

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 836  
Finance

(Senator McKay)

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Washington County - Abandoned Cemetery - Acquisition and Disposition

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This bill authorizes the Washington County Commissioners to acquire property or an interest in property by purchase or condemnation if (1) a cemetery is located on the property; (2) the purpose of acquiring the property is to preserve the historical nature of the cemetery; and (3) the property's legal ownership is undetermined, or the organization responsible for operating the cemetery no longer exists or has been dissolved through an administrative action by a unit of the State. The Washington County Commissioners may transfer property acquired under the bill to a nonprofit organization that agrees to preserve the property's historical significance.

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Fiscal Summary

**State Effect:** The bill is not anticipated to materially affect State finances or operations.

**Local Effect:** The bill does not materially affect Washington County operations or finances.

**Small Business Effect:** None.

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Analysis

**Current Law:**

*Cemetery Repair and Maintenance*

Any county or municipality that has within its jurisdiction a burial site in need of repair or maintenance may, upon the request of the owner or with permission of the owner of the

burial site in need of repair or maintenance, maintain and preserve the burial site for the owner. In order to maintain and preserve a burial site or to repair or restore fences, tombs, monuments, or other structures located in a burial site, a county or municipality may:

- appropriate money and solicit donations from individuals or public or private corporations;
- provide incentives for charitable organizations or community groups to donate their services; and
- develop a community service program through which students may volunteer their services or individuals required to perform community service hours under a sentence of a court may satisfy their community service requirements.

Any person in interest may request the owner of a burial site or of the land encompassing a burial site that has been documented or recognized as such to grant reasonable access to the burial site for the purpose of restoring, maintaining, or viewing the burial site, subject to specified conditions.

#### *Abandoned Property*

The Maryland Uniform Disposition of Abandoned Property Act establishes criteria for various types of personal property to be presumed “abandoned” as well as procedures for the disposition of such property. Generally, property is presumed abandoned if it is left unclaimed for three years.

#### *Acquisition and Transfer of Property*

Except for Baltimore City, a county governing body may acquire property for public use through various methods such as lease, purchase, or donation. The county governing body may also construct buildings on the acquired property to benefit the county. Additionally, surplus property can be sold through a public sale after at least 20 days of advertising. The county governing body may also partially or fully finance housing projects and secure repayment through instruments such as deeds of trust or mortgages.

The Washington County Commissioners may acquire property or any interest in property by purchase, gift, or condemnation, to acquire, construct, or maintain a railroad line, if the county commissioners (1) determine through a resolution, that the railroad line will contribute to the preservation and attraction of industry, as well as promote economic growth in the county; and (2) solicit bids and hold a public hearing in the same manner as required for other public property in the county.

**State Expenditures:** The bill has no effect on the Office of Cemeteries in the Maryland Department of Labor. The bill authorizes the Washington County Commissioners to

acquire abandoned cemeteries within the county. The Maryland Department of Planning (MDP) advises that the bill does not have a direct effect on the department. However, it may affect the operations of both MDP and the Maryland Historical Trust (MHT) if new cemetery owners choose to make changes to the site. According to statute, if new cemetery owners plan to make any changes to grave markers, human remains, or the environment around the site, they must consult with MHT. MHT can consult with the new owners with existing resources.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** HB 870 (Delegate Grossman) - Environment and Transportation.

**Information Source(s):** Washington County; Maryland Department of Labor; Maryland Department of Planning; Department of Legislative Services

**Fiscal Note History:** First Reader - March 6, 2024  
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