

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 275 entitled “An act relating to creation of the Cemetery Vandalism
4 Response Fund” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

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

8 § 5302. DEFINITIONS

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

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

13 * * *

14 (13) “Niche” means a recess in a columbarium used, or intended to be
15 used, for the permanent disposition of human remains of one or more deceased
16 persons.

17 (14) “Protected category” has the same meaning as in 13 V.S.A. § 1455.

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

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

1 (17) “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 (18) “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 Sec. 2. 18 V.S.A. § 5324 is added to read:

9 § 5324. CEMETERY VANDALISM RESPONSE GRANTS

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

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

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

15 (2) Provide written notice to the lot owner or, to the extent practicable,
16 next of kin if damage was done to a crypt, niche, grave site, monument, or
17 memorial. The notice shall advise the lot owner or next of kin to seek
18 insurance benefits that may be available pursuant to a homeowner’s insurance
19 policy. A copy of the notice shall be maintained by the agency.

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

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

2 (A) a description of the qualifying damage, photographs of the
3 qualifying damage, and the date that the report of vandalism was filed with
4 VOCA;

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

8 (C) a copy of other reports relating to the act of vandalism filed in
9 accordance with law;

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

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

17 (2) A VOCA representative shall review the qualifying damage within
18 90 days after receipt of a complete grant application and make a determination
19 based on the following factors:

20 (A) whether there is qualifying damage;

21 (B) severity of the qualifying damage;

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

2 (D) emotional distress to visiting families;

3 (E) whether the vandalism appears to be motivated, in whole or in
4 part, by a person’s actual or perceived membership in a protected category;

5 (F) appropriateness of prior use of payments from the Cemetery
6 Vandalism Response Fund;

7 (G) priority of application based upon previous allocations; and

8 (H) availability of monies within the Cemetery Vandalism Response
9 Fund.

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

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

1 provided. The report and any additional report shall be sworn by a cemetery
2 commissioner or other proper officer.

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

4 § 5325. CEMETERY VANDALISM RESPONSE FUND

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

10 (b) Fees and collection.

11 (1) Every agency shall contribute \$5.00 to the Cemetery Vandalism
12 Response Fund for each burial or cremation it performs. A contribution shall
13 not be collected upon the burial of the remains of a deceased person where a
14 contribution was collected upon cremation. An agency shall not charge a fee
15 to cover the cost of the contribution to any person receiving financial
16 assistance for the burial or cremation.

17 (2) On or before January 15 of each year, every agency that has
18 performed a burial or cremation during the preceding calendar year shall
19 submit to the Division for Historic Preservation a check made out to VOCA for
20 the total amount collected during the preceding year toward payment to the
21 Fund. Payment shall be accompanied by a statement signed by a cemetery

1 commissioner or other proper officer certifying the number of burials and
2 cremations and the amount transmitted. Funds shall be disbursed to VOCA on
3 January 31 of each year.

4 Sec. 4. CEMETERY VANDALISM RESPONSE FUND; INITIAL FEE
5 COLLECTION

6 The Division for Historic Preservation shall collect initial fees for the
7 Cemetery Vandalism Response Fund beginning on January 1, 2027, for each
8 burial or cremation occurring between July 1, 2026, and December 31, 2026.

9 Sec. 5. EFFECTIVE DATE

10 This act shall take effect on July 1, 2026.

11
12
13
14
15
16
17
18
19
20

(Committee vote: _____)

Senator _____

FOR THE COMMITTEE