

Amendment No. 7 to HB2629

**Fitzhugh
Signature of Sponsor**

AMEND Senate Bill No. 2653*

House Bill No. 2629

by adding the following new section immediately prior to the antepenultimate section and renumbering the subsequent sections accordingly:

SECTION ____.

(a) The first \$20,000,000 in excess collections on June 30, 2016, shall be allocated in accordance with this section.

(b) In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty million dollars (\$20,000,000) to the Secretary of State for the sole purpose of implementing the community enhancement grant program in accordance with the provisions of this section.

(c) Community enhancement grants shall only be available to support:

(1) Public safety activities, including, but not limited to, those related to local law enforcement, fire and life safety, programs designed to address local drug programs, advocacy for children and other vulnerable populations, and other criminal justice programs;

(2) Educational initiatives, including, but not limited to, those related to local schools and school support organizations, efforts to address significant local education issues such as summer reading programs, and other initiatives that address educational needs;

(3) Cultural activities, including, but not limited to, those related to enhancing opportunities provided by museums, libraries, and historic sites, and activities supporting other local cultural endeavors; or

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(4) Community development activities, including, but not limited to, those related to serving the unique needs of various segments of the population, such as the elderly and youth, through supporting program offerings provided through local recreational and community facilities, senior citizens centers, boys and girls clubs, and the like as well as county and municipal infrastructure improvements such as road and bridge planning, construction and maintenance.

(d) Grant proceeds must be used for one (1) or more of the following purposes: programs, services, operating costs, equipment, construction, renovation, and maintenance.

(e) Notwithstanding any provision of this act to the contrary, a community enhancement grant to a governmental or non-governmental agency or entity shall not be disbursed until the recipient has filed with the Secretary of State a plan specifying the proposed use of such funds in accordance with the purposes enumerated in subsection (d) of this section and the benefits anticipated to be derived therefrom. As a prerequisite to the receipt of such grant, the recipient shall agree to provide to the Secretary of State, within ninety (90) days of the close of the fiscal year within which such grant was received, an accounting of the actual expenditure of such funds, including a notarized statement that the report is true and correct in all material respects; provided, however, that the secretary may require, in lieu of the accounting as provided above, an audited financial statement of the governmental or non-governmental agency or entity. A copy of such accounting or audit, as the case may be, shall be filed with the Office of the Comptroller of the Treasury.

(f) No community enhancement grant shall be disbursed to a nongovernmental agency or entity until the recipient of such grant has presented evidence to the secretary that such recipient is a not-for-profit corporation, nonprofit association, or similar nonprofit organization. For purposes of this subsection (f), any one (1) of the following shall constitute evidence that a recipient is a not-for-profit corporation, nonprofit association, or similar non-profit organization:

(1) Documentation from the Internal Revenue Service recognizing the grant recipient as holding a determination of exemption as a 501(c) organization; such documentation shall be supported by an affidavit from the 501(c) organization's chair, president or chief administrative officer affirming that the organization's 501(c) status has not been revoked;

(2) A copy of the charter of a not-for-profit corporation;

(3) Documentation that a grant recipient holds property tax exempt status;

(4) A copy of organizational documents and any other documents that prove to the satisfaction of the secretary that a grant recipient has been in continuous and active existence as a nonprofit organization located in Tennessee for at least two (2) calendar years immediately preceding the fiscal year in which such grant shall be made; such documentation shall be supported by an affidavit signed by the organization's chair, president or chief administrative officer affirming that the organization has been in continuous and active existence in Tennessee for at least two (2) calendar years immediately preceding the fiscal year in which such grant shall be made; or

(5) An affidavit signed by the county mayor, or county executive, from the county where the grant recipient is located affirming that the grant recipient is a not-for-profit corporation, nonprofit association, or similar nonprofit organization.

(g) No community enhancement grant shall be disbursed to a church or other institution in which religion is so pervasive that a substantial portion of its functions are subsumed in the religious mission.

(h) Notwithstanding any provision of this act to the contrary, if multiple grants are allocated to the same recipient, then such recipient shall be awarded the sum total of such multiple grants.

(i) Grants shall be awarded in accordance with the following procedure:

(1) Organizations shall apply for grants to the Secretary of State no later than September 1, 2016, and shall include such information as the Secretary of State deems appropriate.

(2) The Secretary of State shall make grants to applicants as the secretary deems appropriate and in such amounts as the secretary determines appropriate. In making determinations relative to grant awards, the Secretary of State is authorized to take into account factors the secretary deems relevant, including the benefits of making the grant.

(3) The Secretary of State shall strive to ensure geographic diversity in grant distribution. To such end, it is the legislative intent that applicants in each state senate district receive approximately \$300,000 in total grants awarded and that applicants in each state house district receive approximately \$100,000 in total grants awarded.