

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 535

(Delegate Simmons, *et al.*)Health and Government Operations and
Ways and Means

Budget and Taxation

Abandoned and Neglected Cemeteries Fund - Establishment

This bill establishes the Abandoned and Neglected Cemeteries Fund to provide for the care, preservation, maintenance, and restoration of abandoned and neglected cemeteries in the State. The Governor may include in the annual budget bill an appropriation of \$250,000 to the fund. By September 30 annually, the Secretary of Labor must report to the General Assembly on the administration of the fund.

Fiscal Summary

State Effect: General fund expenditures increase by \$250,000 annually beginning in FY 2026; special fund revenues and expenditures for the Maryland Department of Labor (MD Labor) increase correspondingly. MD Labor can administer the fund with existing resources.

| (in dollars) | FY 2026 | FY 2027 | FY 2028 | FY 2029 | FY 2030 |
|----------------|-------------|-------------|-------------|-------------|-------------|
| SF Revenue | \$250,000 | \$250,000 | \$250,000 | \$250,000 | \$250,000 |
| GF Expenditure | \$250,000 | \$250,000 | \$250,000 | \$250,000 | \$250,000 |
| SF Expenditure | \$250,000 | \$250,000 | \$250,000 | \$250,000 | \$250,000 |
| Net Effect | (\$250,000) | (\$250,000) | (\$250,000) | (\$250,000) | (\$250,000) |

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

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Abandoned cemetery” is defined as a cemetery for which (1) the organization established to operate the cemetery has been terminated, dissolved by the State, or otherwise ceased to exist and the title has not been conveyed; (2) there is no property owner listed in the records of the State Department of Assessments and Taxation; (3) the property has been condemned; or (4) no person who is legally responsible for the property can be found and legal ownership of the property cannot be determined.

“Neglected cemetery” means a cemetery for which (1) two or more citations have been issued by a county or municipality against the property for failure to maintain the property; (2) the property has fallen into disrepair due to neglect and insufficient maintenance; (3) the property has been the object of vandalism, loitering, or other criminal conduct; or (4) there has been physical destruction or deterioration of the property.

The Abandoned and Neglected Cemeteries Fund is a special, nonlapsing fund administered by the Secretary of Labor. The fund consists of money appropriated in the State budget for the fund, interest earnings, and any other money from any other source accepted for the benefit of the fund.

Money in the fund may be used only for the costs of (1) care, preservation, maintenance, and restoration of abandoned and neglected cemeteries; (2) administering the fund; and (3) promoting donations to the fund, provided that no more than 5% of the net proceeds of the fund are used for this purpose. Money expended from the fund for the preservation, care, and maintenance of abandoned and neglected cemeteries is supplementary to and not intended to take the place of funding that otherwise would be appropriated for the Office of Cemetery Oversight.

Current Law: The Office of Cemetery Oversight within MD Labor regulates the operation of cemeteries, including those offering perpetual care and preneed burial contracts, and certain crematories. An individual must be registered with the office before operating a cemetery, crematory, or providing burial goods. A corporation, limited liability company, or partnership must obtain a permit before operating a cemetery, crematory, or burial goods business. The operations of the office are supported by registration and permit fees, which are deposited into the Cemetery Oversight Fund.

State Fiscal Effect: As discussed above, the bill specifies that the Governor may include in the annual budget bill an appropriation of \$250,000 to the Abandoned and Neglected Cemeteries Fund. Assuming the program is funded at the contemplated level, general fund expenditures increase by \$250,000 annually beginning in fiscal 2026 (at the Governor’s discretion). Special fund revenues and expenditures increase accordingly as the funds are

expended for authorized purposes, including any related administrative expenses (which are anticipated to be minimal or none).

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 647 and HB 828 of 2024.

Designated Cross File: SB 963 (Senator Mautz) - Budget and Taxation.

Information Source(s): Comptroller's Office; Maryland Department of Labor; Department of Legislative Services

Fiscal Note History: First Reader - February 13, 2025
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