

Amendment No. 3 to HB3551

Head
Signature of Sponsor

AMEND Senate Bill No. 3415*

House Bill No. 3551

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

By deleting the following language:

Item 8. To TennCare the sum of \$35,300,000 for the purpose of making essential access hospital provider payments. To the extent that federal matching funds are available for all of the funds appropriated by this item, the payments will be divided into the following funding pools: (a) essential service safety net hospitals \$50 million; (b) children’s safety net hospitals \$5 million; (c) free standing psychiatric hospitals \$2 million; and (d) other essential acute care hospitals \$43 million. The Commissioner of Finance and Administration shall utilize a payment methodology that considers both TennCare utilization as a percent of total utilization as well as charity, medically indigent care, and bad debt expenses as a percent of total expenses. The formula that determines the distribution of funds within these pools will be similar to the formula utilized for the payments made in FY 2001. In order for a hospital to qualify for a payment in the essential service safety net pool, the children’s safety net pool and the other essential acute care pool, the hospital must be a contracted provider with TennCare Select and, where available, at least one other Managed Care Organization in the TennCare program. In order for a free standing psychiatric hospital to qualify for a payment, the hospital must be a contracted provider with one of the Behavioral Health Organizations.

and by substituting instead the following language:

Item 8. To TennCare the sum of \$35,300,000 for the purpose of making essential access hospital provider payments. To the extent that federal matching funds are available for all of the funds appropriated by this item, the payments will be divided into the following funding pools: (a) essential service safety net hospitals \$50 million; (b) children’s safety net hospitals \$5 million; (c) free standing psychiatric hospitals \$2

million; and (d) other essential acute care hospitals \$43 million. The Commissioner of Finance and Administration shall utilize a payment methodology that considers both TennCare utilization as a percent of total utilization as well as charity, medically indigent care, and bad debt expenses as a percent of total expenses. The formula that determines the distribution of funds within these pools will be similar to the formula utilized for the payments made in FY 2001. In order for a hospital to qualify for a payment in the essential service safety net pool, the children's safety net pool and the other essential acute care pool, the hospital must be a contracted provider with TennCare Select and, where available, at least one other Managed Care Organization in the TennCare program. In order for a free standing psychiatric hospital to qualify for a payment, the hospital must be a contracted provider with one of the Behavioral Health Organizations. Payments made to essential providers pursuant to this item shall be made quarterly.

AND FURTHER AMEND By deleting the following language:

Item 21. To the Board of Probation and Parole the sum of \$222,900 for replacement of personal computer equipment. This appropriation shall be non-recurring.

and by substituting instead the language:

Item 21. To the Board of Probation and Parole from revenues and fees available to such board the sum of \$222,900 for replacement of personal computer equipment. This appropriation shall be non-recurring.

AND FURTHER AMEND By deleting the following language:

Item 28. To the Department of Finance and Administration the sum of \$20,600,000 to fund higher education capital outlay projects with reduced matching requirements. The matching requirements shall be: a) thirty percent (30%) for projects at the University of Tennessee-Knoxville, University of Memphis and Middle Tennessee State University; b) twenty percent (20%) for projects at other universities and associated programs; c) ten percent (10%) for community college projects; and d) two and one-half percent (2.5%) for technology center projects.

and by substituting instead the following language:

Item 28. To the Department of Finance and Administration the sum of \$7,100,000 to fund a portion of higher education capital outlay projects.

AND FURTHER AMEND By adding the following language to Section 10 as new items:

Item ___. From the funds appropriated to the department of transportation, there is earmarked a sum sufficient for the sole purpose of implementing senate bill 3400 / house bill 3508, senate bill 3150 / house bill 3098, senate bill 2063 / house bill 2140, senate bill 2072 / house bill 2267, senate bill 3153 / house bill 3128, senate bill 2065 / house bill 2959, house joint resolution 978, house joint resolution 1078, house joint resolution 1012, house joint resolution 1013 and house joint resolution 1225, if such bills and resolutions become law.

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the Tennessee wildlife resources agency for the sole purpose of implementing the provisions of senate bill 2167 / house bill 2672, relative to the Sundquist wildlife management area, if such bill becomes law.

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the health services development agency for the sole purpose of implementing the provisions of senate bill 2423 / house bill 3030, relative to membership of such agency, if such bill becomes law.

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the department of commerce and insurance for the sole purpose of implementing the provisions of senate bill 2429 / house bill 2519, relative to the Tennessee commission on firefighting, if such bill becomes law.

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the department of commerce and insurance for the sole purpose of implementing the provisions of senate

bill 3202 / house bill 2830, relative to state employed fire prevention and building officials, if such bill becomes law.

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the department of safety for the sole purpose of implementing the provisions of senate bill 3430 / house bill 3486, relative to the issuance of driver licenses, if such bill becomes law.

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the comptroller of the treasury for the sole purpose of implementing the provisions of senate bill 2351 / house bill 2352, relative to disabled veteran property tax relief, if such bill becomes law.

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the Tennessee board of regents for the sole purpose of implementing the provisions of senate bill 3297 / house bill 3319, relative to higher education accountability, if such bill becomes law.

AND FURTHER AMEND By deleting the following language:

Item 34. To the Department of Education, Improving School Programs the sum of \$2,463,200 for the Family Resource Centers program.

and by substituting instead the language:

Item 34. To the Department of Education, Improving School Programs the sum of \$2,263,200 for the Family Resource Centers program.

AND FURTHER AMEND By adding the following new items at the end of Section 10:

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the department of commerce and insurance for the sole purpose of implementing the provisions of senate bill 3252 / house bill 3252, relative to reporting malpractice, if such bill becomes law.

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the comptroller of the treasury for the sole purpose of implementing the provisions of senate bill 2664 / house

bill 3067, relative to a report concerning the use of alternative fuels, if such bill becomes law.

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the comptroller of the treasury for the sole purpose of implementing the provisions of house joint resolution 1047, relative to a special joint committee on local government modernization, if such bill becomes law.

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the department of health for the sole purpose of implementing the provisions of senate bill 2134 / house bill 2249, relative to licensure investigations, if such bill becomes law.

AND FURTHER AMEND By adding the following new items at the end of Section 10:

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the department of military, for the sole purpose of renaming the national guard armory located in Ripley, Lauderdale County, Tennessee as the "Phillip R. Miller / Major General Gus L Hargett, Jr. National Guard Armory".

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the department of corrections, for the sole purpose of formally naming the middle Tennessee correctional complex (a reception, classification and diagnostic center located at 7177 Cockrill Bend Boulevard in Davidson County) as the "Charles B. Bass Correctional Complex."

Item ___. From the funds otherwise appropriated by the provisions of this act to the Department of Transportation, there is earmarked the sum of \$100,000 for the sole purpose of funding the I-69 Highway Coalition.

AND FUTHER AMEND by adding the following language to Section 10 as new items:

Item ___. The appropriation of \$500,000 made to the department of finance and administration for purposes of funding performance budgeting is subject to submission

and approval of a plan by the officers of the senate and house finance, ways, and means committees.

Item _____. The appropriation made to the administrative office of the courts by the provisions of this act is reduced \$450,000. Such funding reduction is for the purpose of eliminating certain funding for indigent defense counsel in recognition of the Chapter 855 of the Public Acts of 2002.

Item _____. The appropriation made to the department of labor and workforce development in Section 1, Title III-31, Item 5 is reduced by the sum of \$260,000. Such funding reduction is for the purpose of eliminating state capital outlay funds for the career center.

Item _____. From the funds appropriated by the provisions of Section 1, Title III-21, Item 27, there is earmarked the sum of \$350,000 to be allocated to the general assembly for legislative systems.

Item _____. There is hereby appropriated to the department of correction the sum of \$515,800 from the 1985 sentencing act to be allocated for the sole purpose of funding the Turney Center operational improvements. Any funds otherwise appropriated by this act for such improvements are reduced accordingly.

Item _____. It is the legislative intent that the appropriation of \$500,000 for Teach Tennessee be non-recurring.

AND FURTHER AMEND By adding the following new items to the end of Section 10:

Item _____. From the funds appropriated by the provisions of Section 1, Title III-21, Item 14 and other provisions of this act for state employee classification compensation, there is earmarked a sum sufficient to be allocated to the general assembly for the sole purpose of compensation adjustments.

Item _____. Out of funds appropriated to the Tennessee higher education commission for reimbursement of state employees tuition free course reimbursements, under Tennessee Code Annotated, Section 8-50-114, there is appropriated a

proportionate amount to cover eligible expenses of the Tennessee Foreign Language Institute under the provisions of senate bill 3016 / house bill 2867.

Item _____. The appropriation made to the Tennessee Regulatory Authority by the provisions of this act is reduced by the sum of \$100,000. This sum is the proposed improvement to update the Do Not Call Registry.

Item 10. The incoming president of the University of Tennessee should review the existing revitalization plan for the University of Tennessee Space Institute, update the plan as appropriate, and submit the revised plan to the chairs of the Senate and House education committees on or before December 31, 2004. The multi-year plan should include goals, benchmarks, and timelines developed in consultation with the institution's many stakeholders.

AND FURTHER AMEND By deleting the word "instructional" from Section 11, Item 4, subsection (b).

AND FURTHER AMEND By deleting Section 11, Item 4, subsection (c) and by substituting instead the following:

(c)

(1) From the amounts herein appropriated to the department of education in Section 1, Title III-9, Item 2.1c, the basic education program, the sum of \$18,300,000 is for the purpose of providing a one-time, non-recurring bonus for all instructional positions within each local education agency for the fiscal year 2004-2005.

(2) In addition to any other funds appropriated in this act, there is hereby appropriated the sum of \$18,300,000 for the purpose of funding an additional one-time, non-recurring bonus for all instructional positions within each local education agency for the fiscal year 2004-2005.

(3) It is the legislative intent that each person eligible for such bonus receive an equal share. The commissioner of education shall develop a plan for distribution of such amount to achieve this intent, with such plan subject to

approval of the commissioner of finance and administration. Further, it is the intent that such bonuses be distributed to eligible persons on or about October 1, 2004. Amounts paid under this provision shall be considered earnable compensation for retirement purposes.

AND FUTHER AMEND by adding the following language to Section 12 as new items:

Item __. In addition to any other funds appropriated by the provisions of this act, there is appropriated \$1,377,500 (recurring) and \$84,000 (non-recurring) to the district public defenders conference for the sole purpose of establishing 18 additional full-time assistant public defender positions and 6 additional full-time support staff positions if senate bill 1352 / house bill 131 becomes law. The additional positions shall be allocated among the several judicial districts based upon need and other relevant factors. Such allocation shall be made by the executive director of the district public defenders conference after consultation with the comptroller of the treasury and the administrative director of the courts. The executive director shall report the final allocation of such positions by judicial district to the speakers of the senate and the house of representatives, the chairs of the senate and house judiciary committees and the office of legislative budget analysis on or before October 1, 2005.

Item __. In addition to any other funds appropriated by the provisions of this act, there is appropriated \$2,295,900 (recurring) and \$56,000 (non-recurring) to the district attorneys general conference for the sole purpose of establishing 30 additional full-time assistant district attorney positions and 10 additional full-time support staff positions if senate bill 2976 / house bill 3429 becomes law. It is the legislative intent that additional non-recurring costs in the amount of \$49,000 be funded from funds otherwise available to the district attorneys general conference. The additional positions shall be allocated among the several judicial districts based upon need and other relevant factors. Such allocation shall be made by the executive director of the district attorneys general conference after consultation with the comptroller of the treasury and the administrative director of the courts. The executive directors shall report the final allocation of such

positions by judicial district to the speakers of the senate and the house of representatives, the chairs of the senate and house judiciary committees and the office of legislative budget analysis on or before October 1, 2005.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$95,000 (non-recurring) to the department of health for the sole purpose of contracting, on a one-for-one matching basis, for health education services or programs for males with a nonprofit organization whose mission is health awareness for males, provided, however, that such a nonprofit organization has been established in Tennessee prior to January 1, 2004 and has received funding through the vitamin supplement settlement of June 2003 administered by the Tennessee Attorney General's office. The organization must have experience with general health outreach and education activities for males in Tennessee, including activities for the general population and the underserved living in Tennessee.

AND FURTHER AMEND By deleting the language:

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is hereby appropriated to the Department of Finance and Administration for distribution to the appropriate entities a sum sufficient to fund any bill on which the final fiscal note indicates that: (a) state revenues would be increased in an amount equal to or greater than state expenditures as a result of the enactment of such bill; or (b) the cost of implementation of the bill is minimal or not significant. It is the legislative intent that if funding is earmarked for implementation in such bills that the funds appropriated in this item be reduced accordingly. It is the legislative intent to recognize a revenue loss from bills that result in no expenditure increase but forego revenue which has not been collected previously.

and by substituting instead the following language:

AND FURTHER AMEND by adding the following new items at the end of Section

12:

Item __. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the department of finance and administration for distribution to the appropriate entities for the sole purpose of implementing senate bill 1686 / house bill 1065, senate bill 51 / house bill 1364, senate bill 555 / house bill 1387, senate bill 3057 / house bill 2543, senate bill 3019 / house bill 3453, senate bill 2689 / house bill 2859, senate bill 3209 / house bill 3458, senate bill 3189 / house bill 3301, senate bill 3438 / house bill 3471, senate bill 1907 / house bill 1972, senate bill 2810 / house bill 2652, senate bill 2419 / house bill 2796, senate bill 3428 / house bill 3483, senate bill 3326 / house bill 3400 , senate bill 2861 / house bill 3336, senate bill 214 / house bill 779, senate bill 1199 / house bill 1049, senate bill 2328 / house bill 3169, senate bill 3364 / house bill 3403, senate bill 3358 / house bill 3377, senate bill 2383 / house bill 2269, senate bill 2842 / house bill 3449, senate bill 2458 / house bill 3450, senate bill 784 / house bill 1275, senate bill 2916 / house bill 2757, senate bill 1368 / house bill 1302, senate bill 3148 / house bill 3291, senate bill 3078 / house bill 3390, senate bill 3094 / house bill 3017, senate bill 532 / house bill 1090, senate bill 3277 / house bill 3189, senate bill 2885 / house bill 2883, senate bill 827 / house bill 1202, senate bill 3342 / house bill 2931, senate bill 1333 / house bill 953, senate bill 3137 / house bill 3079, senate bill 2134 / house bill 2249, senate bill 2505 / house bill 3005, senate bill 3093 / house bill 2831, house joint resolution 773, house joint resolution 792, house joint resolution 740, house joint resolution 990, house joint resolution 1009, house joint resolution 953, house resolution 442, senate joint resolution 800 and senate joint resolution 71, if such bills and resolutions become law. It is the legislative intent that if funding is earmarked for such implementation in such bills that the funds appropriated in this item be reduced accordingly.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is hereby appropriated to the department of finance and administration for distribution to the appropriate entities a sum sufficient to fund any bill on which the fiscal note indicates that the cost of implementation of the bill is minimal or not significant. It is the legislative intent that if funding is earmarked for implementation in such bills that the funds appropriated in this item be reduced accordingly. It is the legislative intent to recognize a revenue loss from bills that result in no expenditure increase but forego revenue which has not been collected previously.

Item _____. In addition to any other funds appropriated by the provisions of this act, if the fiscal note on any bill states that state revenues would be increased in an amount equal to or greater than state expenditures as a result of the enactment of such bill, then there is appropriated a sum sufficient from such increased revenue to the appropriate entity, as determined by the commissioner of finance and administration, to implement such bill.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the department of finance and administration for distribution to the appropriate entities a sum sufficient to fund any bill or resolution in which the commissioner of finance and administration provided a letter to the general assembly stating that the provisions of such bill or resolution would be funded in this act if such bills or resolutions become law. Such bills are senate bill 3294 / house bill 3415, senate bill 3393 / house bill 3503, senate bill 3455 / house bill 3539, and senate bill 3461 / house bill 3532.

AND FURTHER AMEND By adding the following new item at the end of Section 12:

Item _____. To the extent that Senate Bill 962 / House Bill 235 relative to the sales and use taxation of automobile lease salvage transactions results in a revenue loss exceeding \$100,000, there is hereby appropriated a sum sufficient for its implementation, if such bill becomes a law.

AND FURTHER AMEND By adding the following new item at the end of Section 12:

Item ___. There is hereby appropriated to the state funding board a sum sufficient to pay debt service on bonds authorized by SB 429 / HB 1310, if such bill becomes law.

AND FURTHER AMEND By adding the following new item at the end of Section 12:

Item ___. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$9,200,000 for the sole purpose of restoring the reductions made to higher education institutions. It is the intent of the general assembly that \$2,800,000 be recurring and \$6,400,000 be non-recurring. It is the intent of the general assembly that the restoration be made in a manner that offsets the reductions made to each individual institution. This appropriation shall take effect July 1, 2004, the public welfare requiring it.

AND FURTHER AMEND by deleting Section 23, Item 2.

AND FURTHER AMEND By adding the following sentence to the end of Section 41, Item 34, subsection (b):

The commissioner shall file any such reallocations or adjustments with the fiscal review committee and the office of legislative budget analysis.

AND FURTHER AMEND By deleting the following language:

AND FURTHER AMEND by deleting in its entirety Section 41, Item 35 of the printed bill and substituting a new item to read:

Item 35. From the appropriations in Public Acts of 2003, Chapter 356, and in Sections 1 and 4 of this act, sums sufficient are appropriated for state agencies to pay the professional privilege tax levied in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, on behalf of full-time state employees who are subject to the tax; and who use the certification in their job duties. The payment is subject to approval by the department or agency head. This item is subject to authorization of such payments in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, as amended by Senate Bill 3418/House Bill 3480, if such bill becomes law.

and by substituting instead the language:

AND FURTHER AMEND by deleting Section 41, Item 35 and by substituting instead the following language:

Item 35. From the appropriations in Public Acts of 2003, Chapter 356, and in Sections 1 and 4 of this act, sums sufficient are appropriated for state agencies to pay the professional privilege tax levied in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, on behalf of full-time state employees who are subject to the tax; and who use the certification in their job duties. The payment is subject to approval by the department or agency head in accordance with the provisions of Tennessee Code Annotated, Title 67, Chapter 4, Part 17, and any amendments to such part made by Senate Bill 3418/House Bill 3480, if such bill becomes law.

AND FURTHER AMEND By deleting Section 43, Item 11 and by substituting instead the following:

Item 11. From the appropriation made in Section 1, Title III-25, TennCare Program, the sum of \$1,000,000 is intended to provide funding for fraud and abuse investigations in the TennCare program, prosecutions resulting therefrom and to fund assistance in this effort from the district attorney general's conference and the district public defenders conference. The Commissioner of Finance and Administration is authorized to make appropriation transfers, establish positions and adjust departmental revenue estimates to implement the activity. Prior to any adjustments in accordance with this item, the commissioner of finance and administration shall report to the chairs of the senate and house finance, ways and means committees and to the office of legislative budget analysis the amount of any appropriation transfer, departmental revenue adjustments and positions to be established by judicial district.

AND FURTHER AMEND By deleting the language "and as well as other applicable provisions of this act" from Section 49, Item 1.

AND FURTHER AMEND By deleting Section 49, Items 3 and 4 and by substituting instead the following language:

Item 3.

(a) It is the legislative intent that the survey portion of the commissioned officer pay plan in the department of safety as referenced in Tennessee Code Annotated, Section 4-7-205, shall be implemented at 100% of the value of the current survey effective July 1, 2004.

(b) It is the legislative intent that the survey portion of the Tennessee wildlife resources agency pay plan shall be implemented at 100% of the value of the current survey effective July 1, 2004.

(c) In addition to any other funds appropriated in this act, there is appropriated the sum of \$1,400,000 for the purpose of fully funding the provisions of this item.

AND FURTHER AMEND By deleting Section 49, Item 6 and by substituting instead the following language:

Item 6.

(a) The appropriation of \$24,400,000 made in Section 1, Title III-21 for Salary Bonus is made for the purpose of funding a one-time salary bonus to state employees and employees of higher education institutions.

(b) In addition to any other funds appropriated in this act, there is hereby appropriated the sum of \$24,400,000 for the purpose of funding an additional one-time salary bonus to state employees and employees of higher education institutions.

(c) It is the legislative intent that such bonus funds shall be paid to state employees on or about October 1, 2004, and shall be based upon, insofar as possible, an amount equal to \$70.00 per year of service; provided no total bonus shall be less than \$210 or more than \$1,750. It is further the legislative intent that employee bonuses for employees of higher education be distributed in a

similar manner. Amounts paid under this item shall be included as earnable compensation for retirement purposes.

AND FURTHER AMEND by inserting at the end of Section 49, Item 7 the following language:

It is the legislative intent that salary increases pursuant to this item shall be across-the-board to all higher education employees in an equal amount or percentage increase. Prior to the distribution of these funds the executive director of the Tennessee higher education commission, the president of the university of Tennessee system and the chancellor of the board of regents shall submit to the speaker of the senate, the speaker of the house of representatives, the chairs of finance, ways and means committees of the senate and house of representatives and the office of legislative budget analysis a plan for eligibility and distribution of these funds.

AND FURTHER AMEND By adding the following language as a new item to Section 49:

Item ___. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$24,400,000 to provide an additional one percent (1%) across-the-board salary increase effective July 1, 2004 for each state employee and employees of higher education institutions and to adjust the appropriate salary ranges in a like manner. The salary increase is not applicable to employees in positions which come under the provisions of a statutorily mandated pay plan; provided, however, employees who come under the provision of a statutorily mandated pay plan shall be paid in accordance with the provision of such statutory plan.

AND FURTHER AMEND By deleting the language:

AND FURTHER AMEND by deleting in its entirety Section 55 of the printed bill and substituting in lieu thereof the following:

SECTION 55. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. From the lottery for education account, the after-school programs special account, and other accounts and sub-accounts established pursuant to the Tennessee Education Lottery Implementation Law, Public Acts of 2003, Chapter 297, sums sufficient hereby

are appropriated for the higher education scholarship programs and other education programs authorized by that law; by Public Acts of 2003, Chapter 298, the lottery-funded education programs law; and by Senate Bill 3158 / House Bill 3210, relative to lottery-funded after-school educational programs, if that bill becomes a law. The appropriations from these sources for pre-kindergarten and early childhood education programs shall not exceed eight million (\$8,000,000) and for after-school programs shall not exceed two million dollars (\$2,000,000); provided that in both cases the appropriation is contingent upon the availability of funds in the proper account and upon the availability of excess funds from net lottery proceeds, after the funding of higher education scholarships.

and by substituting instead the language:

AND FURTHER AMEND By deleting Section 55 and by substituting instead the following:

SECTION 55. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. From the lottery for education account, the after-school programs special account, and other accounts and sub-accounts established pursuant to the Tennessee Education Lottery Implementation Law, Public Acts of 2003, Chapter 297, sums sufficient hereby are appropriated for the higher education scholarship programs and other education programs authorized by that law; by Public Acts of 2003, Chapter 298, the lottery-funded education programs law; and by Senate Bill 2616 / House Bill 2687, Senate Bill 2449 / House Bill 2861 and Senate Bill 2114 / House Bill 2134, relative to lottery scholarships, if such bills become law; and by Senate Bill 3158 / House Bill 3210, relative to lottery-funded after-school educational programs, if that bill becomes a law. The appropriations from these sources for pre-kindergarten and early childhood education programs shall not exceed eight million dollars (\$8,000,000) and for after-school programs shall not exceed two million dollars (\$2,000,000); provided that in both cases the appropriation is

contingent upon the availability of funds in the proper account and upon the availability of excess funds from net lottery proceeds, after the funding of higher education scholarships. The availability of excess funds shall be determined by the commissioner of finance and administration prior to the distribution of any excess funds. A copy of such determination shall be filed with the chairs of the select committee on the Tennessee education lottery corporation and the office of legislative budget analysis.

AND FURTHER AMEND By adding a new section to be appropriately numbered as follows:

Item __. The commissioner of the department of correction and the chair of the board of probation and parole in conjunction with the comptroller of the treasury and the office of legislative budget analysis are requested to examine release eligibility dates associated with state prisoners housed in local jails and the fiscal impact thereof on state government spending. The results of such examinations, and suggested recommendations, shall be reported to the chair of the corrections oversight committee and the chairs of the senate and house finance, ways and means committees by January 15, 2005.

AND FURTHER AMEND By deleting the following language:

Item 9. To the Department of Military, Disaster Relief Grants the sum of \$1,800,000. There is further appropriated the sum of \$5,000,000 for the program in the fiscal year beginning July 1, 2004.

and by substituting instead the following language:

Item 9. (a) To the Department of Military, Disaster Relief Grants the sum of \$1,800,000.

(b) There is further appropriated a sum not to exceed \$5,000,000 for the program in the fiscal year beginning July 1, 2004. This appropriation shall be non-recurring and is subject to the availability of funds in the fiscal year ending June 30, 2004, it being the legislative intent to fund this item from excess funds available in the fiscal year ending June 30, 2004.

AND FURTHER AMEND By deleting the following language:

Item 29. To Miscellaneous Appropriations the sum of \$11,700,000 to fund information system development projects. This appropriation shall be non-recurring. and by substituting instead the following language:

Item 29. To Miscellaneous Appropriations a sum not to exceed \$11,700,000 to fund information system development projects. This appropriation shall be non-recurring and is subject to the availability of funds in the fiscal year ending June 30, 2004, it being the legislative intent to fund this item from excess funds available in the fiscal year ending June 30, 2004. The appropriation made in this item shall take effect upon becoming a law, the public welfare requiring it.

AND FURTHER AMEND By designating the existing language of Section 43, Item 2 as sub item (a) and by adding the following language to such item as a new sub item (b):

(b) In addition to the authority granted in sub item (a), the commissioner is directed to reserve or designate the sum of \$44,284,500 from general fund balances at June 30, 2004 and carryforward such amount into FY 2004-05 for purposes of funding additional non-recurring appropriations.

AND FURTHER AMEND By adding the following new item at the end of Section 12:

Item __. The Tennessee higher education commission is directed to review and report to the governor, speaker of the senate and speaker of the house of representatives on private fundraising capabilities, potential and effort of Tennessee's institutions of public higher education. Such review shall include matters deemed relevant including, but not limited to, comparisons of the results of such activities between Tennessee public institutions and comparisons of Tennessee institutions to peer institutions to peer institutions in other states. The review shall specifically examine how private fundraising could be used to support both capital and program improvements, with a focus on improving those academic programs that define the unique qualities of each institution. The review shall include a systematic effort to assess both individual and business needs in their communities for which there might be

support beyond that for scholarships. The review shall prepare examples of fundraising plans for each type of institution of higher education. All agencies of state government and higher education shall provide assistance in performance of such review. It is the legislative intent that the report required by this item shall be filed no later than December 15, 2004.

AND FURTHER AMEND by adding the following language at the end of Section 47, Item 1:

Provided, it is the legislative intent that the revenue fluctuation reserve be set at a level of not less than \$217,000,000 on June 30, 2004.