Unofficial Copy C2 2000 Regular Session 0lr1852

By: Delegate Fulton

Introduced and read first time: February 2, 2000

Assigned to: Economic Matters

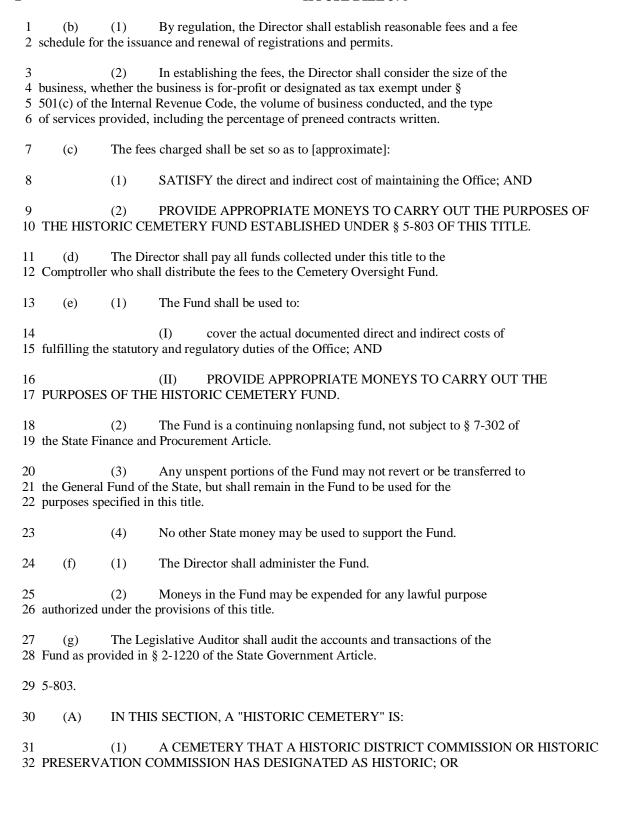
# A BILL ENTITLED

## 1 AN ACT concerning

# 2 Historic Cemetery Fund

- 3 FOR the purpose of creating an Historic Cemetery Fund in the Office of Cemetery
- 4 Oversight; providing for the funding and administration of the Fund; providing
- for the purposes of the Fund; requiring the Office to transfer not more than a
- 6 certain percentage of the moneys collected annually for the Cemetery Oversight
- Fund to the Historic Cemetery Fund; requiring that fees collected by the Office
- 8 for the Cemetery Oversight Fund be sufficient to provide funding for the
- 9 Historic Cemetery Fund; requiring the Office to adopt regulations governing
- grants and applications for grants by a certain date; defining "historic
- cemetery"; requiring an audit of the Historic Cemetery Fund; and generally
- relating to the creation, use, purposes, and administration of an Historic
- 13 Cemetery Fund.
- 14 BY repealing and reenacting, with amendments,
- 15 Article Business Regulation
- 16 Section 5-205
- 17 Annotated Code of Maryland
- 18 (1998 Replacement Volume and 1999 Supplement)
- 19 BY adding to
- 20 Article Business Regulation
- 21 Section 5-803
- 22 Annotated Code of Maryland
- 23 (1998 Replacement Volume and 1999 Supplement)
- 24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 25 MARYLAND, That the Laws of Maryland read as follows:
- 26 Article Business Regulation
- 27 5-205.
- 28 (a) There is a Cemetery Oversight Fund.

#### **HOUSE BILL 376**



**HOUSE BILL 376** (2) A CEMETERY IN WHICH AT LEAST ONE GRAVE SITE IS NOT LESS 2 THAN 100 YEARS OLD. THERE IS A HISTORIC CEMETERY FUND IN THE OFFICE OF 4 CEMETERY OVERSIGHT. THE HISTORIC CEMETERY FUND CONSISTS OF: (2) FUNDS INCLUDED IN THE STATE BUDGET AND DESIGNATED 6 7 FOR THE PURPOSE OF MAINTAINING THE FUND: A REASONABLE PERCENTAGE OF THE FEES COLLECTED 8 (II)9 ANNUALLY BY THE OFFICE FOR THE CEMETERY OVERSIGHT FUND AND 10 TRANSFERRED BY THE OFFICE TO THE HISTORIC CEMETERY FUND THAT: 11 1. DOES NOT EXCEED 5% OF THE FEES COLLECTED: AND 12 THE OFFICE DETERMINES TO BE NECESSARY TO CARRY 13 OUT THE PURPOSES OF THE HISTORIC CEMETERY FUND; ANY GIFT OR GRANT RECEIVED BY THE OFFICE FOR THE 14 (III)15 PURPOSE OF MAINTAINING THE FUND: AND INTEREST EARNED ON INVESTMENTS BY THE OFFICE OF (IV) 17 MONEYS IN THE FUND. THE OFFICE SHALL USE THE MONEYS IN THE HISTORIC CEMETERY FUND 19 TO PROVIDE GRANTS TO PERSONS TO: 20 (1) PHYSICALLY RESTORE AND PRESERVE HISTORIC CEMETERIES IN 21 THE STATE; AND TAKE APPROPRIATE LEGAL AND OTHER ACTION TO PROTECT 23 HISTORIC CEMETERIES FROM ENCROACHMENT BY COMMERCIAL AND 24 NONCOMMERCIAL DEVELOPMENT. 25 (D) ON OR BEFORE JANUARY 1, 2001, THE OFFICE SHALL ADOPT 26 REGULATIONS ESTABLISHING CRITERIA FOR MAKING GRANTS OF MONEYS FROM 27 THE HISTORIC CEMETERY FUND. THE REGULATIONS SHALL INCLUDE: 28 (2) 29 (I)THE INFORMATION WHICH A GRANT APPLICANT SHALL BE 30 REQUIRED TO INCLUDE IN AN APPLICATION FOR A GRANT: (II)APPROPRIATE MONETARY LIMITS ON THE AMOUNTS OF 31 32 GRANTS; AND

OTHER APPROPRIATE RESTRICTIONS ON AND REQUIREMENTS

(III)

34 FOR GRANTS.

## **HOUSE BILL 376**

- 1 (E) (1) THE HISTORIC CEMETERY FUND IS A CONTINUING, NONLAPSING 2 FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT 3 ARTICLE.
- 4 (2) ANY PORTION OF THE FUND NOT GRANTED OR OTHERWISE SPENT
- 5 MAY NOT REVERT OR BE TRANSFERRED TO THE GENERAL FUND OF THE STATE, BUT
- 6 SHALL REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS
- 7 SECTION.
- 8 (3) NO STATE MONEY OTHER THAN THE MONEYS SPECIFIED IN
- 9 SUBSECTION (B) OF THIS SECTION MAY BE USED TO SUPPORT THE FUND.
- 10 (F) THE DIRECTOR SHALL ADMINISTER THE HISTORIC CEMETERY FUND.
- 11 (G) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND
- 12 TRANSACTIONS OF THE HISTORIC CEMETERY FUND, AS PROVIDED IN § 2-1220 OF THE
- 13 STATE GOVERNMENT ARTICLE.
- 14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 15 October 1, 2000.