



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Laura Monick, Ohio Department of Commerce

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: March 18, 2019

RE: **CSI Review – Cemetery Dispute Resolution Commission (OAC 1301:13-1-03, 1301:13-3-01, 1301:13-5-01, 1301:13-5-03, and 1301:13-7-01 through 1301:13-7-06)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of four amended rules and six new rules proposed by the Ohio Department of Commerce (ODC). The rule package was submitted to the CSI Office on January 11, 2019 and the public comment period was held open through January 28, 2019.

The rules in Ohio Administrative Code (OAC) Division 1301:13 set forth provisions for the Cemetery Dispute Resolution Commission (Commission), which has the authority to mediate issues involving registered cemeteries. OAC 1301:13-1-03 and 1301:13-3-01 establish the definitions used throughout the Rule Division and the procedure that the Commission shall follow upon receiving a complaint. The rules are being amended to reflect new language regarding unregistered cemeteries that have been added to the authorizing statute in HB 168 of the 132nd General Assembly. OAC 1301:13-5-01 and 1301:13-5-03 detail requirements for cemetery registration and are being amended to include language concerning compliance audit schedules and correction plans. OAC 1301:13-7-01 through 1301:13-7-06 are proposed new rules that establish procedures for the Cemetery Grant Fund (Fund) created in ORC 4767.10. The Fund

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serves to assist cemeteries with the costs of maintenance and training cemetery personnel. The rules set forth criteria for eligibility, application for funding, the establishment of the Cemetery Grant Advisory Committee, and the administration and distribution of grant funds.

During early stakeholder outreach, ODC held meetings to review the proposed rules with relevant stakeholder groups, including the Ohio Cemetery Association, the Catholic Conference of Ohio, the Ohio Township Association, and the Ohio Municipal League. During these meetings, ODC made amendments to the existing rules in the package based on stakeholder feedback and worked with stakeholders to help create the new rules that regulate the Cemetery Grant Fund. No comments were received during the CSI public comment period.

The business community impacted by these rules includes cemetery owners and operators. The adverse costs created by the rules include the time and effort necessary to apply for grant funding, the cost of an audit of purchased cemetery assets, and penalties for violations of the rules. Penalties for violations of the rules may include the inability to register purchased assets and requiring cemeteries to repay grant funds that have been misappropriated. ODC states in the BIA that the rules create new opportunities for cemeteries that help ease the burden of maintenance and training costs, which justifies the regulatory burden created by the rules.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Ohio Department of Commerce should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.