

1 H.810

2 Introduced by Representatives South of St. Johnsbury, Cupoli of Rutland City,
3 Fay of St. Johnsbury, Goodwin of Weston, Juskiewicz of
4 Cambridge, Larocque of Barnet, Mitchell of Fairfax, Shaw of
5 Pittsford, and Shaw of Derby

6 Referred to Committee on

7 Date:

8 Subject: Cemeteries; vandalism; burial and cremation fee

9 Statement of purpose of bill as introduced: This bill proposes to create a
10 Cemetery Vandalism Fund to repair cemeteries that have been vandalized;
11 impose a \$1.00 fee on every burial or cremation; and grant authority to the
12 Vermont Old Cemetery Association to administer the Cemetery Vandalism
13 Fund.

14 An act relating to the creation and administration of the Cemetery
15 Vandalism Fund

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 Sec. 1. 18 V.S.A. § 5302 is amended to read:

18 § 5302. DEFINITIONS

19 * * *

1 (12) “Vandalism” means the willful or malicious destruction or
2 defacement of property in a cemetery such as the toppling of memorial stones,
3 damage to crypts, niches, grave sites, monuments, and memorials.

4 (13) “Qualifying damage” means damage caused by acts of vandalism
5 that cannot be repaired by means of regular maintenance.

6 Sec. 2. 18 V.S.A. § 5323 is added to read:

7 § 5323. CEMETERY VANDALISM FUND

8 (a) There is created a Cemetery Vandalism Fund to repair cemeteries that
9 have been vandalized. The Fund shall be administered pursuant to 32 V.S.A.
10 chapter 7, subchapter 5.

11 (b) The Vermont Old Cemetery Association (VOCA) shall administer the
12 Cemetery Vandalism Fund to fulfill the purposes of this section by means of
13 grants to eligible applicants for eligible activities, pursuant to subsection (e) of
14 this section. VOCA shall report annually to the Secretary of State the amount
15 of funds received, and the amount of funds expended.

16 (c) Every cemetery or cemetery association shall contribute \$1.00 to the
17 Cemetery Vandalism Fund for each burial or cremation it performs. No
18 contribution shall be collected upon the burial of the remains of a deceased
19 person where a contribution was collected upon cremation. On or before
20 January 15 of each year, every cemetery or cemetery association that has
21 performed a burial or cremation during the preceding calendar year shall

1 submit a check to the Town Clerk for the total amount collected during the
2 preceding year toward payment to the Fund. Payment shall be accompanied by
3 a statement signed by a cemetery officer certifying the number of burials and
4 cremations and the amount transmitted. Funds will be disbursed to VOCA on
5 January 31 of each year.

6 (d) Within 30 days of the discovery of a qualifying act of vandalism, the
7 cemetery shall:

8 (1) Report such act to VOCA either verbally or in writing.

9 (2) Provide written notice to the lot owner or next of kin if damage was
10 done to a crypt, niche, grave site, monument, or memorial. The notice shall
11 advise the lot owner or next of kin to seek insurance benefits that may be
12 available pursuant to a homeowner's insurance policy. A copy of such notice
13 shall be maintained by the cemetery.

14 (e) Within six months of the discovery of a qualifying act of vandalism, the
15 cemetery may apply to VOCA for a grant to repair the vandalism damage.

16 (1) The grant application shall include the following:

17 (A) a description of the qualifying damage, photographs, and the date
18 that the report of damage was filed with VOCA;

19 (B) a copy of any letters, newspaper advertisements, or other
20 documented attempts to obtain funding for the repair from the family of the
21 deceased;

1 (C) a copy of other reports filed in accordance with law;

2 (D) a copy of bids submitted by at least two contractors for the cost
3 of repairs; and

4 (E) a notarized statement signed by a cemetery officer that the
5 cemetery has no available funds that it is authorized to use for the purpose of
6 repair; that it has not been able to obtain sufficient funds from the family of the
7 deceased, including insurance benefits; and that the proposed costs of the
8 repairs are fair and reasonable.

9 (2) A VOCA representative shall review the vandalism damage within
10 90 days of receipt of a complete grant application and make a determination
11 based on the following factors:

12 (A) whether there is qualifying damage;

13 (B) severity of the damage;

14 (C) whether the vandalism is part of a wave of vandalism;

15 (D) emotional distress of visiting families;

16 (E) appropriateness of prior use of payments from the fund;

17 (F) priority of application based upon previous allocations; and

18 (G) availability of monies within the fund.

19 (3) Upon approval, the VOCA treasurer shall disburse funds directly to
20 the Town Clerk to be used for vandalism repair. The cemetery must apply all
21 disbursements made by VOCA to the repair of the vandalized property

1 described in the vandalism grant application. Any funds remaining after the
2 repairs have been performed must be returned to VOCA for redeposit to the
3 Cemetery Vandalism Fund.

4 (4) Within 90 days of receipt of disbursements, the cemetery shall make
5 a final report to VOCA. The final report shall include the repairs made and by
6 whom, the amount of funds expended, and the amount of funds to be returned
7 to VOCA, if any. If the repairs have not been completed, the reason shall be
8 explained, and the anticipated date for a subsequent, final report. Such report
9 and any additional report shall be sworn by a cemetery officer.

10 Sec. 3. EFFECTIVE DATE

11 This act shall take effect on July 1, 2014.