

**Senate Finance, Ways and Means Committee 3**

**Amendment No. 3 to SB1399**

**McNally**  
**Signature of Sponsor**

**AMEND Senate Bill No. 1399**

**House Bill No. 1374\***

**LEGISLATIVE AMENDMENT**

**LEGISLATIVE ADJUSTMENTS**

by deleting Item 8(e) in Section 63 and redesignating the remaining sub-items accordingly.

**AND FURTHER AMEND** by deleting line item 3 in Section 58, Item 1.

**AND FURTHER AMEND** by deleting line item 4 in Section 58, Item 1.

**AND FURTHER AMEND** by deleting line item 8 in Section 58, Item 1.

**AND FURTHER AMEND** by deleting the amount "61,299,500" in Section 58, Item 1 and substituting instead the amount "60,829,500".

**AND FURTHER AMEND** by deleting the amount "62,453,700" in Section 58, Item 1 and substituting instead the amount "61,130,700".

**AND FURTHER AMEND** by deleting Item 4 in Section 62 and renumbering the remaining items accordingly.

**AND FURTHER AMEND** by adding the following new sections immediately following Section 64 and renumbering the subsequent sections accordingly:

**DEDICATED SOURCE & EARMARKS & REDUCTIONS**

SECTION 65.

Item 1. From the funds appropriated or available to any department, commission, board, agency, or other entity of state government, there is earmarked or appropriated, as applicable, a sum sufficient to fund any bill or resolution, that becomes law or is adopted, respectively, having an estimated first year's cost of \$50,000 or less,

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which is attributable to a specific entity or from a specific fund, and is not otherwise funded in this act.

Item 2. From the funds appropriated to the Department of Commerce and Insurance, Board for Licensing Contractors, for the Go Build Account (GBA), there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 127 / House Bill 24, relative to the Go Build Tennessee Act (GBTA), if such bill becomes a law.

Item 3. From the improvement funds appropriated to the Department of Tourist Development, there is earmarked the sum of \$75,000 (non-recurring) to be used for the purpose of programs related to the reconstruction era in Tennessee for the Tennessee Civil War Sesquicentennial Commission.

Item 4. From the funds appropriated to the Department of Environment and Conservation, State Lands Acquisition Fund, the Commissioner of Environment and Conservation is authorized to make a grant not to exceed \$2,520,000 to the Tennessee Parks and Greenways Foundation (TennGreen) for the purpose of purchasing the second Chickasaw Bluff historic site in West Tennessee. It is the legislative intent that the site be developed for future use as the Grand Mississippi River State Park.

Item 5.

(a) No funds appropriated by the provisions of this act to the Department of Education for distribution to any LEA based on the Basic Education Program (BEP) funding formula shall be used to pay the LEA's attorney's fees, court costs, or other expenses attributable to any lawsuit against the state in which the

LEA is named as a plaintiff. All such funds shall be expended in accordance with Tennessee Code Annotated, Title 49, Chapter 3, Part 3.

(b) The appropriations made by the provisions of this act to any LEA based on the Basic Education Program (BEP) funding formula are hereby reduced by a sum sufficient for the sole purpose of recovering the total amount of attorney's fees, court costs, and other expenses attributable to defending the state in any lawsuit in which the LEA is named as a plaintiff and the state is the prevailing party, in accordance with Senate Bill 1401 / House Bill 1376, relative to authorization to withhold state-shared taxes from local government units, if such bill becomes a law. If the cited bill does not become a law, this sub-item (b) shall be null and void.

(c) No funds appropriated by the provisions of this act to any state agency for distribution to cities and counties under any state program other than the BEP shall be used to pay attorney's fees, court costs, or other expenses attributable to any lawsuit against the state in which the city or county is named as a plaintiff. All such funds shall be expended in accordance with Senate Bill 1401 / House Bill 1376, relative to prohibiting the allocation of state funds for such purposes, if such bill becomes a law. If the cited bill does not become a law, this sub-item (c) shall be null and void.

(d) The appropriations made by the provisions of this act to a city or county from the general fund share of state-shared taxes are hereby reduced by a sum sufficient for the sole purpose of recovering the total amount of attorney's fees, court costs, and other expenses attributable to defending the state in any lawsuit in which the city or county is named as a plaintiff and the state is the prevailing party, in accordance with Senate Bill 1401 / House Bill 1376, relative to authorization to withhold state-shared taxes from local government units, if such

bill becomes a law. If the cited bill does not become a law, this sub-item (d) shall be null and void.

Item 6. The appropriation made to the Department of Correction by the provisions of this act is reduced by the sum of \$1,605,800 (recurring). Such funding reduction is for the purpose of offsetting the healthcare cost savings resulting from implementation of Public Chapter 926 of 2014.

Item 7. The funds reappropriated in Public Chapter 919 of 2014, Section 41, Item 8, to the Department of Safety to conduct a study concerning the forecasted growth, movement, and heavy volume of freight on all transportation modes in this state, are hereby reduced. Such reduction is for the purpose of eliminating the funds.

Item 8.

From the unexpended appropriations made under the provisions of Chapter 453, Public Acts of 2013; Chapter 919, Public Acts of 2014; this act; or other appropriations acts, for the following projects, there is hereby redirected and appropriated a sum sufficient that shall be available and may be used for the purpose of SBC Project No. 529/005-01-2005:

(a) James K. Polk Building HVAC and Energy Management System Upgrades, identified on Page A-183 of the 2013-2014 Budget Document, and as SBC Project No. 529/075-01-2013; and

(b) War Memorial Building Exterior Renovations, identified on Page A-183 of the 2013-2014 Budget Document, and as SBC Project No. 529/090-02-2013.

Any funds from the appropriation made in this item that are redirected but are not required for SBC Project No. 529/005-01-2005 may be further redirected for the purposes of the original appropriations. This item shall take effect upon becoming law, the public welfare requiring it.

Item 9. It is the legislative intent that in fiscal year 2016-2017 and subsequent fiscal years, from funds available to the Board of Regents for the University of Memphis, there be earmarked the sum of \$4,300,000 for the sole purpose of implementing Senate Bill 333 / House Bill 676, relative to authorizing non-residents of Tennessee who attend the University of Memphis to receive in-state tuition, if such bill becomes a law.

Item 10. The appropriation in Section 1, Title III-30, Item 1, Headquarters, is hereby reduced in the amount of \$4,577,100. This item is subject to Senate Bill 982 / House Bill 1147, relative to the sales tax on aviation fuel, becoming a law, the public welfare requiring it.

### **LEGISLATIVE INITIATIVES**

#### SECTION 66.

Item 1. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to implement all bills and resolutions having an estimated first year's cost of \$50,000 or less, which become law and are adopted, respectively. It is the legislative intent that if such bills and resolutions are otherwise funded by the provisions of this act, then the funds appropriated in this item shall be reduced accordingly.

Item 2. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the Tennessee Bureau of Investigation, the sum of \$668,500 (of which \$212,300 shall be non-recurring) for the sole purpose of implementing Senate Bill 16 / House Bill 275, relative to the training of law enforcement officers in dealing with human trafficking, if such bill becomes a law.

Item 3. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,136,500 for the sole purpose of implementing Senate Bill 17 / House Bill 115, relative to enrollment in DIDD waiver of persons with intellectual disabilities on a waiting list, if such bill becomes a law.

Item 4. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$117,000 (which shall be allocated for incarceration costs) for the sole purpose of implementing Senate Bill 30 / House Bill 45, relative to release eligibility for persons convicted of aggravated vehicular homicide, if such bill becomes a law.

Item 5. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,500,000 (of which \$750,000 shall be non-recurring) for the sole purpose of implementing Senate Bill 453 / House Bill 946, relative to requiring the Tennessee Science, Technology, Engineering, and Mathematics (STEM) Innovation Network (TSIN) to establish an innovation hub, if such bill becomes a law.

Item 6. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient not to exceed \$100,000 for the sole purpose of implementing Senate Bill 651 / House Bill 556, relative to authorizing an electronic driver license system, if such bill becomes a law.

Item 7. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$340,300 for the sole purpose of implementing Senate Bill 44 / House Bill 33, relative to newborn testing, if such bill becomes a law.

Item 8. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$300,900 (non-recurring) for the sole purpose of implementing Senate Bill 27 / House Bill 138, relative to enacting the "Individualized Education Act," if such bill becomes a law.

Item 9. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$30,000 (recurring) to Tennessee Emergency Management Agency (TEMA) for the sole purpose of providing statewide rescue squad training.

Item 10. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$63,000 (recurring) to the Commission on Children and Youth for the sole purpose of providing \$30,000 for the general administration of court appointed special advocates (CASA) program on a statewide basis and \$16,500 to each of two (2) counties that have CASA programs that are currently operating in the county but do not currently receive state funds to support the program in the county.

Item 11. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$510,400 (recurring) to the Department of Mental Health and Substance Abuse Services for the sole purpose of restoring a reduction in funds for private inpatient uninsured services.

Item 12. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 (non-recurring) to the Department of Human Services for the sole purpose of making a grant in such amount to the Second Harvest Food Bank of Middle Tennessee, to be used for the purpose of purchasing, handling, and transporting food for hunger relief. The Second Harvest Food Bank of Middle Tennessee shall distribute the funds to the five (5) food banks across the state, as follows:

35% to Second Harvest Food Bank of Middle Tennessee;

25% to Memphis Food Bank;

20% to Second Harvest Food Bank of East Tennessee;

10% to Chattanooga Area Food Bank;

10% to Second Harvest Food Bank of Northwest Tennessee.

Item 13. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,000,000 (non-recurring) to the Department of General Services for the sole purpose of making grants in the amount of \$200,000 each

to the four (4) accredited Tennessee zoos and the Tennessee Aquarium, to be used for capital improvement projects.

Item 14. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the City of Oak Ridge, to be used for completion of improvements at the Oak Ridge rowing facility.

Item 15. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,600,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the University of Memphis, to be used over a three-year period for funding two (2) faculty/research positions for the FDA-certified TriMetis GLP medical research laboratory at the UT-Baptist Research Park in the Memphis Medical Center.

Item 16. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Stax Museum of American Soul Music, to be used for defrayal of operational costs.

Item 17. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (non-recurring) to the Tennessee Historical Commission for the purpose of repair or replacement, including fabrication and installation costs, of twenty-five (25) or more historical markers. It is the legislative intent that markers be repaired or replaced in the order in which the commission was notified of the need to repair or replace a marker.

Item 18. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the Tennessee Bureau of Investigation for the sole purpose of methamphetamine clean-up.

Item 19. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$24,000 (non-recurring) to the Department of Environment and Conservation for the sole purpose of sign maintenance including the removal or replacement of antiquated signs.

Item 20. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$102,600 (non-recurring) to the Department of Health for the sole purpose of making grants as follows:

Epilepsy Foundation of Middle & West Tennessee	\$ 63,000
Epilepsy Foundation of Southeast Tennessee	11,300
Epilepsy Foundation of East Tennessee	28,300

Such grants shall be used for education, child safety and prevention initiatives, and services to those with epilepsy.

Item 21. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$154,400 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Andrew Jackson Foundation, to be used for restoration of the windows at the Hermitage Mansion.

Item 22. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$9,300 (non-recurring) to the Tennessee Historical Commission for the sole purpose of making a grant in such amount to the Historic Sam Davis Home and Plantation, to be used for roofing repairs.

Item 23. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$450,000 (recurring) to the Department of Economic and Community Development for the sole purpose of community development/planning and economic infrastructure. It is the legislative intent that each of the nine (9) development districts receive \$50,000.

Item 24. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,054 (recurring) to the District Public Defenders Conference for the sole purpose of funding one (1) existing assistant public defender position for the 16<sup>th</sup> Judicial District.

Item 25. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 to the Tennessee Historical Commission from the Tennessee Civil War or War Between the States site preservation fund for the purposes provided in Tennessee Code Annotated, Section 67-4-409. The appropriation in this item is subject to Senate Bill 1401 / House Bill 1376 becoming a law, the public welfare requiring it.

Item 26. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,500,000 (non-recurring) to the Department of Health for the sole purpose of increasing the capacity of community health centers in Tennessee to provide medical care to uninsured adults.

Item 27. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,000,000 (non-recurring) to the Tennessee Film, Entertainment and Music Commission for the sole purpose of making a grant in such amount to the Memphis and Shelby County Film and Television Commission, to be used for programs and incentives.

### **LANGUAGE AMENDMENTS**

SECTION 67. The base appropriation made to the Department of Economic and Community Development by the provisions of this act for the purpose of the Mississippi River Corridor Tennessee shall be paid to the Mississippi River Corridor Tennessee as a direct appropriation grant.

**AND FURTHER AMEND** by deleting Item 5 in SECTION 12 and by substituting instead:

Item 5. From funds available to any department, commission, board, agency, or other entity of state government, there is earmarked a sum sufficient to fund any bill or resolution, that becomes law or is adopted, respectively, for which the Commissioner of Finance and Administration or the entity's chief fiscal officer certifies in writing that the cost of implementation of the bill or resolution will be funded within existing appropriations of the entity, within the availability of revenues received by the entity, or within other existing budgetary resources. The certification shall include the source of obtaining the funds to provide for such appropriations. It is the legislative intent that such funding be earmarked for implementation of any such bills or resolutions in the fiscal years ending June 30, 2015 and June 30, 2016. This item shall take effect upon becoming law, the public welfare requiring it.

**AND FURTHER AMEND** by deleting the following language in Section 58, Item 1:

The appropriation in this item to the Comptroller of the Treasury for Property Tax Relief is contingent upon an annual income limit of fifty-two thousand five hundred dollars (\$52,500) for taxpayers defined in Tennessee Code Annotated, Section 67-5-704, being established for tax year 2016.

and substituting instead the following:

The appropriation in this item to the Comptroller of the Treasury for Property Tax Relief is contingent upon an annual income limit of sixty thousand dollars (\$60,000) for taxpayers defined in Tennessee Code Annotated, Section 67-5-704, being established for tax year 2015.

**AND FURTHER AMEND** by inserting the following language at the end of the first sentence in Section 44, Item 4:

"or for the project identified as SBC Project No. 529/005-01-2005"

**AND FURTHER AMEND** Section 44, Item 4 by inserting the following at the end of the item:

This item shall take effect upon becoming a law, the public welfare requiring it.

### **REVENUE FLUCTUATION RESERVE**

**AND FURTHER AMEND** in Section 47, Item 2 by deleting the language “\$564,500,000” and inserting instead “\$568,000,000”.

### **TENNCARE RESERVE**

**AND FURTHER AMEND** by adding the following new item in Section 47:

Item \_\_\_\_\_. At June 30, 2015, the Commissioner of Finance and Administration is hereby authorized to transfer from the TennCare Reserve to the general fund the amount of \$6,079,500 to restore on a non-recurring basis a reimbursement reduction for pharmaceuticals.

### **LOTTERY FOR EDUCATION ACCOUNT**

**AND FURTHER AMEND** by adding the following new items to Section 50:

Item 6. From the funds appropriated to the Lottery for Education Account, there is earmarked the sum of \$340,500 for the sole purpose of implementing Senate Bill 461 / House Bill 126, relative to Tennessee HOPE scholarships for dependent children of active members of the armed forces and national guard, if such bill becomes a law.

Item 7. From the funds appropriated to the Lottery for Education Account, there is earmarked the sum of \$469,500 for the sole purpose of implementing Senate Bill 624 / House Bill 945, relative to students receiving Tennessee HOPE scholarships, if such bill becomes a law.

### **HOUSEKEEPING –TYPOGRAPHICAL CORRECTIONS**

**AND FURTHER AMEND** by inserting the language “(SB 60 / HB 55)” immediately after the language “(2 FT)” in line item 1 of Section 58, Item 1.

**AND FURTHER AMEND** in Section 63, Item 8, by inserting the word “in” between the language “and” and “Section 1, Title III-32 of this act,”.

**AND FURTHER AMEND** by requesting the Engrossing Clerk to:

- (1) Delete the bold underlined explanatory headings in this amendment; and

(2) Exclude this paragraph from the engrossed bill.