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**ESB 5967** - H AMD TO H AMD (H-4684.2/12) **1369**

By Representative Alexander

**FAILED 03/08/2012**

On page 23, line 32, decrease the general fund- state appropriation for fiscal year 2012 by $9,101,000

On page 23, line 34, decrease the general fund- state appropriation for fiscal year 2012 by $39,527,000

On page 25, line 5, correct the total.

On page 27, beginning on line 21, strike all of subsection (17)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 79, line 13, decrease the state general fund--appropriation for fiscal year 2012 by $11,534,000

On page 79, line 20, correct the total

On page 79, line 23, after "((~~$258,880,000~~))" strike "$107,000,000" and insert "$92,217,000"

On page 83, line 14, decrease the general fund-state appropriation for fiscal year 2012 by $1,656,000

On page 83, line 16, decrease the general fund-state appropriation for fiscal year 2013 by $10,581,000

On page 83, line 18, decrease the general fund-federal appropriation by $11,696,000

On page 83, line 25, correct the total.

On page 83, line 35, after "eligible," insert "and"

On page 83, line 35, after "women" strike ", disability lifeline, and alcoholism and drug addiction treatment and support act, and medical care services"

On page 88, line 5, decrease the general fund--state appropriation for fiscal year 2012 by $2,872,000

On page 88, line 7, decrease the general fund--state appropriation for fiscal year 2013 by $38,085,000

On page 88, line 9, decrease the general fund--federal appropriation by $44,122,000

On page 88, line 25, correct the total.

On page 156, line 37, increase the general fund--state appropriation for fiscal year 2013 by $330,000,000

On page 157, line 4, correct the total

Beginning on page 168, beginning on line 7, strike all material through "each year." on page 169, line 9

On page 169, beginning on line 10, strike all of section 503.

Renumber remaining sections consecutively and correct title and internal references accordingly.

On page 112, line 36, decrease the general fund—state appropriation for fiscal year 2013 by $16,703,000

On page 113, line 24, increase the state toxics account—state appropriation by $16,703,000

On page 127, line 19, decrease the general fund--state appropriation for fiscal year 2012 by $4,049,000

On page 127, line 21, decrease the general fund--state appropriation for fiscal year 2013 by $4,049,000

On page 128, line 24, increase the state toxics control account--state appropriation by $8,098,000

On page 143, line 20, decrease the general fund--state appropriation for fiscal year 2012 by $2,511,000

On page 143, line 22, decrease the general fund--state appropriation by $2,511,000

On page 143, line 30, increase the state toxics control account--state appropriation by $5,022,000

On page 255, line 13, after "biennium," insert "the university of Washington's college of environment, Washington state university's college of agriculture, human, and natural resources, department of agriculture's plant protection program, and"

On page 196, line 1, decrease the general fund--state appropriation for fiscal year 2013 by $5,000,000

On page 196, after line 2, insert the following:

"State Toxics Control Account--State Appropriation. . . . .$5,000,000"

On page 198, on line 1, decrease the general fund--state appropriation for fiscal year 2013 by $5,000,000

On page 198, after line 2, insert the following:

"State Toxics Control Account--State Appropriation. . . . $5,000,000"

On page 228, line 8, after "43.79.465." insert "As a result, $80,000,000 of anticipated reversions in fiscal year 2012 and $80,000,000 of anticipated reversions in fiscal year 2013 are expected to remain in the state general fund."

On page 228, after line 11, insert the following:

"NEW SECTION. **Sec. 715.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--GOODS AND SERVICES**

General Fund--State Appropriation (FY 2012) ($1,644,000)

General Fund--State Appropriation (FY 2013) ($6,580,000)

TOTAL APPROPRIATION ($8,224,000)

The appropriations in this section are solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect savings associated with a 10 percent reduction in expenditures related to goods and services.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section as identified by agency and in the amounts specified in LEAP Document HW2-2012 dated February 17, 2012.

(3) For agencies with appropriations from accounts other than the general fund--state, the office of financial management shall work with agencies to achieve potential savings in other accounts.

NEW SECTION. **Sec. 716.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--TRAVEL**

General Fund--State Appropriation (FY 2012) ($653,000)

General Fund--State Appropriation (FY 2013) ($2,616,000)

TOTAL APPROPRIATION ($3,269,000)

The appropriations in this section are solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect savings associated with a 20 percent reduction in expenditures related to travel.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section as identified by the agency and in the amounts specified in LEAP Document TF1-2012 dated February 17, 2012.

(3) For agencies with appropriations from accounts other than the general fund--state, the office of financial management shall work with agencies to achieve potential savings in other accounts.

NEW SECTION. **Sec. 717.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--PERSONAL SERVICE CONTRACTS**

General Fund--State Appropriation (FY 2012) ($1,076,000)

General Fund--State Appropriation (FY 2013) ($4,311,000)

TOTAL APPROPRIATION ($5,387,000)

The appropriations in this section are solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect savings associated with a 20 percent reduction in expenditures related to personal service contracts.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section as identified by agency and in the amounts specified in LEAP Document PSC-2012 dated February 17, 2012.

(3) For agencies with appropriations from accounts other than the general fund--state, the office of financial management shall work with agencies to achieve potential savings in other accounts.

NEW SECTION. **Sec. 718.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--EQUIPMENT**

General Fund--State Appropriation (FY 2012) ($1,526,000)

General Fund--State Appropriation (FY 2013) ($6,114,000)

TOTAL APPROPRIATION ($7,640,000)

The appropriations in this section are solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect savings associated with a 20 percent reduction in expenditures related to equipment.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section as identified by agency and in the amounts specified in LEAP Document HW3-2012 dated February 17, 2012.

(3) For agencies with appropriations from accounts other than the general fund--state, the office of financial management shall work with agencies to achieve potential savings in other accounts.

NEW SECTION. **Sec. 719.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES--SALE OF PROPERTY**

The department of enterprise services shall sell the following state-owned properties by June 30, 2013, and shall deposit receipt from the sale into the state general fund: The Tacoma Rhodes building; the 600 Franklin street building; and the department of fish and wildlife administrative headquarters building.

NEW SECTION. **Sec. 720. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- STATE EMPLOYEES--TEMPORARY LAYOFFS**

General Fund--State Appropriation (FY 2013) ($34,196,000)

General Fund--Federal Appropriation ($11,014,000)

General Fund--Local Appropriation ($1,579,000)

Education Legacy Trust Account--State Appropriation (FY 2013) .

. ($1,157,000)

Dedicated Funds and Accounts Appropriation ($9,433,000)

TOTAL APPROPRIATION ($57,379,000)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to reduce agency and institution appropriations in accordance with the schedules in LEAP Omnibus Document H-TL2 dated March 8, 2012, which is hereby incorporated by reference. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and adjust appropriation schedules accordingly. The office of financial management shall make any further allotment adjustments necessary to reflect agency mergers or consolidations assumed in this act.

(2) The appropriations in this section reflect savings as a result of temporary layoffs for state employees as provided in sections 901 and 902 of this act."

Correct the title.

On page 235, after line 16, insert the following:

"Local Toxics Control Account: For transfer to the state toxics control account, $23,300,000 for fiscal year 2012 and $23,300,000 for fiscal year 2013. . . . . . . . . . . . . . . . $46,600,000"

On page 236, after line 2, insert the following:

"NEW SECTION. **Sec. 901.** chapter 32, laws of 2010, 1st special session (uncodified) is amended to read as follows:

(1)(a) The office of financial management shall certify to each executive branch state agency and institution of higher education the compensation reduction amount to be achieved by that agency or institution. Each agency and institution shall achieve compensation expenditure reductions as provided in the 2012 supplemental omnibus appropriations act.

(b) Each executive branch state agency other than institutions of higher education may submit to the office of financial management a compensation reduction plan to achieve the cost reductions as provided in the omnibus appropriations act. The compensation reduction plan of each executive branch agency may include, but is not limited to, employee leave without pay, including additional mandatory and voluntary temporary layoffs, reductions in the agency workforce, compensation reductions, and reduced work hours, as well as voluntary retirement, separation, and other incentive programs authorized by section ((~~912, chapter 564, Laws of 2009~~))905, chapter 50, Laws of 2011, 1st special session. ((~~The amount of compensation cost reductions to be achieved by each agency shall be adjusted to reflect voluntary and mandatory temporary layoffs at the agency during the 2009-2011 fiscal biennium and implemented prior to January 1, 2010, but not adjusted by other compensation reduction plans adopted as a result of the enactment of chapter 564, Laws of 2009, or the enactment of other compensation cost reduction measures applicable to the 2009-2011 fiscal biennium.))~~

(c) Each institution of higher education must submit to the office of financial management a compensation and operations reduction plan to achieve at least the cost reductions as provided in the 2012 supplemental omnibus appropriations act. For purposes of the reduction plan, the state board of community and technical colleges shall submit a single plan on behalf of all community and technical colleges. The reduction plan of each institution may include, but is not limited to, employee leave without pay, including mandatory and voluntary temporary layoffs, reductions in the institution workforce, compensation reductions, and reduced work hours, as well as voluntary retirement, separation, incentive programs authorized by section 912, chapter 564, Laws of 2009, as well as other reductions to the cost of operations. ((~~The amount of cost reductions to be achieved by each institution shall be adjusted to reflect voluntary and mandatory temporary layoffs at the institution during the 2009-2011 fiscal biennium and implemented prior to January 1, 2010, but not adjusted by other compensation reduction plans adopted as a result of the enactment of chapter 564, Laws of 2009, or the enactment of other compensation cost reduction measures applicable to the 2009-2011 fiscal biennium.~~))

(d) The director of financial management shall review, approve, and submit to the legislative fiscal committees those executive branch state agencies and higher education institution plans that achieves the cost reductions as provided in the omnibus appropriations act. For those executive branch state agencies and institutions of higher education that do not have an approved compensation and operations reduction plan, the institution shall be closed on the dates specified in subsection (2) of this section.

(e) For each agency of the legislative branch, the chief clerk of the house of representatives and the secretary of the senate shall review and approve a plan of employee mandatory and voluntary leave for the ((~~2009-2011~~))2011-13 fiscal biennium that achieves the cost reductions as provided in the supplemental omnibus appropriations act. ((~~The amount of compensation cost reductions to be achieved shall be adjusted, if necessary, to reflect voluntary and mandatory temporary layoffs at the agencies during the 2009-2011 fiscal biennium and implemented prior to January 1, 2010.~~))

(f) For each agency of the judicial branch, the supreme court shall review and approve a plan of employee mandatory and voluntary leave for the ((~~2009-2011~~))2011-13 fiscal biennium that achieve the cost reductions as provided in the omnibus appropriations act. ((~~The amount of compensation cost reductions to be achieved shall be adjusted, if necessary, to reflect voluntary and mandatory temporary layoffs at the agencies during the 2009-2011 fiscal biennium and implemented prior to January 1, 2010~~)).

(2) Each state agency of the executive, legislative, and judicial branch, and any institution that does not have an approved plan in accordance with subsection (1) of this section shall be closed on the following dates in addition to the legal holidays specified in RCW 1.16.050:

~~(a) Monday, July 12, 2010;~~

~~(b) Friday, August 6, 2010;~~

~~(c) Tuesday, September 7, 2010;~~

~~(d) Monday, October 11, 2010;~~

~~(e) Monday, December 27, 2010;~~

~~(f) Friday, January 28, 2011;~~

~~(g) Tuesday, February 22, 2011;~~

~~(h) Friday, March 11, 2011;~~

~~(i) Friday, April 22, 2011;~~

~~(j) Friday, June 10, 2011.~~

(a) Friday, July 13, 2012;

(b) Friday, August 10, 2012;

(c) Friday, September 14, 2012;

(d) Friday, October 12, 2012;

(e) Friday, November 9, 2012;

(f) Friday, December 7, 2012;

(g) Monday, January 7, 2013;

(h) Friday, February 8, 2013;

(i) Friday, February 22, 2013;

(j) Friday, March 22, 2013;

(k) Friday, April 26, 2013;

(l) Friday, May 10, 2013.

(3) If the closure of state agencies or institutions under subsection (2) of this section prevents the performance of any action, the action shall be considered timely if performed on the next business day.

(4) The following activities of state agencies and institutions of higher education are exempt from subsections (1) and (2) of this section:

(a) Direct custody, supervision, and patient care in: (i) Corrections; (ii) juvenile rehabilitation; (iii) institutional care of veterans, or individuals with mental illness, and individuals with developmental disabilities; (iv) state hospitals, the University of Washington medical center, and Harborview medical center; (v) the special commitment center; (vi) the school for the blind; (vii) the state center for childhood deafness and hearing loss; and (viii) the Washington youth academy;

(b) Direct protective services to children and other vulnerable populations, child support enforcement, disability determination services, complaint investigators, and residential care licensors and surveyors in the department of social and health services and the department of health;

(c) Washington state patrol investigative services and field enforcement;

(d) Hazardous materials response or emergency response and cleanup;

(e) Emergency public health and patient safety response and the public health laboratory;

(f) Military operations and emergency management within the military department;

(g) Firefighting;

(h) Enforcement officers in the department of fish and wildlife, the liquor control board, the gambling commission, the department of financial institutions, and the department of natural resources;

(i) State parks operated by the parks and recreation commission;

(j) In institutions of higher education, classroom instruction, operations not funded from state funds or tuition, campus police and security, emergency management and response, work performed by student employees if the duties were not previously assigned to nonstudents during the current or prior school year, and student health care;

(k) Operations of liquor control board business enterprises and games conducted by the state lottery;

(l) Agricultural commodity commissions and boards, and agricultural inspection programs operated by the department of agriculture;

(m) The unemployment insurance program and reemployment services of the employment security department;

(n) The workers' compensation program and workplace safety and health compliance activities of the department of labor and industries;

(o) The operation, maintenance, and construction of state ferries and state highways;

(p) The department of revenue;

(q) Licensing service offices in the department of licensing that are open no more than two days per week, and no licensing service office closures may occur on Saturdays as a result of this section;

(r) The governor, lieutenant governor, legislative agencies, and the office of financial management, during sessions of the legislature under Article II, section 12 of the state Constitution and the twenty-day veto period under Article IV, section 12 of the state Constitution;

(s) The office of the attorney general, except for management and administrative functions not directly related to civil, criminal, or administrative actions;

(t) The labor relations office of the office of financial management through November 1, ((~~2010~~))2012;

(u) The minimal use of state employees on the specified closure dates as necessary to protect public assets and information technology systems, and to maintain public safety; and

(v) The operations of the office of the insurance commissioner that are funded by industry regulatory fees.

(5)(a) The closure of an office of a state agency or institution of higher education under this section shall result in the temporary layoff of the employees of the agency or institution. The compensation of the employees shall be reduced proportionately to the duration of the temporary layoff. Temporary layoffs under this section shall not affect the employees' vacation leave accrual, seniority, health insurance, or sick leave credits. For the purposes of ((~~chapter 430, Laws of 2009~~)) chapter 5, Laws of 2011, 1st special session, the compensation reductions under this section are deemed to be an integral part of an employer's expenditure reduction efforts and shall not result in the loss of retirement benefits in any state defined benefit retirement plan for an employee whose period of average final compensation includes a portion of the period from the effective date of this section through ((~~June 30, 2011~~))June 30, 2013.

(b)(i) During the closure of an office or institution under this section, any employee with a monthly full-time equivalent salary of two thousand five hundred dollars or less may, at the employee's option, use accrued vacation leave in lieu of temporary layoff during the closure. Solely for this purpose, and during the 2009-2011 fiscal biennium only, the department of personnel shall adopt rules to permit employees with less than six months of continuous state employment to use accrued vacation leave.

(ii) If an employee with a monthly full-time equivalent salary of two thousand five hundred dollars or less has no accrued vacation leave, that employee may use shared leave, if approved by the agency director, and if made available through donations under RCW 41.04.665 in lieu of temporary layoff during the closure.

(6) Except as provided in subsection (4) of this section, for employees not scheduled to work on a day specified in subsection (2) of this section, the employing agency must designate an alternative day during that month on which the employee is scheduled to work that the employee will take temporary leave without pay.

(7) To the extent that the implementation of this section is subject to collective bargaining under chapter 41.80 RCW, the bargaining shall be conducted pursuant to section 4 of this act. To the extent that the implementation of this section is subject to collective bargaining under chapters 28B.52, 41.56, 41.76, or 47.64 RCW, the bargaining shall be conducted pursuant to these chapters.

(8) For all or a portion of the employees of an agency of the executive branch, the office of financial management may approve the substitution of temporary layoffs on an alternative date during that month for any date specified in subsection (2) of this section as necessary for the critical work of any agency.

NEW SECTION. **Sec. 902.** To the extent that the implementation of section 3 of this act is subject to collective bargaining:

(a) For institutions of higher education that have elected to have negotiations conducted by the governor or governor's designee in accordance with RCW 41.80.010(4), and that have an approved compensation reduction plan under section 901(1) of this act, negotiations regarding impacts of the compensation reduction plan shall be conducted between the governor or governor's designee and a coalition at each college, college district, or university of all of the exclusive bargaining representatives subject to chapter 41.80 RCW;

(b) For institutions of higher education that have elected to have negotiations conducted by the governor or governor's designee in accordance with RCW 41.80.010(4), and that do not have an approved compensation reduction plan under section 3(1) of this act, negotiations regarding impacts of the temporary layoffs under section 3(2) of this act shall be conducted between the governor or governor's designee and one coalition of all of the exclusive bargaining representatives subject to chapter 41.80 RCW;

(c) For institutions of higher education that have not elected to have negotiations conducted by the governor or governor's designee under RCW 41.80.010(4), negotiations regarding impacts of section 3 of this act shall be conducted between each institution of higher education and the exclusive bargaining representatives;

(d) For agencies that have an approved compensation reduction plan under section 3(1) of this act, negotiations regarding impacts of the compensation reduction plan shall be conducted between the governor or governor's designee and a coalition at each agency of all of the exclusive bargaining representatives subject to chapter 41.80 RCW; and

(e) For agencies that do not have an approved compensation reduction plan under section 901(1) of this act, negotiations regarding impacts of the temporary layoffs under section 901(2) of this act shall be conducted between the governor or governor's designee and the exclusive bargaining representatives subject to chapter 41.80 RCW."

Renumber remaining sections consecutively and correct title and internal references accordingly.

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|  | EFFECT:  **Department of Commerce:** Removes funding in the Department of Commerce for the Essential Needs and Housing Support Program created under Chapter 36, Laws of 2011 1st sp.s. (disability lifeline program)  FISCAL IMPACT:  Reduces General Fund - State by $48,628,000.  **DSHS--Economic Services:** Reduces $11,543,000 in state funds from the DSHS Economic Services to reflect implementation of a 48 month lifetime limit for the Temporary Assistance for Needy Families (TANF) program.  FISCAL IMPACT:  Reduces General Fund - State by $11,534,000.  **DSHS--Alcohol and Substance Abuse Program:** Removes funding in the Department of Social and Health Services for providing chemical dependency treatment services for individuals under the Alcoholism and Drug Addiction Treatment and Support Act or through the Medical Care Services program which provides services to individuals who would have previously been served under the Disability Lifeline-Unemployable program.  FISCAL IMPACT:  Reduces General Fund - State by $12,237,000.  Reduces General Fund - Medicaid by $11,696,000.  **Health Care Authority:** Eliminates funding in the Health Care Authority Medical Assistance program for the Medical Care Services (MCS) program effective June 1, 2012. The MCS program provides medical coverage for clients under the program that was previously called Disability Lifeline and under the Alcoholism and Drug Addiction Treatment and Support Act.  FISCAL IMPACT:  Reduces General Fund - State by $40,957,000.  Reduces General Fund - Federal by $44,122,000.  **Various Agencies: Shift of Toxics Account:**  **DOH-Toxics:** Shifts $16,703,000 environmental health expenditures in the Department of Health from the state general fund to the State Toxics Control Account.  **Agriculture--Toxics:** Shifts $5,022,000 of plant protection activities within the Department of Agriculture from the state general fund to the State Toxics Control Account.  **Ecology--Toxics:** Shifts $8,098,000 of expenditures in the Water Quality Program, Shorelands Program, Environmental Assessment Program, Hazardous Waste Program, Waste to Resources Program, Nuclear Waste Program, and indirect costs in the Department of Ecology from the state general fund to the State Toxics Control Account.  **University of Washington--Toxics:** Shifts $5,000,000 of expenditures in FY 2013 for the College of the Environment at the University of Washington from the state general fund to the State Toxics Control Account.  **Washington State University--Toxics:** Shifts $5,000,000 of expenditures in FY 2013 for the College of Agriculture, Human, and Natural Resource Sciences at Washington State University from the state general fund to the State Toxics Control Account.  FISCAL IMPACT--Toxics Shift:  Reduces General Fund - State by $39,823,000.  Increases State Toxics Control - State by $39,823,000.  **OSPI--General Apportionment:** The school apportionment delay that shifts $340 million from fiscal year 2013 to fiscal year 2014 is removed, as is all corresponding contingency language. The net effect of eliminating the delay and the contingency loan is an increase to the general fund--state of $330 million.  FISCAL IMPACT:  Increases General Fund - State by $330,000,000.  **Reversions:** Assumes state general fund reversions of $160 million will remain in the state general fund. The underlying striking amendment instead assumed $78 million of general fund biennial reversions would remain in the state general fund  FISCAL IMPACT:  Increases General Fund - State resources by $82,000,000.  **OFM--Special Appropriations:** OFM must reduce agency allotments to achieve a 10% reduction to agency expenditures for goods and services, and a 20% reduction to agency expenditures for travel, personal services contracts, and equipment.  Fiscal impact:  OFM--Goods and Services: Reduces General Fund--State by $8,494,000.  OFM--Travel: Reduces General Fund--State by $3,269,000.  OFM--Personal Services Contracts: Reduces General Fund--State by $5,387,000.  OFM--Equipment: Reduces General Fund--State by $7,640,000.  **DES--Sale of Property:**  Directs the Department of Enterprise Services to sell, by June 30, 2013, the following state owned property: the Tacoma Rhodes building, the 600 Franklin Street Building, and the Department of Fish and Wildlife administrative headquarters building and deposit receipt from the sale of the properties into the state general fund.  FISCAL IMPACT:  Increases General Fund - State Resources by $18,400,000.  **Various agencies--Temporary Layoffs**  Requires 12 agency closure days and temporary layoff of the agency employees or alternate agency plans achieving equivalent compensation reductions for employees of state agencies and institutions of higher education. Exceptions to the temporary layoff requirements are provided for employees in agencies and positions similarly to the terms of legislation enacted in 2010, Chapter 32, 2010 Laws 1st. Sp. Session (ESSB 6503)  FISCAL IMPACT:  Reduces General Fund – State by $34,196,000  Reduces General Fund - Federal by $11,014,000  Reduces General Fund – Local by $1,579,000  Reduces Education Legacy Trust Account – State by $1,157,000  Reduces Other Appropriated FundS by $9,433,000  NET FISCAL IMPACT  Increases General Fund--State by $17,435,000.  Decreases Other Funds by net of $39,178,000 |

**--- END ---**