



House of Representatives

General Assembly

File No. 536

February Session, 2006

Substitute House Bill No. 5009

House of Representatives, April 18, 2006

The Committee on Appropriations reported through REP. MERRILL of the 54th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT MAKING DEFICIENCY APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2006.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) The following sums are
2 appropriated for the purposes herein specified for the fiscal year
3 ending June 30, 2006:

T1	GENERAL FUND	\$
T2		
T3	OFFICE OF POLICY AND MANAGEMENT	
T4	Energy Contingency	10,955,000
T5		
T6	DIVISION OF CRIMINAL JUSTICE	
T7	Forensic Sex Evidence Exams	360,000
T8		
T9	DEPARTMENT OF PUBLIC SAFETY	
T10	Other Expenses	3,360,000
T11	Workers' Compensation Claims	947,000
T12	AGENCY TOTAL	4,307,000

T13		
T14	DEPARTMENT OF PUBLIC HEALTH	
T15	Personal Services	820,688
T16	Other Expenses	594,592
T17	Needle and Syringe Exchange Program	72,817
T18	Children's Health Initiative	125,000
T19	Breast and Cervical Cancer Detection and	
T20	Treatment	115,968
T21	Services for Children Affected by AIDS	40,276
T22	Children with Special Health Care Needs	339,592
T23	OTHER THAN PAYMENTS TO LOCAL	
T24	GOVERNMENTS	
T25	Community Health Services	33,422
T26	Rape Crisis	134,141
T27	X-Ray Screening and Tuberculosis Care	66,138
T28	Genetic Diseases Programs	91,132
T29	PAYMENTS TO LOCAL GOVERNMENTS	
T30	Venereal Diseases Control	41,622
T31	School Based Health Clinics	224,682
T32	AGENCY TOTAL	2,700,070
T33		
T34	OFFICE OF THE CHIEF MEDICAL	
T35	EXAMINER	
T36	Other Expenses	100,000
T37		
T38	DEPARTMENT OF MENTAL HEALTH AND	
T39	ADDICTION SERVICES	
T40	Personal Services	1,358,287
T41	Other Expenses	613,965
T42	Behavioral Health Medications	1,500,000
T43	AGENCY TOTAL	3,472,252
T44		
T45	DEPARTMENT OF CORRECTION	
T46	Personal Services	501,678
T47	Inmate Medical Services	2,200,000
T48	AGENCY TOTAL	2,701,678
T49		
T50	PUBLIC DEFENDER SERVICES	
T51	COMMISSION	
T52	Special Public Defender - Non-Contractual	994,500
T53	Expert Witnesses	447,500

T54	AGENCY TOTAL	1,442,000
T55		
T56	TOTAL -	26,038,000
T57	GENERAL FUND	
T58		
T59	SPECIAL TRANSPORTATION FUND	
T60		
T61	WORKERS' COMPENSATION CLAIMS -	
T62	DEPARTMENT OF ADMINISTRATIVE	
T63	SERVICES	
T64	Workers' Compensation Claims	920,000
T65		
T66	TOTAL -	920,000
T67	SPECIAL TRANSPORTATION FUND	
T68		
T69	REGIONAL MARKET OPERATION FUND	
T70		
T71	DEPARTMENT OF AGRICULTURE	
T72	Fringe Benefits	42,000
T73		
T74	TOTAL -	42,000
T75	REGIONAL MARKET OPERATION FUND	

4 Sec. 2. (*Effective from passage*) (a) The sum of \$645,000 of available
5 funds in the AIDS Services account within the Department of Public
6 Health shall be transferred to the Breast and Cervical Cancer Detection
7 account within the Department of Public Health and shall be available
8 for expenditure for such purpose in the fiscal year ending June 30,
9 2006.

10 (b) The unexpended balance of the Breast and Cervical Cancer
11 Detection and Treatment account in the Department of Public Health
12 shall not lapse on June 30, 2006, and such funds shall continue to be
13 made available for such purpose for the fiscal year ending June 30,
14 2007.

15 Sec. 3. (*Effective from passage*) (a) The sum of \$450,000 appropriated
16 to the Department of Mental Health and Addiction Services in section
17 1 of public act 05-251, for General Assistance Managed Care, is

18 transferred to Workers' Compensation Claims.

19 (b) The sum of \$150,000 appropriated to the Department of Mental
20 Health and Addiction Services in section 1 of public act 05-251, for
21 Professional Services, is transferred to Workers' Compensation Claims.

22 (c) The sum of \$60,000 appropriated to the Department of Mental
23 Health and Addiction Services in section 1 of public act 05-251, for
24 Professional Services, is transferred to Nursing Home Screening.

25 (d) The sum of \$35,000 appropriated to the Department of Mental
26 Health and Addiction Services in section 1 of public act 05-251, for
27 Professional Services, is transferred to Jail Diversion.

28 Sec. 4. (*Effective from passage*) (a) The sum of \$900,000 appropriated
29 to the Department of Correction in section 1 of public act 05-251, for
30 Workers' Compensation Claims, is transferred to Personal Services.

31 (b) The sum of \$111,557 appropriated to the Department of
32 Correction in section 1 of public act 05-251, for Other Expenses, is
33 transferred to Personal Services.

34 (c) The sum of \$400,000 appropriated to the Department of
35 Correction in section 1 of public act 05-251, for Parole Staffing and
36 Operations, is transferred to Personal Services.

37 Sec. 5. (*Effective from passage*) The unexpended balance of the Energy
38 Contingency account in the Office of Policy and Management shall not
39 lapse on June 30, 2006, and such funds shall continue to be made
40 available for such purpose for the fiscal year ending June 30, 2007.

41 Sec. 6. (*Effective from passage*) Up to \$256,000 of the unexpended
42 balance of funds appropriated to the Public Defenders Services
43 Commission in section 1 of this act, for Expert Witnesses, shall not
44 lapse on June 30, 2006, and shall continue to be available for
45 expenditure for such purpose during the fiscal year ending June 30,
46 2007.

47 Sec. 7. (*Effective from passage*) The sum of \$404,000 appropriated to
48 Legislative Management, for the fiscal year ending June 30, 2006, for
49 Personal Services, shall not lapse on June 30, 2006, and such funds
50 shall continue to be available for expenditure for such purpose during
51 the fiscal year ending June 30, 2007.

52 Sec. 8. (*Effective from passage*) The sum of \$1,119,000 appropriated to
53 Legislative Management, for the fiscal year ending June 30, 2006, for
54 Other Expenses, shall not lapse on June 30, 2006, and such funds shall
55 continue to be available for expenditure for such purpose during the
56 fiscal year ending June 30, 2007.

57 Sec. 9. (*Effective from passage*) The sum of \$400,000 appropriated to
58 Legislative Management, for the fiscal year ending June 30, 2006, for
59 Equipment, shall not lapse on June 30, 2006, and such funds shall
60 continue to be available for expenditure for such purpose during the
61 fiscal year ending June 30, 2007.

62 Sec. 10. (*Effective from passage*) The unexpended balance of funds
63 appropriated to Legislative Management, for the fiscal year ending
64 June 30, 2006, for Flag Restoration, shall not lapse on June 30, 2006, and
65 such funds shall continue to be available for expenditure for such
66 purpose during the fiscal year ending June 30, 2007.

67 Sec. 11. (*Effective from passage*) The unexpended balance of funds
68 appropriated to Legislative Management, for the fiscal year ending
69 June 30, 2006, for Minor Capitol Improvements, shall not lapse on June
70 30, 2006, and such funds shall continue to be available for expenditure
71 for such purpose during the fiscal year ending June 30, 2007.

72 Sec. 12. (*Effective from passage*) Up to \$250,000 of the unexpended
73 balance of funds appropriated to Legislative Management, for the
74 fiscal year ending June 30, 2005, and carried forward by section 56 of
75 public act 05-251, shall not lapse on June 30, 2006, and such funds shall
76 continue to be available for expenditure during the fiscal year ending
77 June 30, 2007.

78 Sec. 13. (*Effective from passage*) (a) The budget document submitted
79 by the Governor for the biennium ending June 30, 2009, shall set forth
80 the wage bases for all state employees, provided for employees
81 covered by collective bargaining, wage bases shall be set forth by
82 individual bargaining unit, in a format which includes collective
83 bargaining code, collective bargaining unit, number of employees, and
84 dollar totals for all funds, with separate breakdowns for the General
85 Fund and the Special Transportation Fund. The document shall list, in
86 detail, the intended use for Reserve for Salary Adjustment accounts,
87 shown by item and amount and shall include percentage and wage
88 base assumptions.

89 (b) For each collectively bargained agreement or arbitration award,
90 including executive, higher education and judicial, submitted to the
91 General Assembly, the Office of Policy and Management shall include
92 a cost sheet which shall be filed on the same day such agreement or
93 award is submitted.

94 (c) On or before November first of each fiscal year of the current or
95 ensuing biennium, the Office of Policy and Management shall submit
96 to the joint standing committee of the General Assembly having
97 cognizance of matters relating to appropriations and the budgets of
98 state agencies, through the legislative Office of Fiscal Analysis, a
99 current services analysis of the ensuing fiscal year or years of the
100 biennium, respectively.

101 (d) Not later than one week following the end of each month, the
102 Office of Policy and Management shall submit to said joint standing
103 committee, through said legislative office, a list of all allotments of
104 appropriations or adjustments to existing allotments made during such
105 previous month.

106 (e) Notice of any items to be added to the agenda of a regular
107 meeting of the Finance Advisory Committee shall be provided to the
108 Office of Fiscal Analysis at least twenty-four hours prior to such
109 meeting.

110 (f) Estimated lapse amounts, shown by agency, shall be included in
 111 the monthly letter submitted by the Secretary of the Office of Policy
 112 and Management or in the monthly report of the Comptroller, or both.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	New section

APP *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06
Various State Agencies	GF - Cost	\$26,038,000
Department of Administrative Services - Workers' Comp. Claims	TF - Cost	920,000
Department of Agriculture	RMOF - Cost	42,000
	Total	\$27,000,000

Note: GF=General Fund; TF=Transportation Fund; RMOF=Regional Market Operation Fund

Municipal Impact: None

Explanation

Section 1 of this bill increases FY 06 appropriations by \$27 million in a manner which eliminates the remaining room under the spending cap and places the FY 06 budget exactly at the full amount allowed by the cap. Sections 2 through 4 also transfer \$2.8 million from potential lapses to cover anticipated FY 06 deficiencies/overruns, reducing the unidentified lapse which is part of the \$661.5 million FY 06 surplus projected by the Office of Fiscal Analysis on February 1, 2006. Section 6 carries forward \$0.3 million in FY 06 unexpended funds into FY 07.

The \$27 million appropriation is for the FY 06 state agency deficiencies and cost overrun indicated on the following pages. These appropriations made in FY 06 have an impact upon the degree to which the budget is under the spending cap. Currently, FY 06 appropriations are under the spending cap by \$21.3 million after adjusting for the \$3 million appropriation for emergency home heating assistance provided by PA 05-2, October 25 Special Session. Passage of this bill along with the recognition of \$5.7 million in additional federal mandates and court orders will eliminate the remaining room under the spending cap and place the FY 06 budget exactly at the full amount allowed by the cap. This magnitude of deficiency appropriations was

anticipated in the calculation of the \$661.5 million FY 06 projected surplus.

Sections 7-12 carry forward funds for Legislative Management into FY 07 as follows:

- Personal Services - \$404,000 for the continuation of the Security Technicians;
- Other Expenses - \$1,119,000 for various purposes;
- Equipment - \$400,000 for upgrade of the House Chamber Voting Board;
- Flag Restoration - the unexpended balance of funds which is estimated to be \$50,000
- Minor Capital Improvement - the unexpended balance which is estimated to be \$500,000.
- Carries forward up to \$250,000, in funds carried forward pursuant to PA 05-251.

Despite these carry forward of funds, it is anticipated that \$2.0 million of the budgeted legislative lapse will be achieved.

Section 13 requires the Office of Policy and Management (OPM) to furnish information already collected or reported by OPM which results in no fiscal impact to the agency.

Projected FY 06 General Fund Deficiencies

as of March 30, 2006

General Fund Deficiencies

Office of Policy and Management - Energy Contingency	FY 06 Deficiency Amount \$10,955,000
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The deficiency bill contains a General Fund deficiency appropriation of \$10.96 million for the Office of Policy and Management (OPM) for energy costs in state agencies. OPM projects a gross General Fund and Transportation Fund deficiency of \$19.76 million in the Energy Contingency account, whereas OFA projects a net deficiency of \$15.5 million. If there is a remaining deficiency after passage of this bill, it is unknown how it will be funded at this time. The bill also carries forward the unexpended balance in OPM's Energy Contingency account from FY 06 through FY 07.

In FY 05, General Fund and Transportation expenditures for all energy related costs (electricity, natural gas, motor vehicle fuel oil) were \$75.49 million, which was above budgeted levels and necessitated an FY 05 deficiency appropriation of \$10 million. In anticipation of continued volatility of energy prices in FY 06, an \$8 million appropriation was made to the Energy Contingency account. OFA assumes that the additional \$8 million appropriation will mitigate the OPM anticipated deficiency. The actual level of deficiency is contingent on the rate of increase of these costs, particularly among natural gas and district heating which is anticipated to increase between 30.4% and 76.5%.

Division of Criminal Justice	FY 06 Deficiency Amount \$360,000
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The Division of Criminal Justice has a projected net deficiency of approximately \$360,000, which represents 0.9% of its total FY 06 General Fund appropriation of \$41 million. This assumes that a Personal Services holdback of \$274,875 and an Other Expenses holdback of \$65,019 are not released. If the holdbacks are released, an estimated deficiency of \$20,106 would result.

The \$360,000 net deficiency results from an anticipated shortfall in the Forensic Sex Evidence Exams account, which is used to reimburse victims of sexual assault for the costs of certain medical examinations or treatments performed concurrent with the gathering of evidence for prosecution. The number of reimbursements and their average cost are both projected to exceed budgeted assumptions in the current fiscal year.

Note that as of January 19th the agency had spent approximately \$540,000, or eighty four per cent, of its \$640,000 appropriation to this account. In response to the anticipated deficit, the reimbursement level has been capped at \$900 for any adult or child. During the current fiscal year adult reimbursement requests are \$1,200 on average and \$680 for children. The agency is on track to exceed the total number of reimbursements in any prior fiscal year for which information is available. Approximately 560 new cases were reimbursed during the first six months of the current fiscal year. If this rate were to continue, then the agency would expect to reimburse 1,120 cases in FY 06. This number is well in excess of the average annual reimbursement figure of 829 over the last five fiscal years.

Department of Public Safety	FY 06 Deficiency Amount \$4,307,000
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The Department of Public Safety has a projected net deficiency of \$4.3 million, which represents 3.1% of its FY 06 appropriation of \$137.8

million. This assumes that a Personal Services holdback of \$730,030 will not be released but an Other Expenses holdback of \$643,445 will be released.

The \$4.3 million net deficiency occurs in two areas: Other Expenses (\$3.36 million) and Workers' Compensation (\$.95 million).

The major components of the \$3.36 million OE deficiency include: operating and maintaining databases related to CJIS (Criminal Justice Information System), property management costs, operational costs associated with the AFIS and COLLECT database systems and contractual and equipment needs associated with mobile data terminals. It should be noted that an additional \$1.3 million shortfall in fuel costs has been funded through the OPM - Energy Contingency Account.

The deficiency in Workers' Compensation Claims relates to higher than budgeted expenditures in claims and payouts related to agency staff.

Department of Public Health	FY 06 Deficiency Amount \$2,700,070
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The Department of Public Health (DPH) has a projected net deficiency of \$2.7 million, which represents 3.8% of its FY 06 appropriation of \$72 million. This assumes that an Other Expenses holdback of \$147,370 is not released, but that a Personal Services holdback of \$204,930 is released and \$645,000 in lapsing dollars under the AIDS Services account are utilized to support the Breast and Cervical Cancer Early Detection Program. If the Other Expense holdback is released, a deficiency of \$2.6 million would result.

A \$0.8 million Personal Services shortfall is attributable to

- (a) the unbudgeted pickup with state funding of the salaries

(\$400,000) of five staff formerly funded from federal Centers for Disease Control and Prevention (CDC) Bioterrorism Preparedness grant dollars - these staff were transitioned onto the General Fund as of 9/1/05; and

(b) the agency's inability to maintain sufficient vacant positions to meet budgeted turnover levels. Appropriated funds assumed turnover equated to 27 vacant positions. As of March 2006, the agency had 14 vacant full-time positions.

A \$600,000 shortfall is expected under the Other Expenses account. Of this, \$412,000 is due to an unexpected retroactive payment to a vendor for services rendered in FY 04. The department entered into a contract with Anthem Health Plans, Inc. to provide billing functions for the Connecticut Breast and Cervical Cancer Early Detection Program beginning in FY 00. The contract terminated at the end of calendar year 2003. Final contract reconciliation, which should have taken place during FY 04, did not begin until April 2005. Due to the delay, an invoice now requires payment for which current year funds have not been budgeted.

Also contributing to the Other Expenses shortfall is \$68,500 in costs incurred to retain a consultant on a one-time basis to monitor the health status of Department of Emergency Management and Homeland Security staff working in a state owned building at 25 Sigourney Street, Hartford. Funding for this purpose was not included within PA 05-251.

A \$1.4 million deficiency under various accounts (including Other Expenses) is attributable to bills incurred in FY 05 being paid in FY 06 due to an inability to process payments through the CORE-CT accounting system before the close of the fiscal year. An equivalent amount lapsed under these same accounts on June 30, 2005.

The AIDS Services lapse of \$645,000 results from the identification of additional federal HIV Care Formula Grant funds that have allowed the DPH to support HIV/AIDS Medication Adherence Programs from

federal dollars in the current fiscal year.

The bill transfers the \$645,000 in lapsing funds under the AIDS Services account to the Breast and Cervical Cancer Detection and Treatment account to support the provision of services to an estimated additional 2,400 women. This program has experienced recent demands for service in excess of funded capacity. The bill also authorizes the carry forward into FY 07 of any unexpended balance as of 6/30/06.

Office of the Chief Medical Examiner	FY 06 Deficiency Amount \$100,000
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The Office of the Chief Medical Examiner has a projected net deficiency of \$100,000, which represents 2% of its FY 06 appropriation of \$4.95 million. This assumes that a Personal Services holdback of \$30,831 and an Other Expenses holdback of \$16,763 are not released. If the holdbacks were released, an estimated remaining deficiency of \$52,406 would result.

The \$100,000 shortfall in the Other Expenses account is due to increased costs in: body transport services (contracted); maintenance fees on software and laboratory instruments; and motor vehicle rental and fuel.

Department of Mental Health and Addiction Services	FY 06 Deficiency Amount \$3,472,252
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The Department of Mental Health and Addiction Services has a projected net deficiency of \$3.5 million, which represents 0.6% of its FY 06 appropriation of \$558 million. This assumes that a Personal Services holdback of \$1,732,153 and an Other Expenses holdback of \$818,115 are released.

The DMHAS projected deficiency is primarily in three accounts. The Personal Services account has a projected deficiency of \$1.4 million due to increased nursing costs. The Other Expenses account has a deficiency of \$.6 million due to repair and maintenance expenses, increased vehicle rental fees, and costs related to the Waterbury move. (It should be noted that \$1.1 million in increased fuel costs at state facilities is anticipated to be funded through the OPM - Energy Contingency account.) The Behavioral Health Medications account has a projected deficiency of \$1.5 million due to the continued increasing cost and utilization of drugs. These deficiencies are partially offset by a projected lapse of \$460,000 in the General Assistance Managed Care account.

Department of Correction	FY 06 Deficiency Amount \$2,701,678
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The Department of Correction has a projected net deficiency of \$2.7 million, which represents 0.5% of its FY 06 appropriation of \$577.8 million. This assumes that a Personal Services holdback of \$2,786,765 and an Other Expenses holdback of \$1,811,557 will be released.

The \$2.7 million deficiency occurs in two areas: Personal Services (\$.5 million) and Inmate Medical Services (\$2.2 million).

The majority of the PS deficiency is due to overtime expenses. Overtime costs in FY 06 are projected at \$53 million, which although less than the \$55 million spent in FY 05 are less than budgeted and significantly higher than the FY 04 amount of \$43 million.

The shortfall in Inmate Medical Services is due to increased costs associated with nurse overtime (\$1.3 million) and increased pharmaceutical expenses (\$.9 million).

Public Defender Services Commission	FY 06 Deficiency Amount \$1,442,000
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The Public Defender Services Commission has a net deficiency of \$1.4 million, which represents about 3.8% of its FY 06 General Fund appropriation of \$37.1 million. This assumes that a Personal Services holdback of \$207,475 and an Other Expenses holdback of \$34,261 are not released. If the holdbacks are released, an estimated deficiency of \$1,072,264 would result.

The \$1.4 million net deficiency results from anticipated shortfalls in the Special Public Defenders - Non-Contractual (\$994,500) and Expert Witness (\$447,500) accounts. A substantial portion of each deficiency is attributable to obligations incurred in FY 05 and carried forward into FY 06.

The deficiency in the Special Public Defenders - Non-Contractual account is due to greater-than-budgeted case assignments and billed hours. These Special Public Defenders represent clients in about 2,000 new felony, habeas and appellate matters each year. They are typically assigned to these cases when it is determined that a conflict of interest prohibits representation by an Assistant Public Defender employed by the state.

The deficiency in the Expert Witness account is due to increases in the rates that experts charge to provide testimony and the frequency of their use by public defenders. In particular, the agency notes the increasing volume of requests for experts from Special Public Defenders involved in Habeas and Capital cases. A portion of the projected FY 06 deficiency in this account is attributable to a death penalty racial bias study.

General Fund Total	FY 06 Deficiency Amount \$26,038,000
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Transportation Fund Deficiency

DAS - Workers' Compensation Claims	FY 06 Deficiency Amount \$920,000
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The Special Transportation Fund workers' compensation claims account has a projected deficiency of \$920,000, which is 22% above the FY 06 appropriation of \$4.1 million. While the total number of claims is lower than last fiscal year, there has been an increase in the number of claims with significant medical and indemnity costs. There is also a 30% increase in medical costs over last fiscal year.

Regional Market Operation (RMO) Fund Deficiency

Department of Agriculture - Fringe Benefits	FY 06 Deficiency Amount \$42,000
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The fringe benefit account has a projected deficiency of \$42,000, which is 24.1% above the FY 06 appropriation to this account of \$174,054. This is due to an unanticipated increase in fringe benefit costs.

General, Transp. & RMO Funds Combined Total	FY 06 Deficiency Amount \$27,000,000
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The Out Years

A total of \$20,351,000, \$19,951,000 in the General Fund and \$400,000 in the Transportation Fund, is included in sHB 5007, the Budget Bill as passed by the Appropriations Committee, for the annualization of the above items. These amounts would likely continue into the future subject to inflation.

OFA Bill Analysis

sHB 5009

AN ACT MAKING DEFICIENCY APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2006.

SUMMARY:

This bill appropriates funds in FY 06 to various state agencies to cover deficiencies; carries forward funds to FY 07 for Legislative Management; and requires the Office of Policy and Management to furnish certain information. Please refer to the fiscal note for a more detailed explanation.

EFFECTIVE DATE: Upon passage.

COMMITTEE ACTION

Appropriations Committee

Joint Favorable Substitute

Yea 50 Nay 0 (03/30/2006)