

TESTIMONY OF
DANIEL G. APPLGATE
ON BEHALF OF THE
OHIO CEMETERY ASSOCIATION
REGARDING SENATE BILL 224
BEFORE THE
SENATE GENERAL GOVERNMENT BUDGET COMMITTEE
March 1, 2022

The Ohio Cemetery Association
219 Webbshaw Drive
Centerville, Ohio 45458

To the Senate General Government Budget Committee:

Chairman Peterson, Vice Chairman Cirino, Ranking Member Craig and members of the Committee, my name is Dan Applegate. I am the President of both The Arlington Memorial Gardens Association and The Arlington Memorial Gardens Funeral Home located in Cincinnati. I have worked in the Ohio cemetery industry for forty years. Additionally, I served on the Ohio Cemetery Dispute Resolution Commission for a three-year term and was a member on the Ohio Cemetery Law Task Force. Finally, I am a member of the Ohio Cemetery Association and a long-time member of its Legislative Committee and a past president of the Association. The OCA's members include not-for-profit associations, for profit cemeteries, township and municipal cemeteries and religious cemeteries. I offer my testimony today on behalf of the OCA.

While I testified before this Committee on October 19, 2021, the Committee functioned only as a Subcommittee on such date due to attendance issues. As such, Timothy C, Long, our lobbyist and counsel, testified before the full Committee on November 30, 2021 to summarize the OCA's objections to Senate Bill 224 as it was introduced. While you can easily review such earlier testimony and, as such, we do not wish to impede any more that absolutely necessary on your time, as Amendment 2478-3 (the "Amendment") is before the Committee for consideration, we are compelled to provide detail on why the OCA opposes both Senate Bill 224, as introduced, and, now, the Amendment.

The Amendment is just as objectionable to the OCA as the problematic portions of SB 224. The largest issue is that when coupled with not-or-profit cemeteries' inability to sell insurance, the increased 90% vesting for preneed casket sales would effectively remove cemeteries from the preneed casket sales marketplace.

Additionally, we would like to point out that the Amendment would incorporate funeral home law requirements into the cemetery laws **that are largely irrelevant for funeral homes**. The OFDA statistics reveal that 80% of preneed funeral contracts utilize an insurance product instead of trusting of the sales proceeds.

Effectively, whether via the SB 224 as introduced, or by way of the Amendment, the Committee is being asked, under the guise of “equal competition”, to place requirements on the cemetery industry that proponent funeral industry easily and uniquely sidesteps.

I would be happy to address any questions.

Thank you.

Daniel G. Applegate
OCA Legislative Committee