

Amendment No. 9 to SB3919

McNally
Signature of Sponsor

AMEND Senate Bill No. 3919

House Bill No. 3928*

by deleting Title III-31 in Section 1 in its entirety and by substituting instead the following:

31. State Funding Board

There is hereby appropriated to the State Funding Board for interest and reduction of the state debt, for debt service expense and interest on proposed bond authorization:

	<u>2010-2011</u>
1. Interest on State Debt.....	\$ 55,813,000.00
2. Retirement of Bonds.....	101,940,000.00
3. Debt Service Expense	1,000,000.00
4. Amortization of Authorized and Unissued Construction Bonds	87,500,000.00
5. Amortization of Authorized and Unissued Highway Bonds.....	122,600,000.00
6. Amortization of Bonds Issued – December 2009	19,900,000.00
Total Title III-31	\$ 388,753,000.00

The appropriation made under Section 1, Title III-31, Items 1, 2, 3, 4, 5, and 6, is made under the provisions of Tennessee Code Annotated, Title 9, Chapter 9, and may be increased to such amounts as will be necessary to carry out such provisions.

AND FURTHER AMEND by deleting the following language from Title III-32 in Section 1:

Sub-Total	\$123,100,000.00
10. Department of Safety - Systems Development Projects ..	\$ 42,300,000.00
Total Title III-32	\$165,400,000.00

and by substituting instead the following:

Total Title III-32	\$123,100,000.00
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AND FURTHER AMEND by deleting Item 3 from SECTION 35 and by substituting instead the following:

Item 3. To the Treasury Department in Section 1, Title III-1, Item 7.3, for the Baccalaureate Education System Trust Fund (Tennessee Code Annotated, Title 49, Chapter 7, Part 8), to eliminate the current unfunded liability of the Baccalaureate Education System Trust prepaid plan. The Commissioner of Finance and Administration is authorized to transfer the appropriation from the general fund to the Baccalaureate Education System Trust Fund. Notwithstanding this act or any other law to the contrary, the Board of Trustees of the Baccalaureate Education System Trust is hereby authorized to allocate a sum not to exceed \$250,000 from the appropriations made in Section 1, Title III-1, Item 7.3 for the purpose of implementing Public Chapter No. 884 of the Public Acts of 2010.

AND FURTHER AMEND by deleting Item 1 from Section 58 in its entirety and by substituting instead the following:

Item 1. Pursuant to Chapter 531, Public Acts of 2009, and Senate Bill 3880 / House Bill 3796, if such bill becomes a law, it is the legislative intent to reallocate to the education fund and general fund portions of certain dedicated revenues in the fiscal year 2010-2011. The dedicated revenues and the amounts reallocated to the education fund and general fund are:

Education Fund	
a) Tobacco Taxes – Agricultural Enhancement Program	\$ 11,000,000
General Fund	
b) Environment and Conservation – Environmental Assurance Fee (Underground Storage Tanks)	\$ 3,000,000
c) Environment and Conservation – Solid Waste 90¢ Tipping Fee	2,600,000
Sub-Total General Fund	\$ 5,600,000
TOTAL	\$ 16,600,000

AND FURTHER AMEND by deleting Items 1, 2, 3 and 5 in Section 59 in their entirety.

AND FURTHER AMEND by deleting Section 60 of the bill in its entirety.

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

Item __.

(a) From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of implementing Senate Joint Resolution 764 and House Joint Resolution 955, if such resolutions become law.

(b) From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of funding any general bill or resolution, that becomes law, designating an interstate, United States highway or state highway as a memorial highway or bridge located on such highway as a memorial bridge for certain individuals killed in the line of duty, pursuant to § 54-1-133 or § 54-5-1003, that is not otherwise funded in this act.

Item __. From the funds appropriated to the Administrative Office of the Courts, there is earmarked a sum sufficient for the sole purpose of conducting a study of the rising costs of indigent defense in the state and to develop a plan to reduce such costs. Such study shall examine, at a minimum, eligibility requirements, fee rates including sliding scale options, limits, verification processes, and utilization by judicial districts. The District Attorneys General Conference, District Public Defenders Conference, Post-Conviction Defenders Conference, Attorney General's Office, members of the Judiciary Committees of the Senate and House of Representatives, and any other participant in the criminal justice system as requested by the Administrative Office of the Courts shall participate in such study. The Judicial Council may participate in such study as directed by the Administrative Office of the Courts. The Administrative Office of the Courts shall report its findings, including any recommended legislation, to the General Assembly no later than January 15, 2011.

Item _____. From the appropriations made to the Tennessee Department of Treasury by this act, there is earmarked a sum sufficient for any expenses incurred by the state treasurer in conducting a study of the receipt and deposit of funds, checks or other instruments of payment that are received by state agencies, bureaus or other instrumentalities (except the University of Tennessee and the Tennessee Board of Regents) to determine if the implementation of technologies such as electronic receipt of payments, the use of echeck, check scanning or other technologies would increase efficiencies for the state, reduce costs or improve earnings on the state treasury. Any such findings and recommendations shall be reported to the state funding board. It is the legislative intent that all state agencies, bureaus and instrumentalities cooperate with the Treasury Department in furnishing requested information necessary for the preparation of such study.

Item _____. From the funds appropriated by this act, the State Funding Board is directed to conduct a study of the budgeted contingency costs of capital outlay projects compared to the actual costs of such capital outlay projects to increase efficiency in state government. Such study shall examine the methodologies and reporting requirements of entities completing such capital outlay projects and the use of such contingency funds to develop best practices for managing the public debt of the state. It is the legislative intent that all entities eligible to receive state bond proceeds participate in such study by providing timely information and other services as requested by the State Funding Board.

Item _____. From the funds appropriated to the Department of Children's Services, there is earmarked \$77,700 for the sole purpose of restoring the position of chaplain at Wilder Youth Development Center, Fayette County.

Item _____. From the funds appropriated to the Department of Mental Health and Developmental Disabilities, there is earmarked \$65,300 for the sole purpose of restoring the position of chaplain at Western Mental Health Institute, Hardeman County.

AND FURTHER AMEND by adding the following new items to 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 \$18,000,000 (non-recurring) to the Department of Correction, for the sole purpose of maintaining operations at the Whiteville Correctional Facility for a six-month period beginning January 1, 2011, and continuing until June 30, 2011, or for such other six-month or longer period as negotiated by the department.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the Department of Finance and Administration, Division of Intellectual Disabilities Services, the sum of \$4,019,100 (non-recurring) to be matched with any and all available federal funds for the sole purpose of continued operation of the Greene Valley Developmental Center.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$192,300 (non-recurring) to the legislative department for hardware, software and associated supplies and training for purposes of constitutionally-mandated decennial redistricting.

Item _____. It is hereby recognized that the provisions of Senate Bill 231 / House Bill 228, or, alternatively, the provisions of Senate Bill 3901 / House Bill 3787, concerning refunds of state and local sales taxes on the retail sale of certain items of tangible personal property when sold to a natural person who has received disaster assistance through FEMA, will result in a revenue loss exceeding \$19,950,000, if either bill containing such provisions becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$9,200 (non-recurring) for the sole purpose of implementing Senate Bill 2789 / House Bill 3499, relative to certified cardiopulmonary resuscitation (CPR) instructor positions, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated \$1,000 and earmarked the sum of \$114,300 for the sole

purpose of implementing Senate Bill 2725 / House Bill 2789, relative to juvenile sexual offenders, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,000 (non-recurring) for the sole purpose of implementing Senate Bill 2724 / House Bill 2788, relative to the sexual offender registry, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is earmarked an amount not to exceed \$10,580, for the sole purpose of implementing Senate Bill 2407 / House Bill 2474, relative to live video streaming of board meetings, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$9,100 for the sole purpose of implementing Senate Bill 2623 / House Bill 2520, relative to residential homes for the aged in Campbell and Union Counties, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 966 / House Bill 1333, relative to the offense of vehicular homicide, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$7,200 (non-recurring) for the sole purpose of implementing Senate Bill 2658 / House Bill 3227, relative to detection of contraband by dog detection teams, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient from dedicated revenue generated by Senate Bill 3591 / House Bill 3163 for the sole purpose of implementing Senate Bill 3591 / House Bill 3163, relative to workers' compensation, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$3,200 for the sole purpose of implementing Senate

Bill 3551 / House Bill 3634, relative to adding members to the Advisory Committee to the Office of Open Records Counsel, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 3549 / House Bill 3351, relative to projected financial impact of rules and regulations, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient for the sole purpose of implementing Chapter 826 of the Public Acts of 2010, relative to requiring certain state employees to be present while supervising.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$175,000 (non-recurring) to the Department of Health for the sole purpose of making a grant in such amount to St. Jude Hospital in Memphis, to defray, in whole or in part, the expenses of patients and their families who are citizens and residents of Tennessee in traveling to and from St. Jude Hospital. Such payments shall be administered by the hospital and shall be made on the basis of need. Such patients, or their families, requesting assistance from these funds shall supply such documents supporting need and travel expenses as the hospital may require.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$29,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to A Secret Safe Place for Newborns of Tennessee, Inc., to be used for operational and educational expenses to promote the Safe Haven Law.

Item _____. It is hereby recognized that Senate Bill 2835 / House Bill 3216 will result in forgone revenue exceeding \$1,000,000, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$200 (non-recurring) for the sole purpose of

implementing Senate Bill 3097 / House Bill 3176, relative to naming the Taft Youth Development Center as the "Larry Lively HoPE Center", if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$114,600 for the sole purpose of implementing Senate Bill 1653 / House Bill 1304, relative to child abuse offenses ineligible for judicial diversion, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$176,400 for the sole purpose of implementing Senate Bill 3354 / House Bill 2645, relative to the costs of licensing tests for adult students, if such bill becomes a law.

RAINY DAY FUND

AND FURTHER AMEND by deleting Section 47 in its entirety and by substituting instead the following language:

SECTION 47. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it.

Item 1. From state revenues and other funds available to the general fund in excess of requirements for the fiscal year ending June 30, 2010, the Commissioner of Finance and Administration shall establish the Revenue Fluctuation Reserve in such amount as may be available under the provisions of Tennessee Code Annotated, Section 9-4-211. Provided, it is the legislative intent that the Revenue Fluctuation Reserve be set at a level of not less than \$328,100,000 on June 30, 2010, after the use of an amount estimated to be \$25,000,000 for additional closing requirements in the fiscal year ending June 30, 2010. It is further the legislative intent that an amount not to exceed \$100,000,000 be reserved at June 30, 2010, for flood relief in the fiscal year beginning July 1, 2010.

Item 2. From state revenues and other funds available to the general fund in excess of requirements for the fiscal year ending June 30, 2011, the Commissioner of Finance and Administration shall establish the Revenue Fluctuation Reserve in such amount as may be available under the provisions of Tennessee Code Annotated, Section 9-4-211. Provided, it is the legislative intent that the Revenue Fluctuation Reserve be set at a level of not less than \$188,900,000 on June 30, 2011.

SALARY STEP RAISES

AND FURTHER AMEND by deleting SECTION 49, Item 2, in its entirety and by substituting instead the following:

Item 2. In addition to any other funds appropriated by the provisions of this act, there is appropriated from the general fund the sum of \$1,897,400 and from dedicated funds the sum of \$545,000 for the sole purpose of funding the statutory salary step raises in the 2010-2011 fiscal year for the following officials and commissioned officers: a) assistant district attorneys general and criminal investigators; b) assistant public defenders and investigators; c) assistant post-conviction defenders; d) commissioned officers in the Department of Safety and the Tennessee Law Enforcement Training Academy; and e) wildlife officers, biologists and unique positions of the Tennessee Wildlife Resources Agency. The Commissioner of Finance and Administration is authorized to allocate this appropriation to the appropriate organizational units and to adjust dedicated appropriations and other departmental revenue accordingly.

AND FURTHER AMEND by deleting the following language in its entirety from the bill as amended:

REAL ESTATE TRANSFER TAX

and in Section 7 of the printed bill by adding the following new item:

Item _____. From the appropriations in Section 1 of this act, there hereby is appropriated \$17,000,000 from the real estate transfer tax, to be allocated to the following programs, as authorized by Tennessee Code Annotated, Section 67-4-409:

- (a) Agricultural Resources Conservation Fund \$ 3,187,500
- (b) Local Parks Acquisition Fund..... 3,718,700
- (c) State Lands Acquisition Fund 3,187,500

of which \$75,000 shall be allotted for payments in lieu of taxes; and

- (d) 1986 Wetlands Acquisition Fund..... 6,906,300

of which \$400,000 shall be allotted for payments in lieu of taxes.

and by substituting instead the following language:

REAL ESTATE TRANSFER TAX

and in Section 7 of the printed bill by adding the following new item:

Item _____.

(a) From the appropriations in Section 1 of this act, there hereby is appropriated \$8,325,000 from the real estate transfer tax, to be allocated to the following programs, as authorized by Tennessee Code Annotated, Section 67-4-409:

- (1) Agricultural Resources Conservation Fund \$ 2,250,000
- (2) Local Parks Acquisition Fund..... 0
- (3) State Lands Acquisition Fund 75,000

of which the entirety of such amount shall be allotted for payments in lieu of taxes; and

- (4) 1986 Wetlands Acquisition Fund..... 6,000,000

of which \$400,000 shall be allotted for payments in lieu of taxes.

(b) From the appropriations in Section 1 of this act, there is appropriated from the general fund the sum of \$8,675,000 (non-recurring) to the following funds:

- (1) Agricultural Resources Conservation Fund \$ 937,500
- (2) Local Parks Acquisition Fund..... 3,718,700
- (3) State Lands Acquisition Fund 3,112,500

and

(4) 1986 Wetland Acquisition Fund 906,300.

AND FURTHER AMEND in Section 29, Item 21, as amended by deleting the following language in its entirety:

The East Tennessee State University project, Downtown Clinic, listed on page A-138 of the 2009-2010 Budget Document in the amount of \$2,000,000 and amended per Section 29, Item 18 of Chapter 554, Public Acts of 2009 is to be canceled.”

and by substituting instead the following language:

The East Tennessee State University project, Downtown Clinic, listed on page A-138 of the 2009-2010 Budget Document in the amount of \$2,000,000 and amended per Section 29, Item 18 of Chapter 554, Public Acts of 2009 is to be canceled.

AND FURTHER AMEND in Section 67, Item 1(iv), by deleting the language "in Section 66, Items 7 and 8" and by substituting instead the language "in Section 66, Items 8 and 9".

"THE MED" FUNDING

By deleting Item 1 in its entirety from Section 67 as amended and by substituting instead the following language:

Item 1. For a grant to the Regional Medical Center at Memphis, a sum not to exceed \$20,000,000 (non-recurring) if no federal aid is available to match a county contribution. It is the legislative intent that, prior to receiving any funds appropriated in this Item, the Regional Medical Center at Memphis provides a written plan to the Commissioner of Finance and Administration and the Comptroller of the Treasury detailing the manner in which such funds are to be used and a plan to become self-sustaining.

AND FURTHER AMEND in Section 41 as amended by deleting the following language in its entirety:

Item _____. In the fiscal year ending June 30, 2010, any unexpended balances of appropriations made to the Department of Health for Diabetes Prevention and Health Improvement are hereby reappropriated to be expended in the 2010-2011 fiscal year and such appropriations shall be carried forward in a reserve into the fiscal year beginning July 1, 2010.

AND FURTHER AMEND by deleting SECTION 71 in its entirety from the bill as amended and by substituting instead the following language:

CONTINGENCY APPROPRIATIONS

SECTION 71.

(a) The provisions of this section are contingent upon determination by the Commissioner of Finance and Administration that a 2010 or 2011 U.S. public law, rule, or policy provides additional federal aid to the state through continuation of an enhanced federal medical assistance percentage (FMAP) in the Medicaid program. Before establishing the appropriations made in this section, the commissioner in writing shall notify the Speakers of the Senate and House of Representatives and the chairmen of the Finance, Ways and Means committees of the Senate and House of Representatives, the director of the Office of Legislative Budget Analysis, and the executive director of the Fiscal Review Committee.

(b)

(1) Contingent upon the availability of such federal aid revenue, the Commissioner of Finance and Administration is authorized to reduce the TennCare appropriation made in Section 1 of this act, to increase the estimate of federal aid to the TennCare program made in Section 4 of this act, to establish the following non-recurring appropriations, to allocate the appropriations to the appropriate organizational units and agencies, and to adjust federal aid and other departmental revenues accordingly:

Item 1. The appropriation to the TennCare program in Section 1, Title III-26, of this act is reduced by \$341,600,000 (non-recurring) or, alternatively, is reduced by such lower amount of such federal aid revenue as may be actually provided to the State of Tennessee, and in addition to the appropriation of federal aid to the TennCare program in Section 4, Title III-25, there is appropriated the sum of \$341,600,000 (non-recurring) or, alternatively, there is appropriated a sum equal to such lower amount of such federal aid revenue as may be actually provided to the State of Tennessee, from federal aid revenue.

Item 2. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the Department of Finance and Administration, Division of Intellectual Disabilities Services a sum sufficient, estimated to be \$5,500,000 (non-recurring), to be matched with any and all available federal funds for an anticipated total amount of \$16,200,000 (non-recurring) for the sole purpose of maintaining residential rates paid to providers for levels of need categories one through four at not less than the rates provided in fiscal year 2009-2010. It is the legislative intent that such levels be maintained during fiscal year 2010-2011.

Item 3. In addition to any other funds appropriated by the provisions of this act, there is hereby appropriated to the Department of Mental Health and Developmental Disabilities the sum of \$1,500,000 (non-recurring) to be expended as follows:

(A) \$ 1,000,000 to fund crisis response services and Crisis Stabilization Units for increasing numbers of uninsured persons experiencing psychiatric emergencies in Tennessee; and

(B) \$ 500,000 for the Behavioral Health Safety Net of Tennessee to fund basic services for increasing numbers of seriously and persistently mentally ill being enrolled.

Item 4. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,900,000 (non-recurring) to the Department of Mental Health and Developmental Disabilities for the sole purpose of making grants from such amount to private hospitals receiving funding prior to November 2008 for inpatient psychiatric treatment of uninsured committed patients, to be used for continued funding of such inpatient psychiatric treatment of uninsured committed patients.

Item 5. To the TennCare program for grants to critical access hospitals the sum of \$10,000,000 (non-recurring) to address un-reimbursed costs of services provided. It is the legislative intent that such grants be made as soon as practicable after July 1, 2010, and shall be allocated pro rata based upon the ratio of uncompensated care to total facility revenue for each critical access hospital as reported in the most recent joint annual report available prior to such distribution of such grants.

Item 6. To the Department of Economic and Community Development:

(A) For the small-business job opportunities fund and a grant to Southeast Community Capital Corporation the sum of \$10,000,000 (non-recurring) is appropriated to match approximately \$10 million to \$15 million from banks.

(B) For economic development projects, to the Fast Track Infrastructure Development and Job Training Assistance Program and related economic development programs, the sum of \$51,000,000 (non-recurring) is appropriated. Notwithstanding other provisions of this section to the contrary, if the continuation of the enhanced federal medical assistance percentage (FMAP) is not available in the Medicaid program, there hereby is appropriated the sum of \$31,000,000 (non-recurring) for economic development, and in this event, the reserve for

revenue fluctuations at June 30, 2011, as designated in Section 47, Item 2, is decreased by \$31,000,000.

Item 7. Community College Special Capital Outlay Appropriation. The General Assembly recognizes that the Complete College Tennessee Act of 2010 (Public Chapter 3 of the Extraordinary Session of 2010) encourages increasing numbers of Tennesseans to access public higher education, particularly through the community college system. Further, the General Assembly recognizes that the capacity to serve increasing numbers of Tennesseans through the existing community college system is constrained at certain campuses. It is the intent of this item to address the most compelling of these capacity constraints through a targeted capital outlay program. There is hereby appropriated the sum of \$54,118,300 (non-recurring) for purposes of implementing a capital outlay program to increase the capacity of Tennessee community colleges to serve Tennesseans. The board of regents is directed to develop a targeted capital outlay program that identifies, prioritizes, and funds projects that (1) build additional instructional capacity in areas that are experiencing sustained high enrollment growth; (2) build additional instructional capacity in locations where current instructional capacity has been stressed or exhausted; (3) provide for construction of academic classrooms, class labs, and other facilities needed to support academic instruction; (4) promote innovation by use of technology-based delivery systems to provide instruction to students who do not have easy access to on-ground instruction; and (5) leverage financial contributions from non-state sources to fund a substantial portion of the project cost, and such contributions from non-state sources hereby are appropriated for the capital outlay projects. Preference shall be given to projects that are on the priority list approved by the board of regents or the existing capital outlay priority list approved by the Tennessee higher education commission that meet such criteria.

The capital outlay program developed and approved by the board of regents pursuant to this item shall be subject to the approval of the Tennessee higher education commission and the state building commission. Consideration of this program by the Tennessee higher education commission shall be limited to whether the program addresses the criteria stated above.

Item 8.

(A) There is hereby appropriated a sum sufficient (non-recurring), not to exceed \$500,000, to the Ad Hoc Task Force on Human Resources for the sole purpose of developing and proposing comprehensive, reduction-in-force contingency plans for the executive branch and the legislative branch of state government and, upon the request of the Supreme Court, for the judicial branch of state government. The Ad Hoc Task Force shall consist of the Comptroller of the Treasury, the State Treasurer, the Secretary of State, the Commissioner of Finance and Administration, and the Commissioner of Human Resources. The Comptroller of the Treasury and the Commissioner of Human Resources shall serve as co-chairs. Within the limits of funding provided by this subsection, the Task Force may contract with private consultants for technical advice and assistance. Each contingency plan shall include policies and procedures to govern the selection of positions for elimination and shall recommend reorganization of affected departments, agencies, entities and programs as may be needed to fully achieve the annualized savings proposed by the plan. Each contingency plan shall also identify any provision of general law that would require suspension, amendment or repeal in order to implement the plan. At least one or more of the contingency plans for each branch of state government may include incentive-based separation packages for employees who voluntarily separate from service; and at least one or more of the

contingency plans for each branch of state government may include benefit packages for employees who are involuntarily separated from service. The incentives or benefits offered may include, but shall not be limited to, one or more of the following:

(i) A base payment plus an amount based on years of service and capped at an amount, to be determined by the Task Force;

(ii) Extended health insurance benefits for a period of months to be determined by the Task Force, or a cash option to buy into COBRA health coverage, or a cash option equivalent to the extended health insurance benefit; and

(iii) College tuition assistance for a term, to be determined, and to be capped at the average of the highest four-year public Tennessee college undergraduate level; provided, however, that such assistance shall only be provided for periods of actual attendance within a period of time to be determined by the Task Force.

The Task Force shall endeavor to finalize and propose the comprehensive, reduction-in-force contingency plans on or before January 17, 2011. The plans shall be delivered to the Governor, the Speaker of the Senate and the Speaker of the House of Representatives and, if requested, to the Chief Justice. As circumstances dictate, the respective branches may, consistent with general law and within the limits of funding available pursuant to subdivision (B) or otherwise, implement one or more of the proposed reduction-in-force contingency plans.

(B) In addition to all other appropriations made by the provisions of this act, there is hereby appropriated to Miscellaneous Appropriations the sum of \$49,500,000 (non-recurring) for the sole purpose of defraying

the cost of any employee incentives or benefits offered under any such reduction-in-force contingency plan proposed and implemented on or before June 1, 2011. The Commissioner of Finance and Administration is authorized on or after January 17, 2011, to allocate such appropriations to the appropriate organizational units as required by any such reduction-in-force contingency plan.

Item 9. To the Department of Economic and Community Development for capital outlay, the sum of \$31,900,000 (non-recurring) for the West Tennessee Mega-Site industrial infrastructure project is appropriated.

Item 10. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the Department of Correction the sum of \$5,524,200 (non-recurring). Such funding is for the purpose of the improvement for the radio system upgrade.

Item 11. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$157,500 (non-recurring) to the Historical Commission for the purposes of web site development, marketing, advertising and other support services for the Tennessee Sesquicentennial Commission.

Item 12.

(A) To the Department of Safety, for the drivers license issuance system capital outlay project, the sum of \$90,000,000 (non-recurring).

(B) To the Department of Safety, for the highway patrol communications system capital outlay project, the sum of \$30,000,000 (non-recurring).

(2) It is the legislative intent that the contingency items provided in this subsection (b) be funded in the amounts indicated; provided, that if available funds are less than the amounts indicated, then such contingencies shall be accomplished, wholly

or partially, pursuant to the numerical order provided above. Any unallocated funds shall be appropriated pursuant to subsection (c).

(c)

(1) Contingent upon the availability of such federal aid revenue in addition to, or resulting from unallocated funds from, the appropriations in subsection (b), the Commissioner of Finance and Administration is authorized to reduce the TennCare appropriation made in Section 1 of this act, to increase the estimate of federal aid to the TennCare program made in Section 4 of this act, to establish the following non-recurring appropriations, to allocate the appropriations to the appropriate organizational units and agencies, and to adjust federal aid and other departmental revenues accordingly:

Item 1. The appropriation to the TennCare program in Section 1, Title III-26, of this act is reduced by a sum sufficient, and in addition to the appropriation of federal aid to the TennCare program in Section 4, Title III-25, there hereby is appropriated a sum sufficient (non-recurring) from federal aid revenue.

Item 2. There is hereby appropriated a sum equal to such additional amount (non-recurring) for purposes of implementing a capital outlay program to increase the capacity of Tennessee community colleges to serve Tennesseans as otherwise provided in subsection (b), Item 4 of this Section.

AND FURTHER AMEND by adding the following language as new sections immediately preceding Section 65 of the printed bill and by renumbering the subsequent sections accordingly:

SECTION ___. The appropriation to the Department of Finance and Administration, Division of Intellectual Disabilities Services, in Section 1 of this act is reduced by the sum of \$38,000,000 (non-recurring). Such funding reduction is for the purpose of reducing the improvement funds for capital outlay to the sum of \$12,000,000 (non-recurring).

SECTION _____. The appropriation made to the Department of Finance and Administration in Section 1 of this act is reduced by the sum of \$10,000,000 (non-recurring). Such funding reduction is for the purpose of reducing the improvement funds for providing matching funds for health information technology to a sum of \$5,000,000 (non-recurring). It is the legislative intent that priority for the use of such matching funds shall be for core support for each of the five regional health information organizations in the state.

SECTION _____. The appropriation made to Miscellaneous Appropriations in Section 1 of this act is reduced by the sum of \$45,600,000 (non-recurring). Such funding reduction is for the purpose of eliminating funding for the State Employees 3% Bonus.

SECTION _____. The appropriation made to the Department of Education in Section 1 of this act for the Basic Education Program is reduced by the sum of \$67,800,000 (non-recurring). Such funding reduction is for the purpose of eliminating funding for a one-time, flat-rate bonus for all licensed personnel within local education agencies for fiscal year 2010-2011.

SECTION _____. The appropriation made to the Department of Economic and Community Development in Section 1 of this act is reduced by the sum of \$968,000 (recurring) and the sum of \$3,500,000 (non-recurring). Such funding reduction is for the purpose of reducing the base appropriation and improvement for FastTrack Infrastructure and Job Training Assistance.

SECTION _____. The appropriation to the Department of Correction in Section 1 of this act is reduced by the sum of \$5,524,200 (non-recurring). Such funding reduction is for the purpose of eliminating the improvement for the radio system upgrade.

SECTION _____. The appropriation made to the Department of Education in Section 1 of this act is reduced by the sum of \$5,443,800. Such funding reduction is for the purpose of reducing the base appropriation for the Career Ladder Program due to attrition.

SECTION ____.

Item 1. The appropriation made to the Department of Children's Services in Section 1 of this act is reduced by the sum of \$2,370,100. Such funding reduction is for the purpose of reducing the base appropriation for Needs Assessment. The Department of Children's Services is authorized to use carryforwards from its reserves for such purpose.

Item 2. In addition to any other funds appropriated by the provisions in this act, there is appropriated the sum of \$1,370,100 (non-recurring) to the Department of Children's Services for the sole purpose of the Relative Caregiver program.

SECTION ____.

Item 1. The appropriation made to the Legislature in Section 1 of this act is reduced by the sum of \$850,000. Such funding reduction is for the purpose of reducing the base appropriation for Legislative Oversight Committees.

Item 2. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient earmarked from reserves to the Legislature for the purpose of offering a severance package to any employee of the General Assembly whose position is eliminated as a result of this section. It is the legislative intent that each such severance package include the amount of \$3,200 and college tuition assistance for 2 years to be capped at the average of the highest four-year public Tennessee college undergraduate level; provided, however, that such assistance shall only be provided for periods of actual attendance within a period of time to be determined by the Commissioner of Finance and Administration.

SECTION ____.

The appropriation made to Indigent Defendants' Counsel in Section 1 of this act is reduced by the sum of \$978,600. Such funding reduction is for the purpose of reducing the base appropriation of the Indigent Defendants' Counsel.

SECTION _____. The appropriation made to the Department of Labor and Workforce Development in Section 1 of this act is reduced by the sum of \$265,000 (recurring) and reappropriated in the amount of \$265,000 (non-recurring). Such funding reduction is for the purpose of reducing the base appropriation for the grant to the Center for Labor-Management Relations.

SECTION _____. The appropriations made to state agencies in Section 1 of this act are reduced by the sum of \$986,300 (recurring) and reappropriated in the amount of \$986,300 (non-recurring). Such funding reduction is for the purpose of eliminating the recurring base appropriation for performance-based budgeting operational support. The Commissioner of Finance and Administration is directed to allocate such adjustment to the appropriate organizational units and to adjust dedicated and departmental revenues accordingly.

SECTION _____. The appropriation made to the Higher Education Commission in Section 1 of this act is reduced by the sum of \$900,000 (recurring) and reappropriated in the amount of \$900,000 (non-recurring). Such funding reduction is for the purpose of reducing the base appropriation for Contract Education.

SECTION _____. The appropriation made to the Department of Economic and Community Development in Section 1 of this act is reduced by the sum of \$1,500,100 (recurring) and reappropriated in the amount of \$1,500,100 (non-recurring). Such funding reduction is for the purpose of eliminating the recurring base appropriation for Economic Development District Grants.

SECTION _____. The appropriation made to the Department of Finance and Administration in Section 1 of this act is reduced by the sum of \$720,000 (recurring) and reappropriated in the amount of \$720,000 (non-recurring). Such funding reduction is for the purpose of reducing the base appropriation for the Methamphetamine Grant program.

SECTION _____. The appropriation made to the Department of Finance and Administration in Section 1 of this act is reduced by the sum of \$720,000 (recurring) and

reappropriated in the amount of \$720,000 (non-recurring). Such funding reduction is for the purpose of reducing the base appropriation for the Internet Crime Grant program.

SECTION _____. The appropriation made to the Department of Finance and Administration in Section 1 of this act is reduced by the sum of \$1,007,300 (recurring) and reappropriated in the amount of \$1,007,300 (non-recurring). Such funding reduction is for the purpose of reducing the base appropriation for the Governor's Office of State Planning and Policy.

SECTION _____. The appropriation made to the Department of Finance and Administration, Bureau of TennCare, in Section 1 of this act is reduced by the sum of \$4,556,200 (recurring) and reappropriated in the amount of \$2,278,100 (non-recurring). Such funding reduction is for the purpose of reducing the base appropriation for the Governor's Office of Children's Care Coordination.

SECTION _____.

(a)

Item 1. The appropriation to the Department of Agriculture in Section 1, Title III-3, of this act for the Agricultural Enhancement program hereby is reduced by the sum of \$6,300,000 (recurring) and reappropriated in the amount of \$6,300,000 (non-recurring). Such funding reduction is for the purpose of reducing the recurring funds for such program to an amount of \$10,000,000.

Item 2. The appropriation made for Tennessee Student Assistance Awards in Section 1 of this act is reduced by the sum of \$3,200,000 (recurring) and reappropriated in the amount of \$3,200,000 (non-recurring). Such funding reduction is for the purposes of reducing the base appropriation for such program.

Item 3. The appropriation made to the Department of Education in Section 1 of this act is reduced by the sum of \$7,000,000 (recurring) and reappropriated in the amount of \$7,000,000 (non-recurring). Such funding

reduction is for the purpose of reducing the base appropriation for the average daily membership (ADM) growth funding in the Basic Education Program.

Item 4.

(A). The appropriation to Miscellaneous Appropriations in Section 1 and Section 41 of this act is reduced by the sum of \$6,697,000 (recurring) and reappropriated in the amount of \$6,697,000 (non-recurring). Such funding reduction is for the purpose of reducing the recurring base appropriation for the state employees 401(k) match.

(B) The appropriation made to Higher Education - University of Tennessee in Section 1 and Section 41 of this act is reduced by the sum of \$2,093,100 (recurring) and reappropriated in the amount of \$2,093,100 (non-recurring). Such funding reduction is for the purpose of reducing the recurring base appropriation for the University of Tennessee employees 401(k) match.

(C) The appropriation made to Higher Education - Board of Regents in Section 1 and Section 41 of this act is reduced by the sum of \$3,460,500 (recurring) and reappropriated in the amount of \$3,460,500 (non-recurring). Such funding reduction is for the purpose of reducing the recurring base appropriation for the Board of Regents employees 401(k) match.

Item 5. The appropriation made to the Arts Commission in Section 1 of this act is reduced by the sum of \$754,900 (recurring) and reappropriated in the amount of \$754,900 (non-recurring). Such funding reduction is for the purpose of reducing the base appropriation for the Arts Commission grants.

Item 6. The appropriation made to the Department of Education in Section 1 of this act is reduced by the sum of \$2,241,000 (recurring) and reappropriated in the amount of \$2,241,000 (non-recurring). Such funding

reduction is for the purpose of reducing the base appropriation for Governor's Schools.

Item 7. The appropriation made to the Department of Finance and Administration in Section 1 of this act is reduced by the sum of \$614,500 (recurring) and reappropriated in the amount of \$614,500 (non-recurring). Such funding reduction is for the purpose of reducing the base appropriation for State Health Planning.

Item 8. The appropriation made to the Department of Finance and Administration, Bureau of TennCare, in Section 1 of this act is reduced by the sum of \$2,272,800 (recurring) and reappropriated in the amount of \$2,272,800 (non-recurring). Such funding reduction is for the purpose of reducing the base appropriation for Perinatal Outreach Grants.

(b) It is the legislative intent that the core services reserve established in Section 59, Item 4, of this act shall include the following amounts for additional core services for an additional allocation of \$47,421,800 to be used in the 2011-2012 fiscal year as follows:

State Land Acquisition Fund.....	\$	3,112,500
Local Park Acquisition Fund		3,718,700
Agricultural Resources Conservation Fund.....		937,500
Wetlands Acquisition Fund		906,300
Agricultural Enhancement Program		6,300,000
TSAA Awards		3,200,000
ADM Growth Funding		7,000,000
Employee 401(k) state match		12,250,600
Arts Commission Grants.....		754,900
Governor's Schools		2,241,000
State Health Planning		614,500
TennCare - Perinatal Outreach Grants		2,272,800
Additional Employee \$10 per month 401(k) Match		<u>\$4,113,000</u>
Total Additional	\$	47,421,800

It is the legislative intent that the core services reserve designation for the 401(k) \$10 per month match include the following allocation in fiscal year 2011-2012:

\$2,500,000 for Miscellaneous Appropriations for State Employees

\$745,000 for the University of Tennessee and

\$868,000 for the Board of Regents system.

SECTION _____. In addition to any other appropriations made by the provisions of this act, there is appropriated to the Department of Education, Basic Education Program (BEP), the sum of \$29,600,000 (non-recurring) for 2010-2011 capital outlay funding in the BEP calculation pursuant to the BEP non-recurring appropriation provision of Senate Bill 3880 / House Bill 3796.

SECTION _____.

Item 1. Notwithstanding any provision of this act to the contrary, if accrued, recurring general fund revenues collected by the Department of Revenue exceed \$8,186,300,000 by at least \$50,000,000, as determined by the Commissioner of Finance and Administration after consultation with the Comptroller of the Treasury no later than October 1, 2010, then:

(A) It is the legislative intent to recognize state employees in this difficult budget year as they face increased costs of living, including bearing rising health insurance costs. In addition to any other appropriations made by the provisions of this act, there is appropriated a sum sufficient for the purpose of funding a one-time payment to state employees and employees of higher education institutions. It is the legislative intent that such payment be paid to state employees on or about October 31, 2010, and shall be based upon, insofar as possible, an amount equal to \$50.00 per year of service; provided no total payment shall be less than \$150 or more than \$1,250. It is further the legislative intent that additional one-time payments 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.

(B) In addition to all other appropriations made by the provisions of this act, there is appropriated a sum sufficient for the purpose of funding a like payment as provided in sub-item (A) for all licensed

personnel within local education agencies for fiscal year 2010-2011. It is the legislative intent that each person eligible for such payment shall 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. It is further the legislative intent that such payment shall be paid on or about October 31, 2010; and that amounts paid under this item shall be included as earnable compensation for retirement purposes.

(C) To be eligible for a payment under this section, an employee shall have at least one (1) year of service prior to October 1, 2010. This section shall not apply to judges, members of the General Assembly, the Comptroller of the Treasury, the Treasurer, the Secretary of State or the Governor.

Item 2. In determining the amount by which the revised recurring estimate of \$8,186,300,000 is exceeded, the Commissioner of Finance and Administration shall exclude any portion of a \$42,000,000 non-recurring estimate that is collected and accrued to fiscal year 2009-2010.

SECTION _____. The appropriation made to Miscellaneous Appropriations in Section 1 of this act is reduced by the sum of \$1,300,000 (non-recurring). Such funding reduction is for the purpose of reducing the base appropriation for Severance Benefit Plan.

SECTION _____. The commissioner of finance and administration is requested to make all necessary adjustments to revenues, authorized positions and totals as necessary to effectuate the provisions of this act as amended by the General Assembly.

AND FURTHER AMEND by requesting the Engrossing Clerk to delete the bold, underlined explanatory headings in this amendment.