



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Laura Monick, Ohio Department of Commerce

FROM: Jacob Ritzenthaler, Business Advocate

DATE: March 2, 2022

RE: **CSI Review – Cemetery Dispute Resolution Committee (OAC 1301:13-1-01, 1301:13-1-02, 1301:13-1-03, 1301:13-3-01, 1301:13-3-03, 1301:13-5-01, 1301:13-5-02, 1301:13-5-03, 1301:13-7-01, 1301:13-7-02, 1301:13-7-03, 1301:13-7-04, 1301:13-7-05, and 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 Department as provided for in ORC 107.54.

Analysis

This rule package consists of four amended rules and ten no change rules proposed by the Ohio Department of Commerce (ODC). This rule package was submitted to the CSI Office on January 10, 2022, and the public comment period was held open through January 24, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on January 10, 2022.

The rules in this package set forth requirements for the Ohio Cemetery Dispute Resolution Committee (Committee). Ohio Administrative Code (OAC) 1301:13-1-01, 1301:13-1-02, and 1301:13-1-03 establish general provisions for the Committee, including definitions used throughout the Chapter, processes for providing public notice of rule updates and public hearings. Both rules are proposed without amendments. OAC 1301:13-3-01 and 1301:13-3-03 establish requirements for handling complaints and are proposed without amendments. OAC 1301:13-5-01, 1301:13-5-02, and 1301:13-5-03 set forth requirements for the registration of cemeteries that have

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been sold or transferred and for revoking a license. OAC 1301:13-7-01 establishes grant eligibility criteria and is amended to increase the maximum amount of grant funding requested from \$1,000 to \$2,500. OAC 1301:13-7-02 and 1301:13-7-03 set forth procedures and application requirements for the grant program and are proposed without changes. OAC 1301:13-7-04 establishes requirements for grant funding, including restrictions on how funds are expended, and includes amendments that allow a project to begin upon the receipt of a signed grant agreement. OAC 1301:13-7-05 lists requirements for the cemetery grant advisory committee and is amended to remove term limits and grant advertisement to the Division superintendent. OAC 1301:13-7-06 concerns the distribution of grant funds and is amended to increase the timeframe for a grant awardee to sign and return the award agreement.

During early stakeholder outreach, ODE provided the rules for feedback to industry stakeholders, including the Ohio Cemetery Association, Ohio Catholic Conference, Ohio Township Association, Ohio Municipal League, and the cemetery grant advisory committee. One comment received during that time expressed support for increasing the upper limit of grant award funds. No comments were received during the CSI public comment period.

The business community impacted by these rules includes all cemetery operators. The adverse impacts created by the rules include costs and time connected to auditing financial statements in the event of a sale, completing grant applications, as well as potential penalties for violations of the rule requirements. Penalties may include denial of registration or the return of misused grant funds. ODE states that the adverse impacts are justified as they hold cemeteries accountable for money that is held in trust and to provide a formal dispute resolution forum.

Recommendations

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

Conclusion

The CSI Office concludes that ODC should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review