



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Bethany Boyd

### **H.B. 395**

131st General Assembly  
(As Introduced)

**Reps.** Pelanda, Green, Grossman, Fedor, Ruhl, Hill, Sprague

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### **BILL SUMMARY**

- Establishes the Cemetery Grant Fund, to be used by the Director of Commerce to award grants to owners or persons operating or maintaining cemeteries to defray their cemetery operation and maintenance costs and to train cemetery personnel in the operation and maintenance of cemeteries.
  - Provides that for-profit cemeteries are not eligible for grants.
  - Requires that the Fund consist of a portion of burial permit fees, money appropriated to it, and investment earning on moneys credited to the Fund.
  - Authorizes the Director of Commerce, by rule, to increase the portion of each burial permit fee that is to be transferred to the credit of the Fund.
  - Appropriates \$100,000 to the Department of Commerce for fiscal year 2016, to be used in awarding the cemetery grants.
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### **CONTENT AND OPERATION**

#### **Cemetery Grant Fund**

The bill establishes the Cemetery Grant Fund in the state treasury, with moneys in the Fund to be used exclusively by the Director of Commerce to make grants to owners or persons responsible for the operation and maintenance of cemeteries, to defray the costs of operating and maintaining the cemeteries and to train cemetery personnel in the operation and maintenance of cemeteries. Only owners or persons responsible for the operation and maintenance of cemeteries registered with the Division of Real Estate in the Department of Commerce are eligible for a grant; owners or persons responsible for the operation and maintenance of for-profit cemeteries are

not eligible for a grant. "Maintaining" or "maintenance" of a cemetery means the care of a cemetery and of its lots, graves, crypts, niches, mausoleums, memorials, and markers, including the cutting, trimming, and removal of trees; the repair of drains, water lines, roads, fences, and buildings; and the payment of expenses necessary for keeping records of lot ownership, transfers, and burials.<sup>1</sup>

Under the bill, the Cemetery Grant Fund consists of money appropriated to the Fund, investment earnings on moneys credited to the Fund, and a portion of burial permit fee moneys transferred to the Fund by the Treasurer of State. Under continuing law, local registrars charge funeral directors and other persons a fee of \$3 for issuing a burial permit, and \$2.50 of that fee must 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 under the Cemetery Registration Law. The bill requires the Treasurer of State, upon receiving this payment, to transfer to the Cemetery Grant Fund \$1 of every \$2.50 paid into the State Treasury, to be used by the Director of Commerce for cemetery grants.<sup>2</sup>

The Director of Commerce, by adopting a rule under the Administrative Procedure Act may, each fiscal year, increase the dollar amount of each burial permit fee that is to be transferred to the credit of the Fund, if the Director determines that the total amount of fees paid into the State Treasury to the credit of the Division of Real Estate exceeds the amount of money the Division needs to discharge its duties under the Cemetery Registration Law. If the Director increases the dollar amount transferred to the Fund and later determines that the increase in the dollar amount depletes the amount of moneys the Division of Real Estate needs to discharge its duties, the Director may lower the dollar amount that is to be transferred to the credit of the Fund to \$1 of every \$2.50 of each burial permit fee collected.<sup>3</sup>

The bill also requires the Director of Commerce to adopt rules under the Administrative Procedure Act that prescribe the form and content of applications for grants, that establish requirements for obtaining a grant, and that establish the procedures the Director must follow in awarding grants.<sup>4</sup>

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<sup>1</sup> R.C. 4767.09(A) and (C)(1).

<sup>2</sup> R.C. 3705.17 and 4767.09(B).

<sup>3</sup> R.C. 4767.09(D).

<sup>4</sup> R.C. 4767.09(C)(2).



## Appropriation

The bill makes an appropriation of \$100,000 to the Department of Commerce, Cemetery Grant Fund, for fiscal year 2016, to be used by the Department to award grants under the bill. This appropriation is in addition to any other appropriations made for the FY 2016-FY 2017 biennium.

Within the bill's limits, the Director of Budget and Management must establish accounts indicating the source and amount of funds for each appropriation made in the bill, and must determine the form and manner in which appropriation accounts are to be maintained. Expenditures from appropriations contained in the bill must be accounted for as though made in Am. Sub. H.B. 64 of the 131st General Assembly (the main operating budget bill). The appropriations made in this bill are subject to all provisions of Am. Sub. H.B. 64 that are generally applicable to such appropriations.<sup>5</sup>

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## HISTORY

ACTION	DATE
Introduced	11-09-15

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<sup>5</sup> Sections 3 and 4.

