

**MINUTES OF THE MEETING OF THE
OHIO CEMETERY LAW TASK FORCE**

**77 S. High Street, 22nd Floor Hearing Room
Columbus, OH 43215-6133**

**March 7, 2014
9:30 a.m.**

I. Preliminary Matters

Co-chair Petit called the meeting to order.

Roll Call: Laura Monick conducted roll call.

Present: Daniel Applegate, Stephen George, Hon. Keith G. Houts, Hon. Cory Noonan, Anne M. Petit, Patrick Piccininni, Jay Russell, David Snyder, James Turner, James Wright, Division Staff Attorney Laura Monick.

Excused: Dr. John N. Low

Review of Meeting Minutes: Co-chair Noonan opened the floor for discussion of the minutes of the January 24, 2014 meeting of the Ohio Cemetery Law Task Force. Mr. Turner noted an errant “n” on line 3, page 2 of the minutes. Mr. Turner then moved to approve the minutes of the January 24th meeting with such correction. Mr. Piccininni seconded the motion. The motion passed unanimously.

II. Old Business

Co-chair Noonan opened the floor for discussion of old business. Co-chair Noonan noted that the Ohio Farm Bureau was contacted and at this time they respectfully declined the invitation to provide testimony.

Mr. Turner then moved to amend his motion to be an approval of the February 21, 2014 minutes. Mr. Piccininni seconded the motion. The motion passed unanimously.

Co-chair Petit, on behalf of Mr. George, announced a change in staffing at the Ohio Historical Society. Ms. Dean left their employ prior to sending the contact information for the Tribal historical preservation offices. Mr. George and Dr. Low will now assist in finding contact information for the tribal leaders.

III. New Business

Co-chair Petit brought the task force into new business and welcomed Heidi Fought with the Ohio Township Association (OTA) to the meeting.

Ohio Township Association (OTA) – represented by Heidi Fought, Director of Governmental Affairs. See written testimony attached.

Townships in Ohio maintain over 2,400 cemeteries and take pride in caring for those cemeteries. Townships have specific requirements with respect to cemeteries as found in Ohio Revised Code Chapter 517. Primarily, funding is a huge issue. In their 2015-2017 requested legislative priorities, the OTA asked the General Assembly to address funding in two ways. A few years ago, then Representative Widener introduced legislation allowing townships to sell cemetery related items to bring in additional revenue if a township wanted to sell those items. This was House Bill 382 (126th GA). Municipalities currently can sell cemetery related items but townships cannot. The other funding piece noted in their requested legislative priorities is a grant program proposed under ORC Chapter 4767. The OTA supports the grant program and thinks is a great opportunity. The OTA would also ask the task force to look at defining “abandoned” or “burial ground.” These need clearer definitions because while they are mentioned in the Ohio Revised Code there are not current definitions. If the definitions would include large numbers of additional cemeteries then townships will need adequate funding to match. Another area for the task force to review is cemetery levies.

Currently, cemetery levies only can be five years in length but townships would like the ability to have a continuous levy option. With respect to maintenance schedules and standards, townships do have Ohio Revised Code Chapter 517 that generally speaks to cemetery maintenance. The OTA likes the current minimum requirements but understands, perhaps, the need for more and looks forward to working with the task force on this issue. The loss of funding to townships has greatly impacted townships and the OTA tries to provide education and training opportunities and would like to look at creating a training program as an option to specific maintenance standards. Finally, there is an Attorney General opinion on extinguishment of burial easement and re-selling of lots which states that Ohio Revised Code Section 517.07 only permits townships to re-sell lots on lots with deeds executed from July 24, 1986 forward. The townships would like the ability to re-sell lots that are older and where they can show that there is no existing family left.

During questioning the OTA supported the same text of ORC 517.07 and just removing the date restriction. If the date is removed then the OTA thinks it would be reasonable if some more protection measures were added concerning when a township could re-sell a burial right but ideally they would like that date restriction be removed. With respect to former House Bill 382, in 2005 there were several hearings in the House and sellers of cemetery related items opposed the language that would permit townships to sell cemetery related items. Co-chair Noonan requested that the OTA mesh proposed changes into Ohio Revised Code Chapter 517 and provide that electronically to the task force. The OTA emphasized that with respect to the proposed grant program, any grant amount would help and how many townships would apply would depend on whether townships took the time to apply. Townships know that grants are competitive and the OTA understands that a tiered process with restrictions on how often a township could apply for grant funds or placing a cap on grant amounts may be needed.

After some additional discussion of a potential grant program and townships selling cemetery related items, the task force moved forward with the agenda and began discussion about the American University Washington College of Law State Burial Laws Project. The task force had the opportunity to view the State Burial Laws Project website.

Discussion then began on the mission of the task force and what direction the task force wants to move with their process now that they have heard the testimony of many interested parties. Discussion included thoughts on broader goals, what format the task force's recommendations might take and how to organize the structure of the recommendations to help create a vision of how the State can move forward. Each member of the task force had the opportunity to provide their views on moving forward and as a group the task force decided that they would have the homework of reviewing the previous meeting minutes and testimony then come up with their own lists of broad categories they feel the task force should discuss. Co-chair Petit offered to work on compiling each member's list and then sending a master list back out to the task force members prior to the next meeting. It was then agreed that the master list could be the focus of next meeting agenda with the goal of setting out broad categories and then listing out under those broad categories more specific issues as identified by interested parties and the task force.

Next Meeting Dates:

April 4, 2014 at 9:30 am

April 28, 2014 at 9:30am

IV. Adjournment

Mr. Turner moved to adjourn. Mr. Russell seconded the motion, which passed unanimously.