

SB0233/963522/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 233
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Senator Salling**” and substitute “**Senators Salling, Jackson, Beidle, Ellis, Gile, Lam, and Ready**”; in line 2, strike “**Actions for Sale, Transfer, or Alternate Use**” and substitute “**Requirements for Sale or Transfer or Government Acquisition**”; strike beginning with “authorizing” in line 3 down through “cemeteries” in line 7 and substitute “prohibiting certain owners of a cemetery from selling or transferring the cemetery without the approval of the Director of the Office of Cemetery Oversight; exempting a certain cemetery owner from the requirement to obtain an approval from the Director; authorizing a governmental unit to acquire an abandoned cemetery under certain circumstances; establishing certain requirements for the sale, transfer, or government acquisition of a cemetery; and generally relating to the sale, transfer, or acquisition of cemeteries”; and strike in their entirety the lines beginning with line 8 on page 1 through line 2 on page 2, inclusive, and substitute:

“BY repealing

Article – Business Regulation

Section 5–505

Annotated Code of Maryland

(2024 Replacement Volume and 2025 Supplement)

BY adding to

Article – Business Regulation

Section 5–505 and 5–507

Annotated Code of Maryland

(2024 Replacement Volume and 2025 Supplement)”.

AMENDMENT NO. 2

Strike in their entirety the lines beginning with line 6 on page 2 through line 10 on page 10, inclusive, and substitute:

“5-505.

(a) An action may be brought in accordance with the Maryland Rules and a court may pass a judgment for sale of a burial ground for another purpose if:

(1) the ground has been dedicated and used for burial;

(2) burial lots have been sold in the burial ground and deeds executed or certificates issued to buyers of the lots;

(3) the ground has ceased to be used for burial; and

(4) it is desirable to dispose of the burial ground for another purpose.

(b) If the court is satisfied that it is expedient or would be in the interest of the parties to sell the burial ground, the court:

(1) may pass a judgment for the sale of the burial ground on the terms and notice the court sets;

(2) shall order that as much of the proceeds of the sale as necessary be used to pay the expenses of removing any human remains in the burial ground, buying burial lots in another burial ground, and reburying the remains; and

(3) shall distribute the remaining proceeds of the sale among the parties according to their interests.

(c) A judgment for the sale of a burial ground passes to the buyer of the burial ground the title to the burial ground free of the claims of:

(1) the owners of the burial ground; and

(2) the holders of burial lots.]

5-505.

(A) IN THIS SECTION, “CEMETERY OWNER” MEANS:

(1) A REGISTERED CEMETERIAN;

(2) A PERMIT HOLDER UNDER SUBTITLE 4 OF THIS TITLE; OR

(3) AN OWNER OF A CEMETERY THAT IS EXEMPT FROM THE REGISTRATION AND PERMITTING REQUIREMENTS UNDER § 5-102 OF THIS TITLE.

(B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (G) AND (H) OF THIS SECTION, THIS SECTION DOES NOT APPLY TO A RELIGIOUS ORGANIZATION THAT IS A CEMETERY OWNER.

(C) (1) A REGISTERED CEMETERIAN OR PERMIT HOLDER MAY NOT SELL OR TRANSFER A CEMETERY, IN WHOLE OR IN PART, TO ANOTHER PERSON FOR A USE OTHER THAN AS A CEMETERY WITHOUT THE APPROVAL OF THE DIRECTOR.

(2) THE OWNER OF A CEMETERY THAT IS EXEMPT FROM THE REGISTRATION AND PERMITTING REQUIREMENTS UNDER § 5-102 OF THIS TITLE

(Over)

MAY NOT SELL OR TRANSFER THE CEMETERY, IN WHOLE OR IN PART, TO ANOTHER PERSON WITHOUT THE APPROVAL OF THE DIRECTOR.

(D) BEFORE APPROVING THE SALE OR TRANSFER OF A CEMETERY UNDER THIS SECTION, THE DIRECTOR SHALL:

(1) REQUIRE A CEMETERY OWNER TO SUBMIT TO THE DIRECTOR:

(I) AN APPLICATION UNDER SUBSECTION (E) OF THIS SECTION;

(II) A COMPLETED PRESERVATION PLAN UNDER SUBSECTION (F) OF THIS SECTION; AND

(III) SATISFACTORY EVIDENCE OF COMPLETION OF THE PUBLIC NOTICE REQUIREMENTS UNDER SUBSECTION (H) OF THIS SECTION; AND

(2) REVIEW AND CONSIDER ANY PUBLIC COMMENTS REGARDING THE CEMETERY IN ACCORDANCE WITH SUBSECTION (I) OF THIS SECTION.

(E) (1) TO REQUEST APPROVAL TO SELL OR TRANSFER A CEMETERY UNDER SUBSECTION (C) OF THIS SECTION, A CEMETERY OWNER SHALL SUBMIT AN APPLICATION TO THE DIRECTOR ON THE FORM THAT THE DIRECTOR PROVIDES.

(2) IN ADDITION TO ANY OTHER INFORMATION REQUIRED ON AN APPLICATION FORM, THE FORM SHALL REQUIRE:

(I) THE NAME AND ADDRESS OF EACH CEMETERY OWNER;

(II) NOTICE OF THE INTENT TO SELL OR TRANSFER THE CEMETERY, IN WHOLE OR IN PART;

(III) A DESCRIPTION OF THE CEMETERY OR PART OF THE CEMETERY INTENDED FOR SALE OR TRANSFER, INCLUDING THE NAME, LOCATION, SIZE, ESTIMATED NUMBER OF HUMAN REMAINS AND PET REMAINS INTERRED IN THE CEMETERY, AND NUMBER OF UNUSED OR UNSOLD BURIAL SITES;

(IV) THE NAME AND CONTACT INFORMATION OF ANY POTENTIAL BUYERS OR TRANSFEREES OF THE CEMETERY, IF KNOWN;

(V) AN AGREEMENT TO SUBMIT A PRESERVATION PLAN IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION; AND

(VI) A COPY OF THE PUBLIC NOTICE REQUIRED UNDER SUBSECTION (H) OF THIS SECTION.

(F) (1) A CEMETERY OWNER SHALL, IN CONSULTATION WITH THE DIRECTOR, DEVELOP A PRESERVATION PLAN FOR A CEMETERY THAT THE CEMETERY OWNER INTENDS TO SELL OR TRANSFER.

(2) IN DEVELOPING THE PRESERVATION PLAN UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE CEMETERY OWNER SHALL COMPLY WITH SUBSECTION (G) OF THIS SECTION.

(G) EACH CEMETERY OWNER, INCLUDING A RELIGIOUS ORGANIZATION THAT IS A CEMETERY OWNER, SHALL ATTEMPT TO IDENTIFY AND CONTACT:

(Over)

(1) ANY DESCENDENT OR DESCENDENT COMMUNITY ORGANIZATION OF AN INDIVIDUAL INTERRED IN THE CEMETERY;

(2) ANY INDIVIDUAL OR FAMILY WHO HAS PURCHASED AN UNUSED PLOT IN THE CEMETERY; AND

(3) ANY PERSON THAT HAS WORKED TO MAINTAIN THE ABANDONED CEMETERY.

(H) (1) BEFORE A CEMETERY OWNER, INCLUDING A RELIGIOUS ORGANIZATION THAT IS A CEMETERY OWNER, MAY SELL OR TRANSFER A CEMETERY UNDER THIS SECTION, THE CEMETERY OWNER SHALL PROVIDE PUBLIC NOTICE OF THE CEMETERY OWNER'S INTENT TO SELL OR TRANSFER THE CEMETERY BY:

(I) PUBLISHING NOTICE OF THE SALE OR TRANSFER IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY WHERE THE CEMETERY IS LOCATED FOR 9 SUCCESSIVE WEEKS;

(II) PLACING A WRITTEN NOTICE OF INTENT TO SELL OR TRANSFER IN THE CEMETERY AT A CONSPICUOUS LOCATION IN FULL PUBLIC VIEW FOR NOT LESS THAN 60 DAYS;

(III) PROVIDING NOTICE TO LOCAL GENEALOGICAL AND HISTORICAL SOCIETIES; AND

(IV) HOLDING A PUBLIC MEETING AT WHICH PUBLIC TESTIMONY MUST BE OFFERED.

(2) A PUBLIC NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE ADDRESS OF THE CEMETERY;

(II) THE ESTIMATED SIZE AND NUMBER OF HUMAN REMAINS OR PET REMAINS INTERRED IN THE CEMETERY;

(III) ANY AVAILABLE INFORMATION ABOUT THE CEMETERY FROM THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION; AND

(IV) IF AVAILABLE, THE NAME OF THE LAST KNOWN OWNER OF THE CEMETERY.

(I) BEFORE APPROVING THE SALE OR TRANSFER OF A CEMETERY UNDER THIS SECTION, THE DIRECTOR SHALL CONSIDER ANY PUBLIC COMMENTS ABOUT THE CEMETERY RECEIVED BY THE CEMETERY OWNER AT A PUBLIC HEARING UNDER SUBSECTION (H)(1)(IV) OF THIS SECTION OR BY THE DIRECTOR, INCLUDING:

(1) WHETHER THE CEMETERY OWNER HAS CONSIDERED THE CONCERNS OF THE DESCENDANT COMMUNITY, INCLUDING:

(I) REASONS FOR THE PROPOSED SALE OR TRANSFER AND FUTURE PLANS FOR THE PROPERTY;

(II) WHETHER THE CURRENT LOCATION OF THE CEMETERY HOLDS ANY CULTURAL OR HISTORICAL SIGNIFICANCE;

(Over)

(III) THE COST OF DISINTERMENT AND REINTERMENT OF THE HUMAN REMAINS OR PET REMAINS IN THE CEMETERY AND WHO SHOULD BEAR THE COST; AND

(IV) WHERE ANY HUMAN REMAINS OR PET REMAINS DISINTERRED FROM THE CEMETERY WOULD BE RELOCATED; AND

(2) WHETHER THE CEMETERY OWNER RECEIVED OTHER EQUIVALENT OFFERS FOR PURCHASE OF THE CEMETERY THAT MAY BE LESS DISRUPTIVE TO THE CEMETERY.

(J) THE DIRECTOR SHALL APPROVE THE SALE OR TRANSFER OF A CEMETERY OR PART OF A CEMETERY UNDER THIS SECTION IF:

(1) THE CEMETERY OWNER SATISFIES ALL THE REQUIREMENTS OF THIS SECTION; AND

(2) THE DIRECTOR DETERMINES THAT IT IS IN THE INTEREST OF ALL THE PARTIES TO SELL OR TRANSFER THE CEMETERY OR PART OF THE CEMETERY.

(K) AN ACTION MAY BE BROUGHT IN ACCORDANCE WITH THE MARYLAND RULES AND A COURT MAY PASS JUDGMENT REGARDING THE SALE OF A BURIAL GROUND FOR ANOTHER PURPOSE IF ANY PARTY DISPUTES THE DIRECTOR'S DECISION UNDER SUBSECTION (J) OF THIS SECTION.

(A) IN THIS SECTION, "ABANDONED CEMETERY" MEANS A CEMETERY FOR WHICH:

(1) LEGAL OWNERSHIP CANNOT BE DETERMINED;

(2) THE PERSON WITH LEGAL RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE CEMETERY CANNOT BE DETERMINED;

(3) THE ENTITY THAT OPERATED THE CEMETERY HAS CEASED TO OPERATE; OR

(4) THE REAL PROPERTY ON WHICH THE CEMETERY IS LOCATED HAS BEEN CONDEMNED.

(B) (1) THE STATE, A COUNTY, OR A MUNICIPALITY MAY ACQUIRE AN ABANDONED CEMETERY, INCLUDING OWNERSHIP OF ANY UNOCCUPIED LOTS OR BURIAL SITES, FOR THE PURPOSE OF TRANSFERRING OWNERSHIP OF THE ABANDONED CEMETERY TO A DESCENDANT COMMUNITY ORGANIZATION OR A NONPROFIT ORGANIZATION.

(2) A DESCENDENT COMMUNITY ORGANIZATION OR NONPROFIT ORGANIZATION THAT AGREES TO THE TRANSFER OF TITLE OF A CEMETERY UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL AGREE TO PROPERLY MAINTAIN, PRESERVE, AND PROTECT THE CEMETERY.

(C) IF A GOVERNMENTAL ENTITY THAT HAS ACQUIRED AN ABANDONED CEMETERY UNDER SUBSECTION (B) OF THIS SECTION IS UNABLE TO TRANSFER OWNERSHIP OF THE ABANDONED CEMETERY WITHIN A REASONABLE PERIOD OF TIME, THE DIRECTOR MAY FACILITATE THE REINTERMENT OF ANY HUMAN

(Over)

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**REMAINS OR PET REMAINS FROM THE ABANDONED CEMETERY TO AN
OPERATIONAL CEMETERY IN A PROFESSIONAL MANNER.”.**