

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 376 (Delegate Fulton)

Economic Matters

Historic Cemetery Fund

The bill establishes a Historic Cemetery Fund (HCF) within the Office of Cemetery Oversight (OCO). The purpose of the fund is to provide grants for the restoration, preservation, and protection of “historic cemeteries” and to finance legal action to protect historic cemeteries from development. Funding sources for the HCF are detailed. A historic cemetery is defined as a cemetery within a historic district or a cemetery with at least one grave 100 years old or older.

Fiscal Summary

State Effect: Potential special fund revenue and expenditure increase of \$8,750 annually beginning in FY 2001.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: The HCF may consist of four different funding sources: (1) funds included in the State budget and designated to maintaining the fund; (2) a reasonable percentage of the fees collected annually by the OCO for the Cemetery Oversight Fund, as determined necessary by OCO to maintain the fund and provided that the transfer does not exceed 5% the total fees collected; (3) a gift or grant; and (4) any interest earned on investments by the money in the fund.

OCO is required to establish the criteria for making grants from the HCF on or before

January 1, 2001.

Current Law: The OCO is charged with the oversight responsibility of the cemetery and the burial goods businesses. All cemetery businesses and burial goods dealers must be registered with the OCO. There is currently no Historic Cemetery Fund.

State Fiscal Effect: The Cemetery Oversight Fund collects about \$175,000 annually in fees. Based on this, the maximum annual average amount that would be transferred from the Cemetery Oversight Fund to the HCF is \$8,750. The OCO is funded solely from the Cemetery Oversight Fund. The OCO advises that a fee increase may be needed to defray any transfers made to the HCF because revenues and expenditures of OCO are closely matched at this time. Since the bill caps the transfer amount at 5% of total collected annual fees, any such fee increase would not need to exceed 5%.

In addition, there would also be administrative costs. These costs would be determined by the workload, but the Department of Legislative Services estimates that the administration of the HCF could be handled within existing budgeted resources.

The Office of Legislative Audits advises that they would audit the HCF in accordance with their normal three-year cycle and that the expenses could be handled within existing resources.

Small Business Effect: To the extent that a death needs provider is a small business, they may experience a 5% increase in fees.

Some cemetery businesses may be eligible for HCF grant money and have some maintenance expenses off-set by a grant.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Coalition To Protect Maryland Burial Sites, Inc.; Department of Legislative Services (Office of Legislative Audits)

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