business. The enrolled bill did not change all of the references in this section from 32.5 cents to the IRS rate.)

Governor's 2006 Special Session Reconvened Amendments

Amendment # 33

Item 4-6.01

Positions and Employment

Employee Compensation

Language

Language:

Page 572, line 64, strike "\$104,454" and insert "\$111,500".

Page 572, line 64, strike "\$108,632" and insert "\$115,960".

Page 572, line 64, strike "\$108,632" and insert "\$115,960".

Explanation:

(This amendment corrects the Director of the Virginia Office of Protection and Advocacy's salary that was increased in Chapter 2, 2006 Acts of Assembly. The new salary level was not included in the salary table listed in §4-6.01. This amendment corrects that omission.)

Amendment # 34

Item 4-6.01

Positions and Employment

Employee Compensation

Language

Language:

Page 567, line 38 after "salaries of" strike the remainder of the line and insert:

"positions listed below shall be paid in the amounts shown.".

Page 567, strike lines 39 through 42.

Explanation:

(This amendment clarifies a clerical error and removes language restricting the Governor's powers in the appointment of cabinet positions.)

Governor's 2006 Special Session Reconvened Amendments

Amendment # 35

Item 4-6.03

Positions and Employment

Employee Benefits

Language

Language:

Page 576, after line 43 insert:

"2. Any appointee to the position of Superintendent of Public Instruction appointed on or after July 1, 2006, but before June 30, 2008, shall not be subject to the suspension provisions of § 51.1-155(B)(1) and shall not be a contributing member or eligible employee under any retirement plan, insurance program, or other benefit program administered by the Virginia Retirement System."

Page 576 line 44, strike "2." and insert "3."

Explanation:

(This amendment provides that a new Superintendent of Public Instruction drawing a retirement benefit from the Virginia Retirement System shall not have his retirement allowance suspended while serving in the position and shall not earn any additional retirement benefits from any plan administered by the Virginia Retirement System. This amendment will result in general fund cost savings related to the retirement benefits costs of the Superintendent.)

Amendment # 36

Item 4-8.02

Reporting Requirements

State Agencies

Language

Language:

Page 580, line 9 after "briefs" insert "or".

Page 580, line 10, strike "or budget reduction proposals".

Explanation:

(This amendment eliminates a requirement for the public release of agency budget reduction plans before they have been approved by the Governor. Budget reduction plans are currently released after they are approved by the Governor.)
