

SENATE BILL 631

C2

5lr3216
CF HB 724

By: **Senator M. Washington**

Introduced and read first time: January 25, 2025

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Commission on Abandoned and Neglected Maryland Cemeteries –**
3 **Establishment**

4 FOR the purpose of establishing the Commission on Abandoned and Neglected Maryland
5 Cemeteries within the Office of Cemetery Oversight; and generally relating to the
6 Commission on Abandoned and Neglected Maryland Cemeteries.

7 BY adding to

8 Article – Business Regulation

9 Section 5–1001 through 5–1005 to be under the new subtitle “Subtitle 10.
10 Commission on Abandoned and Neglected Maryland Cemeteries”

11 Annotated Code of Maryland
12 (2024 Replacement Volume)

13 BY repealing and reenacting, with amendments,

14 Article – Business Regulation

15 Section 5–1001 and 5–1002 to be under the amended subtitle “Subtitle 11.
16 Termination of Title”

17 Annotated Code of Maryland
18 (2024 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Business Regulation**

22 **SUBTITLE 10. COMMISSION ON ABANDONED AND NEGLECTED MARYLAND**
23 **CEMETERIES.**

24 **5–1001.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 IN THIS SUBTITLE, “COMMISSION” MEANS THE COMMISSION ON ABANDONED
2 AND NEGLECTED MARYLAND CEMETERIES.

3 **5–1002.**

4 THERE IS A COMMISSION ON ABANDONED AND NEGLECTED MARYLAND
5 CEMETERIES.

6 **5–1003.**

7 (A) (1) THE COMMISSION CONSISTS OF THE FOLLOWING VOTING
8 MEMBERS, APPOINTED BY THE DIRECTOR OF THE OFFICE:

9 (I) A REPRESENTATIVE FROM THE ADVISORY COUNCIL ON
10 CEMETERY OVERSIGHT;

11 (II) A REPRESENTATIVE OF THE MARYLAND COMMISSION ON
12 INDIAN AFFAIRS;

13 (III) A REPRESENTATIVE OF THE MARYLAND COMMISSION ON
14 AFRICAN AMERICAN HISTORY AND CULTURE;

15 (IV) A REPRESENTATIVE OF A COUNTY OR MUNICIPALITY
16 DEPARTMENT OR AGENCY THAT MAINTAINS A CEMETERY DATABASE;

17 (V) TWO INDIVIDUALS WITH EXPERTISE IN CEMETERY
18 PRESERVATION;

19 (VI) TWO INDIVIDUALS WITH EXPERTISE IN GENEALOGY;

20 (VII) ONE REPRESENTATIVE OF THE BUILDING DEVELOPMENT
21 INDUSTRY;

22 (VIII) ONE REPRESENTATIVE OF A RELIGIOUS COMMUNITY WHO
23 HAS KNOWLEDGE OF AND EXPERIENCE WITH CEMETERIES;

24 (IX) TWO INDIVIDUALS WHO ARE MEMBERS OF A CEMETERY
25 DESCENDANT COMMUNITY;

26 (X) ONE INDIVIDUAL WHO HAS EXPERIENCE IN PRESERVATION
27 PLANNING;

(XI) ONE INDIVIDUAL WHO HAS KNOWLEDGE OF CEMETERY HISTORY, ARCHITECTURE, ARCHAEOLOGY, OR URBAN DESIGN; AND

(XII) ONE INDIVIDUAL FROM THE GENERAL PUBLIC.

(2) A VOTING MEMBER OF THE COMMISSION MUST BE A RESIDENT OF THE STATE.

(3) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE COMMISSION SHALL COLLECTIVELY REFLECT THE GEOGRAPHIC, RACIAL, ETHNIC, GENDER, AND CULTURAL DIVERSITY OF THE STATE.

(B) THE TERM OF A VOTING MEMBER IS 4 YEARS.

(C) A VOTING MEMBER OF THE COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION AS A VOTING MEMBER OF THE COMMISSION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(D) (1) (I) FROM AMONG ITS MEMBERS, THE COMMISSION SHALL ELECT THE CHAIR AND VICE CHAIR OF THE COMMISSION.

(II) THE COMMISSION SHALL DETERMINE:

1. THE MANNER OF ELECTIONS OF OFFICERS; AND

2. THE DUTIES OF EACH OFFICER.

(2) THE COMMISSION SHALL DETERMINE THE TIMES AND PLACES OF ITS MEETINGS.

(3) A MAJORITY OF COMMISSION MEMBERS CONSTITUTES A QUORUM.

(4) ACTION BY THE COMMISSION REQUIRES THE AFFIRMATIVE VOTE OF A MAJORITY OF THE VOTING MEMBERS.

(E) THE OFFICE SHALL PROVIDE STAFF FOR THE COMMISSION.

(F) THE COMMISSION MAY INCLUDE AS NONVOTING MEMBERS ANY INTERESTED INDIVIDUAL WITH KNOWLEDGE OR EXPERTISE REGARDING ABANDONED OR NEGLECTED CEMETERIES, CEMETERY CONSERVATION, MONUMENT CONSTRUCTION AND REPAIR, OR CEMETERY MAINTENANCE.

5-1004.

THE COMMISSION SHALL:

(1) ESTABLISH STANDARD DEFINITIONS FOR NEGLECTED AND ABANDONED CEMETERIES;

(2) COMMUNICATE WITH COUNTIES AND MUNICIPALITIES TO IDENTIFY ABANDONED OR NEGLECTED CEMETERIES IN THEIR JURISDICTIONS;

(3) CONSULT WITH LOCAL JURISDICTIONS REGARDING ENABLING LEGISLATION THAT PROVIDES CEMETERY PROTECTIONS;

(4) SUPPORT THE DEVELOPMENT AND ESTABLISHMENT OF A STATEWIDE INVENTORY OF CEMETERIES AND BURIAL SITES IN THE STATE THAT INCLUDES:

(I) INFORMATION RELATED TO ABANDONED AND NEGLECTED MARYLAND CEMETERIES; AND

(II) A SEARCHABLE DATABASE OF INFORMATION FROM EACH CEMETERY IDENTIFIED BY THE COMMISSION AS ABANDONED AND NEGLECTED;

(5) PROVIDE GUIDANCE AND SUPPORT TO DESCENDANTS WHO WISH TO IMPROVE OR MAINTAIN ABANDONED OR NEGLECTED CEMETERIES;

(6) RECOMMEND GUIDELINES FOR AND PROVIDE ADVICE REGARDING THE REPAIR, RECONSTRUCTION, AND MAINTENANCE OF BURIAL SITES;

(7) ESTABLISH A PERMANENT PROGRAM OF BURIAL SITE PROTECTION EDUCATION FOR DISTRIBUTION TO REALTORS, DEVELOPERS, COMMUNITY GROUPS, LAW ENFORCEMENT, AND ANY OTHER INTERESTED PERSON;

(8) DEVELOP AND IMPLEMENT POLICY RECOMMENDATIONS RELATING TO HISTORICAL CEMETERIES WITH A CONCENTRATION ON ABANDONED OR NEGLECTED AFRICAN AMERICAN CEMETERIES;

(9) COORDINATE WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION TO ASSIGN TAX ACCOUNT RECORDS TO CEMETERIES NOT REGISTERED WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION;

(10) ENCOURAGE OWNERS OF LAND ENCOMPASSING AN ABANDONED OR NEGLECTED CEMETERY TO ALLOW ACCESS BY A PERSON IN INTEREST IN ACCORDANCE WITH § 14–121 OF THE REAL PROPERTY ARTICLE;

(11) CREATE AND MAINTAIN A DIRECTORY OF PRIVATE AND PUBLIC ORGANIZATIONS OR GOVERNMENT ENTITIES WITH INTEREST IN ACQUIRING, REPAIRING, OR MAINTAINING ABANDONED OR NEGLECTED CEMETERIES;

(12) PROVIDE ADVICE AND SUPPORT TO ORGANIZATIONS REGARDING THE ACQUISITION OF EQUIPMENT NECESSARY FOR THE REPAIR AND MAINTENANCE OF ABANDONED OR NEGLECTED CEMETERIES;

(13) IDENTIFY AND CREATE CEMETERY MANAGEMENT AND MAINTENANCE TRAINING MATERIALS AND CERTIFICATE PROGRAMS FOR INCARCERATED INDIVIDUALS; AND

(14) FACILITATE CEMETERY OWNER TRANSITION FOR ABANDONED CEMETERIES.

5–1005.

ON OR BEFORE DECEMBER 1, 2026, AND EACH DECEMBER 1 THEREAFTER, THE COMMISSION SHALL SUBMIT AN ANNUAL REPORT, INCLUDING ANY FINDINGS AND RECOMMENDATIONS, TO THE GOVERNOR AND THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE.

Subtitle [10.] 11. Termination of Title.

[5–1001.] 5–1101.

This title may be cited as the “Maryland Cemetery Act”.

[5–1002.] 5–1102.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, the Office of Cemetery Oversight, the provisions in this title relating to the Office, and all regulations adopted by the Office shall terminate and be of no effect after July 1, 2033.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2025.