

As Introduced

131st General Assembly

Regular Session

2015-2016

S. B. No. 106

Senator Tavares

Cosponsors: Senators Yuko, Seitz, Williams

A BILL

To amend section 4767.03 and to enact section
4767.10 of the Revised Code to establish the
Township Abandoned Cemetery Maintenance Grant
Program.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4767.03 be amended and section
4767.10 of the Revised Code be enacted to read as follows:

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Sec. 4767.03. (A) (1) The owner or the person responsible
for the operation and maintenance of a cemetery shall apply to
the division of real estate in the department of commerce to
register the cemetery on forms prescribed by the division. With
the application, the applicant shall submit the documentation
required in division (A) of section 4767.04 of the Revised Code
and a registration fee of twenty-five dollars for one cemetery,
forty dollars for two cemeteries, and fifty dollars for three or
more cemeteries, except that no fee shall be required of any
political subdivision.

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(2) ~~The If the director of commerce, by rule adopted in~~
~~accordance with Chapter 119. of the Revised Code, may reduce the~~

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~~amount of the registration fee required by this section in any~~ 19
~~year if the director determines that the total amount of funds~~ 20
~~the registration fee required by this section is generating at~~ 21
~~the amount specified by this section exceeds the amount of funds~~ 22
the division of real estate and the Ohio cemetery dispute 23
resolution commission created by section 4767.05 of the Revised 24
Code need to carry out their powers and duties under this 25
chapter, the director shall use the excess funds to provide 26
grants under the township abandoned cemetery maintenance grant 27
program created in section 4767.10 of the Revised Code. ~~If the~~ 28
~~director so reduces the amount of the registration fee, the~~ 29
~~director shall reduce it for all owners or other persons~~ 30
~~required to pay the fee under division (A) (1) of this section~~ 31
~~and shall require that the reduced fee be paid according to the~~ 32
~~number of cemeteries owned, operated, or maintained as required~~ 33
~~under that division. If the director has reduced the fee under~~ 34
~~division (A) (2) of this section, the director may later raise it~~ 35
~~up to the amounts specified in division (A) (1) of this section~~ 36
~~if, in any year, the director determines that the total amount~~ 37
~~of funds the fee is generating at the reduced amount is~~ 38
~~insufficient for the division of real estate and the Ohio~~ 39
~~cemetery dispute resolution commission to carry out their powers~~ 40
~~and duties under this chapter.~~ 41

(B) Upon receipt of the completed application form, 42
documentation, and, if required, registration fee, the division 43
of real estate shall issue a certificate of registration to the 44
applicant. The applicant shall display the certificate in a 45
conspicuous place on the premises of the cemetery for which the 46
registration was obtained, except that, if the applicant is the 47
governing body of a political subdivision or person acting on 48
behalf of that governing body, the certificate shall be kept on 49

file and be available for public inspection at the office of the 50
governing body. 51

(C) Except as otherwise provided in this division, each 52
registration issued pursuant to this section shall expire 53
annually on the thirtieth day of June and may be renewed. The 54
renewal fee shall be the same as the initial registration fees 55
prescribed in division (A) of this section. 56

The registration of a cemetery operated and maintained by 57
a political subdivision shall not expire unless the political 58
subdivision ceases to operate and maintain the cemetery. A 59
political subdivision operating and maintaining a cemetery is 60
not required to renew or update the registration of that 61
cemetery unless there is a change in the information required 62
under division (A) of section 4767.04 of the Revised Code or 63
unless additional land is acquired to increase the size of the 64
cemetery. 65

(D) All registration and renewal fees collected pursuant 66
to this section shall be paid into the state treasury to the 67
credit of the division of real estate in the department of 68
commerce to be used by the division to carry out its powers and 69
duties under this chapter and by the Ohio cemetery dispute 70
resolution commission created by section 4767.05 of the Revised 71
Code. 72

Sec. 4767.10. The director of commerce shall establish and 73
administer the township abandoned cemetery maintenance grant 74
program. The director shall use moneys received in payment of 75
cemetery registration fees that have been determined to be in 76
excess under section 4767.03 of the Revised Code to make grants 77
under the program to boards of township trustees for the 78
maintenance of abandoned cemeteries in townships. 79

To be eligible to receive a grant, a board of township trustees shall have one or more abandoned cemeteries in the township, and insufficient funds to maintain the abandoned cemetery or cemeteries. 80
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A board of township trustees may apply for a grant under the program by filing an application with the director of commerce in a form prescribed by the director. The form shall elicit facts establishing the township's eligibility for a grant, and shall include a certification to be signed by a majority of the board of township trustees or the township administrator stating that, if received, all grant moneys will be used only to pay for maintenance of the abandoned cemetery or cemeteries in the township. 84
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The director of commerce shall review an application to determine whether the township is eligible for a grant. The director shall make an eligibility determination, and shall notify the board of township trustees in writing of that determination within thirty days following receipt of the application. 93
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If the director approves an application, the director may make grants in amounts to defray all or a part of the township's expenses in maintaining the abandoned cemetery or cemeteries in the township. The board of township trustees at reasonable intervals shall report to the director on its use of the grant. The director at any time may require the board of township trustees to provide the director with an accounting of its use of the grant. The director shall require the township to repay any grant money that has been improperly used. If the township has improperly used grant money, and fails to repay the improperly used grant money within a reasonable time, the 99
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director has a cause of action to recover the improperly used 110
grant money. Upon the director's request, the attorney general 111
shall commence such an action and prosecute it to judgment. 112

The director of commerce may adopt rules under Chapter 113
119. of the Revised Code that are necessary successfully and 114
efficiently to administer the township abandoned cemetery 115
maintenance grant program. 116

Section 2. That existing section 4767.03 of the Revised 117
Code is hereby repealed. 118