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S.298

Introduced by Senators Hooker, Balint, Clarkson, Hardy, Ingram, McCormack
and Nitka

Referred to Committee on

Date:

Subject: Cemeteries; vandalism; grant; burial and cremation fee

Statement of purpose of bill as introduced: This bill proposes to create a
Cemetery Vandalism Fund to fund the repair of cemeteries that have been
vandalized. This bill also proposes to support the Fund by imposing a \$5.00
fee on every burial or cremation.

An act relating to creation of the Cemetery Vandalism Fund

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

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

§ 5302. DEFINITIONS

As used in this chapter and unless otherwise required by the context:

(1) “Agencies” means town cemeteries, religious or ecclesiastical
society cemeteries, cemetery associations, and any person, firm, corporation,
or unincorporated association engaged in the business of a cemetery.

* * *

1 (13) “Temporary receiving vault” means a vault or crypt in a structure
2 of durable and lasting construction, used or intended to be used, for the
3 temporary deposit of the remains of a deceased person for a period of time not
4 exceeding one year.

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

8 (15) “Qualifying damage” means damage caused by acts of vandalism
9 that cannot be repaired by means of regular maintenance.

10 (16) “Regular maintenance” means regular upkeep, including mowing
11 and tree removal.

12 Sec. 2. 18 V.S.A. § 5324 is added to read:

13 § 5324. CEMETERY VANDALISM GRANTS

14 (a) The Vermont Old Cemetery Association (VOCA) shall provide grants
15 to an agency to repair vandalized cemeteries.

16 (b) Within 30 days after the discovery of an act of vandalism, as defined in
17 section 5302 of this title, an agency shall:

18 (1) Report the act to VOCA either verbally or in writing.

19 (2) Provide written notice to the lot owner or next of kin if damage was
20 done to a crypt, niche, grave site, monument, or memorial. The notice shall
21 advise the lot owner or next of kin to seek insurance benefits that may be

1 available pursuant to a homeowner's insurance policy. A copy of the notice
2 shall be maintained by the agency.

3 (c) Within six months after reporting an act of vandalism, the agency may
4 apply to VOCA for a grant to repair the qualifying damage.

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

6 (A) a description of the qualifying damage, photographs of the
7 qualifying damage, and the date that the report of vandalism was filed with
8 VOCA;

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

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

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

15 (E) a notarized statement signed by the cemetery commissioner or
16 other proper officer that the agency has no available funds that it is authorized
17 to use for the purpose of repair; that it has not been able to obtain sufficient
18 funds from the family of the deceased, including insurance benefits; and that
19 the proposed costs of the repairs are fair and reasonable.

1 (2) A VOCA representative shall review the qualifying damage within
2 90 days of receipt of a complete grant application and make a determination
3 based on the following factors:

4 (A) whether there is qualifying damage;

5 (B) severity of the qualifying damage;

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

7 (D) emotional distress to visiting families;

8 (E) appropriateness of prior use of payments from the Cemetery
9 Vandalism Fund;

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

11 (G) availability of monies within the Cemetery Vandalism Fund.

12 (3) Upon approval, the VOCA treasurer shall disburse funds directly to
13 the appropriate cemetery commissioner or other proper officer. The agency
14 shall apply all disbursements made by VOCA to the repair of the vandalized
15 property described in the vandalism grant application. Any funds remaining
16 after the repairs have been performed must be returned to VOCA for redeposit
17 to the Cemetery Vandalism Fund.

18 (4) Within 90 days of receipt of disbursements, the agency shall make a
19 final report to VOCA. The final report shall include the repairs made and by
20 whom, the amount of funds expended, and the amount of funds to be returned
21 to VOCA, if any. If the repairs have not been completed, the reason shall be

1 explained, and the anticipated date for a subsequent, final report shall be
2 provided. The report and any additional report shall be sworn by a cemetery
3 commissioner or other proper officer.

4 Sec. 3. 18 V.S.A. § 5325 is added to read:

5 § 5325. CEMETERY VANDALISM FUND

6 (a) Creation. The Cemetery Vandalism Fund is established to provide
7 grants to repair vandalized cemeteries. The Fund shall be administered by the
8 Vermont Old Cemetery Association (VOCA). Monies in the Fund shall be
9 used solely to provide cemetery vandalism grants, pursuant to section 5324 of
10 this title.

11 (b)(1) Fees and Collection. Every agency shall contribute \$5.00 to the
12 Cemetery Vandalism Fund for each burial or cremation it performs. A
13 contribution shall not be collected upon the burial of the remains of a deceased
14 person where a contribution was collected upon cremation.

15 (2) On or before January 15 of each year, every agency that has
16 performed a burial or cremation during the preceding calendar year shall
17 submit a check to VOCA for the total amount collected during the preceding
18 year toward payment to the Fund. Payment shall be accompanied by a
19 statement signed by a cemetery commissioner or other proper officer certifying
20 the number of burials and cremations and the amount transmitted. Funds will
21 be disbursed to VOCA on January 31 of each year.

1 Sec. 4. CEMETERY VANDALISM FUND; INITIAL FEE COLLECTION

2 The Vermont Old Cemetery Association shall collect initial fees for the
3 Cemetery Vandalism Fund beginning on January 1, 2021 for each burial or
4 cremation occurring between July 1, 2020 and December 31, 2020.

5 Sec. 5. EFFECTIVE DATE

6 This act shall take effect on July 1, 2020.