

Amendment No. 1 to HB2268

**Marsh
Signature of Sponsor**

AMEND Senate Bill No. 2488

House Bill No. 2268*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 46, Chapter 1, Part 1, is amended by adding the following language as a new section:

(a) For purposes of this section, "fund" means the community cemetery grant fund created by subsection (b).

(b) The community cemetery grant fund is created as a separate revolving fund and shall be administered by the commissioner. The fund shall consist of grants, contributions, appropriations, or other moneys made available for the purpose of the fund.

(c) All interest and earnings of the fund shall remain a part of the fund. Moneys in the fund shall be invested by the state treasurer for the benefit of the fund pursuant to § 9-4-603.

(d) No part of the fund shall revert to the general fund at the end of the fiscal year but shall remain a part of the revolving fund available for expenditure in accordance with this part.

(e) Moneys from the fund may be awarded as a grant to an applicant based on the factors set out in subsection (g). The applicant shall be:

(1) An entity that is exempt from federal income taxation under 26 U.S.C. § 501(c)(13); and

(2) The owner or operator of a cemetery that has:

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(A) Previously been placed in receivership pursuant to § 46-1-312 or a predecessor statute; and

(B) Has been granted, and currently holds, a community cemetery exemption pursuant to § 46-1-106(b).

(f) Any person seeking a grant from the fund shall file an application with the department of commerce and insurance. The application shall contain the following information:

(1) The name of the entity applying for a grant;

(2) The address and phone number of the applicant;

(3) The names of all officers of the applicant;

(4) The amount of the grant that is sought;

(5) The name and location of the cemetery for which funds are being sought;

(6) Any amounts currently held in trust for the improvement, care, and maintenance of the cemetery;

(7) Any information relevant to determining the factors set out in subsection (g); and

(8) Such other information as the commissioner deems necessary in determining the applicant's qualification for a grant or the amount of the grant.

(g) In reviewing an application for a grant from the fund, the commissioner may consider the following factors:

- (1) The demonstrated need for the moneys by the applicant;
- (2) The proposed use of the funds;
- (3) The amount available from any improvement care trust account or any other account for the upkeep of the cemetery;
- (4) The length of time that the applicant has owned or operated the cemetery;
- (5) The good moral character of any person serving as an officer of the entity applying for the grant;
- (6) The expenditures made by the applicant in previous years for the improvement, care, and maintenance of the cemetery;
- (7) The amount of moneys available in the fund; and
- (8) Such other factors as the commissioner determines are reasonably necessary.

(h) All moneys received by an applicant from the fund shall be used solely for the improvement, care, and maintenance of the cemetery identified on the application. A violation of this subsection (h) is punishable as theft pursuant to § 39-14-105. In determining a violation of this subsection (h), "value" shall be determined by the monetary amount of the funds spent or otherwise appropriated for any purpose other than the improvement, care, and maintenance of the cemetery identified on the application.

(i) Any determination as to whether an entity receives a grant or the amount of such grant is in the sole discretion of the commissioner and no appeal shall be available.

(j) If there are no moneys available in the fund, then the commissioner shall not make a grant to any entity. Neither the funds held by the department of commerce and insurance for the operation of the administration and enforcement of this chapter, nor the moneys held in the cemetery consumer protection account created in § 46-1-105, nor

any other moneys not specifically placed in the fund, shall be used by the department of commerce and insurance for the purposes of this section.

(k) This section shall be repealed on July 1, 2017. Any moneys remaining in the fund at that time shall revert to the general fund.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.