

Department of Legislative Services
 Maryland General Assembly
 2025 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 724 (Delegate Simmons, *et al.*)
 Health and Government Operations

Commission on Abandoned and Neglected Maryland Cemeteries - Establishment

This bill establishes the Commission on Abandoned and Neglected Maryland Cemeteries to perform various duties with respect to abandoned and neglected cemeteries in the State. The Office of Cemetery Oversight (OCO) must provide staff for the commission. By December 1, 2026, and annually thereafter, the commission must submit an annual report, including any findings and recommendations to the Governor and the General Assembly.

Fiscal Summary

State Effect: Special fund expenditures increase by \$127,500 in FY 2026 for OCO to hire staff. Future years reflect annualization and termination of contractual staff in FY 2029. Revenues are not affected.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	127,500	146,300	152,700	100,100	104,400
Net Effect	(\$127,500)	(\$146,300)	(\$152,700)	(\$100,100)	(\$104,400)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill does not directly affect local government finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: The commission consists of specified voting members appointed by the Director of OCO and 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.

Membership of the commission, to the extent practicable, must collectively reflect the geographic, racial, ethnic, gender, and cultural diversity of the State.

A voting member of the commission may not receive compensation but is entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

The commission must:

- establish standard definitions for neglected and abandoned cemeteries;
- communicate with counties and municipalities to identify abandoned or neglected cemeteries in their jurisdictions;
- consult with local jurisdictions regarding enabling legislation that provides cemetery protections;
- support the development and establishment of a statewide inventory of cemeteries and burial sites in the State that includes (1) information related to abandoned and neglected Maryland cemeteries and (2) a searchable database of information from each cemetery identified by the commission as abandoned and neglected;
- provide guidance and support to descendants who wish to improve or maintain abandoned or neglected cemeteries;
- recommend guidelines for and provide advice regarding the repair, reconstruction, and maintenance of burial sites;
- establish a permanent program of burial site protection education for distribution to realtors, developers, community groups, law enforcement, and any other interested person;
- develop and implement policy recommendations relating to historical cemeteries with a concentration on abandoned or neglected African American cemeteries;
- coordinate with the State Department of Assessments and Taxation (SDAT) to assign tax account records to cemeteries not registered with SDAT;
- 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;
- create and maintain a directory of private and public organizations or government entities with interest in acquiring, repairing, or maintaining abandoned or neglected cemeteries;
- provide advice and support to organizations regarding the acquisition of equipment necessary for the repair and maintenance of abandoned or neglected cemeteries;

- identify and create cemetery management and maintenance training materials and certificate programs for incarcerated individuals; and
- facilitate cemetery owner transition for abandoned cemeteries.

Current Law: The primary objective of OCO is to register and monitor individuals and businesses engaged in the operation of cemeteries and burial goods businesses in Maryland. This includes individuals and companies that sell funerary monuments and memorials on a retail basis. OCO also regulates and provides registration for crematories and reduction facilities under its jurisdiction in the State.

Responsibilities of OCO include the investigation and mediation of consumer complaints involving registrants and permit holders. To protect Maryland citizens from unfair and unscrupulous practices, OCO determines and enforces the ethical standards related to the operation of cemeteries and those related to the provision of burial goods and services within the State. OCO also regulates and monitors the funds held in perpetual care and preneed trusts by its licensees.

State Expenditures: Special fund expenditures increase by \$127,540 in fiscal 2026, which accounts for the bill’s October 1, 2025 effective date. This estimate reflects the cost for OCO to hire (1) one full-time administrator and (2) for the first three years of the commission, one contractual administrative specialist. Based on the commission’s responsibilities, it appears the workload of the commission staff is higher in the initial years of the commission, and, after those years, one staff person (the full-time administrator) may be sufficient. OCO indicates that the work associated with staffing the workgroup cannot be absorbed by existing staff. The estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Permanent Position	1.0
Contractual Position	1.0
Salaries and Fringe Benefits	\$112,802
Operating Expenses	<u>14,738</u>
Total FY 2026 State Expenditures	\$127,540

Future year expenditures reflect (1) full salaries with annual increases and employee turnover; (2) annual increases in ongoing operating expenses; and (3) the termination of the contractual administrative specialist position on June 30, 2028.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State’s implementation of the federal Patient Protection and Affordable Care Act.

The Department of Legislative Services (DLS) notes that OCO has indicated that three permanent positions (an administrator, an investigator, and an administrative specialist), and contractual legal services, are needed to implement the bill. DLS acknowledges that the bill expands the work of OCO but disagrees that that level of resources is needed. Nevertheless, additional costs may be incurred for legal services.

Additional Information

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

Designated Cross File: SB 631 (Senator M. Washington) - Finance.

Information Source(s): Maryland Association of Counties; Maryland Municipal League; Department of Housing and Community Development; Maryland Department of Labor; Maryland Department of Planning; Maryland State Archives; Department of Legislative Services

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