

**State Representative Dick Stein**

**57th House District**

**M E M O R A N D U M**

**To: Chairman Oelslager, Vice Chair Manning, Ranking Member Skindell**

**From: Representative Dick Stein**

**Date: January 12, 2018**

**Re: Sponsor Testimony: HB168**

Chairman Oelslager, Vice Chair Manning, Rank Member Skindell and members of the Senate Finance Committee thank you for giving me the opportunity to speak on House Bill 168, to modify cemetery law and establish a revolving grant program. House Bill 168 has four key components.

First this bill establishes a cemetery Grant program to assist our nearly 2,500 not for profit cemeteries with much need repairs and maintenance. Initial funding of $100,000 will come from the existing cemetery registration fund which currently has a balance of over $900,000. Future funding will come from the current burial permit fee which is $3.00 of which $1.00 per permit issued in the future will continue to fund this cemetery grant program. Any not for profit cemetery who is registered with the commerce department is eligible for these grants.

As recommended by 2014 Cemetery Task Force Report this bill addresses technical points that will ease compliance and modernize other provisions. Some of these include:

* Monies managed in endowment care trust may be invested according to the Ohio Prudent Investors Act and this trust may be insured rather than bonded.
* Specifies that cemeteries must maintain physical or digital records.
* Updates the Ohio Cemetery Dispute Resolution Commission membership to reflect active organizations and gives the Department of Commerce access to more information when conducting audits for compliance of management of endowment care trust and preneed merchandise trust.

HB168 includes a provision to streamline certain receivership procedures when no owner is identified. When a cemetery ceases operation, the responsibility of maintenance often falls onto the township or municipality in which it is located. If no owner, purchaser or local government accepts the transfer of the cemetery, HB 168 will allow the Department of Commerce apply for appointment of a temporary receiver for the property to allow the legal proceeding continue.

This legislation also addresses seven technical changes to the Funeral Directors Board and related ORC section. These include the make-up of the board, teleconference ability, and quorum requirement language that was not adopted into HB49 where other funeral law changes were updated.

This bill is supported by the Ohio Cemetery Association, the Ohio Township Association, the Ohio Funeral Directors Association and the Department of Commerce and has no known opposition. Also this bill passed out of State Local and Government and Finance committees with bipartisan unanimous support.

Thank you for your attention to my sponsor testimony on HB168. At this time I will gladly answer any questions the Chairman or members of the committee have.