



# OHIO TOWNSHIP ASSOCIATION

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## Senate Finance Committee January 30, 2018 Proponent Testimony Sub. HB 168 Modify Cemetery Law

Good afternoon Chairman Oelslager, members of the Senate Finance Committee. On behalf of the 1,308 townships that are members of the OTA, thank you for the opportunity to testify in support of House Bill 168. Specifically, the OTA supports the provision of the bill that creates a cemetery grant program (R.C. §4767.10) using funds received from burial permits issued in Ohio.

Townships maintain over 2,400 cemeteries in Ohio. Townships, per R.C. §517.11, are charged with the protection and preservation of cemeteries under their jurisdiction. The challenge many townships face is how to fund the maintenance and care of those cemeteries.

Townships have seen revenue sources reduced or eliminated over the last six years. With reduction in revenue that is primarily used for general township purposes, townships have been forced to seek additional revenue. In November 2017, there were 49 cemetery levies on the ballot across Ohio. While a good majority of those renewal levies passed, 11 of those levies were for additional funding and only four of those levies passed.

As the care and maintenance of the cemeteries is mandated by law, a township must find the funds to care for and preserve the cemeteries. Unless a township is collecting on a cemetery levy, general fund and cemetery fee monies are primarily used to provide for the maintenance and operation of township cemeteries. One plank included in our 132nd General Assembly legislative platform is the following:

### ***Grant Program for Abandoned Cemeteries***

*With the discovery of abandoned cemeteries, townships become responsible for their maintenance and upkeep. Procedures for the takeover of an abandoned cemetery need to be clarified in the Revised Code. The OTA strongly urges the Department of Commerce - Real Estate Division to set up a grant program to assist townships in maintaining abandoned cemeteries using revenue derived from cemetery registration fees.*

Additionally, in 2013, the Ohio Department of Commerce - Division of Real Estate & Professional Licensing approached local government organizations, the Ohio Cemetery Association and the Ohio Cemetery Foundation about potential changes to Ohio's cemetery laws. This included the ability to set minimum maintenance standards, the ability to open complaints against a cemetery that should be registered with the division and the possibility of creating a grant program for public cemeteries.

Also, the Ohio Cemetery Law Task Force recommended to "create and authorize a grant program as proposed by the Division..." that would help defray the costs of maintenance and operation of not-for-profit cemeteries, including township and municipal cemeteries (page 22). Draft language creating the grant program was also included in the Task Force report. To view the Task Force report, please visit [http://www.com.ohio.gov/documents/real\\_CemeteryTaskForceFinalReport.pdf](http://www.com.ohio.gov/documents/real_CemeteryTaskForceFinalReport.pdf).

The funding for the grant program would come from the revenue collected for burial permit fees. Pursuant to R.C. §3705.17, no body of a person shall be interred, deposited in a vault or tomb, cremated or otherwise disposed of by a funeral director until a burial permit is issued by a local registrar or sub-registrar of vital statistics. House Bill 531 (122<sup>nd</sup> General Assembly) increased the burial permit fee from \$2.50 to \$3.00. The legislation, which was effective September 22, 2000, also required \$2.50, as opposed to \$2.00, be paid into the state treasury to the credit of the Division of Real Estate in the Department of Commerce to be used by the Division in discharging its duties prescribed in Ch. 4767 of the Revised Code and the Ohio Cemetery Dispute Resolution Commission created by R.C. §4767.05.

The Ohio Township Association supports Sub. House Bill 168. The creation of the Cemetery Grant Program will help many townships across the state fulfill their mandated responsibility of maintaining over 2,400 cemeteries. Mr. Chairman and members of the Committee, thank you for the opportunity to testify and I would be happy to answer any questions you may have.