



# Ohio Legislative Service Commission

## Bill Analysis

Wendy H. Gridley

### **S.B. 106**

131st General Assembly  
(As Introduced)

**Sens.** Tavares, Yuko, Seitz, Williams

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## **BILL SUMMARY**

- Requires the Director of Commerce to establish and administer the Township Abandoned Cemetery Maintenance Grant Program, which is to be created under the bill.
- Removes current authority for the Director of Commerce to lower cemetery registration fees when the total amount of funds generated by the fees exceed the amount of funds needed by the Division of Real Estate and the Ohio Cemetery Dispute Resolution Commission to carry out their powers and duties under the cemetery law.

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## **CONTENT AND OPERATION**

### **Township Abandoned Cemetery Maintenance Grant Program**

The bill eliminates current authority for the Director of Commerce to lower cemetery registration fees required under current law when the Director determines that the total amount of funds generated by the fees exceed the amount of funds needed by the Division of Real Estate and the Ohio Cemetery Dispute Resolution Commission to carry out their powers and duties under the cemetery law. Instead, the Director is required to use the excess funds to provide grants to eligible townships under the Township Abandoned Cemetery Maintenance Grant Program that is to be established and administered under the bill.<sup>1</sup>

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<sup>1</sup> R.C. 4767.03(A)(2).

The grants are to be used by boards of township trustees for the maintenance of abandoned cemeteries in townships. Eligible townships are those that have one or more abandoned cemeteries in the township and insufficient funds to maintain it or them.

Townships must apply for grants on a form prescribed by the Director. The form must elicit facts establishing a township's eligibility for a grant, and must 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 the maintenance of the abandoned cemetery or cemeteries in the township.

The Director of Commerce is required to make an eligibility determination and notify a board of township trustees in writing within 30 days after receipt of an application. If approved, the Director may award grants in amounts to defray all or a part of the township's maintenance expenses. The board of township trustees must report, at reasonable intervals, to the Director about its use of the grant. The Director may require the board of township trustees to provide an accounting, at any time, of the township's use of the grant, and must require repayment of improperly used grant money. The Director has a cause of action, to be prosecuted by the Attorney General, against a township that uses grant money improperly and fails to repay the money within a reasonable time.

The Director is authorized to adopt rules under the Administrative Procedure Act that are necessary to successfully and efficiently administer the Township Abandoned Cemetery Grant Program.<sup>2</sup>

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## HISTORY

### ACTION

### DATE

Introduced

03-03-15

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<sup>2</sup> R.C. 4767.10.

