

HOUSE BILL 404

J3, C2

4lr0530
CF 4lr0531

By: **Delegates Rosenberg, Braveboy, Busch, Reznik, and Schuh**

Introduced and read first time: January 24, 2014

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – State Facilities – Cemeteries**

3 FOR the purpose of requiring the State to maintain certain cemeteries in accordance
4 with a certain definition; making certain provisions of State law that apply to
5 property of cemeteries also apply to a cemetery owned by the State and located
6 on the grounds of a State facility; requiring the Department of Health and
7 Mental Hygiene, beginning on a certain date and annually thereafter, to report
8 on the implementation of certain provisions to certain legislative committees;
9 altering a certain definition; making a conforming change; and generally
10 relating to cemeteries owned by the State and located on the grounds of a State
11 facility.

12 BY repealing and reenacting, without amendments,
13 Article – Business Regulation
14 Section 5–502 and 5–601
15 Annotated Code of Maryland
16 (2010 Replacement Volume and 2013 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – State Finance and Procurement
19 Section 10–309
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2013 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Business Regulation**

25 5–502.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) An alley, canal, road, or other public thoroughfare may not be opened
2 through property of a cemetery if that property is used or to be used for burial.

3 (b) This section does not authorize a registered cemeterian, permit holder, or
4 other person to obstruct:

5 (1) a public road in use when the cemetery is formed; or

6 (2) the site of a future public road that, when the cemetery is formed,
7 is shown on a plat made by authority of the State, a county, or a municipal
8 corporation.

9 5-601.

10 In this subtitle, “perpetual care”:

11 (1) means the maintenance, including the cutting of grass abutting
12 memorials or monuments, administration, supervision, and embellishment of a
13 cemetery and its grounds, roads, and paths; and

14 (2) includes the repair and renewal of buildings, including columbaria
15 and mausoleums, and the property of the cemetery.

16 **Article – State Finance and Procurement**

17 10-309.

18 (a) In this section, “State facility” means:

19 (1) a facility maintained by the Mental Hygiene Administration of the
20 Department of Health and Mental Hygiene and listed in § 10-406 of the Health –
21 General Article; [or]

22 (2) a State residential center for individuals with an intellectual
23 disability in the Developmental Disabilities Administration of the Department of
24 Health and Mental Hygiene; AND

25 **(3) THE FORMER CROWNSVILLE HOSPITAL CENTER.**

26 (b) A cemetery owned by the State and located on the grounds of a State
27 facility may not be sold by the State if the State facility is downsized, consolidated,
28 closed, or sold.

29 (c) A cemetery owned by the State **AND LOCATED ON THE GROUNDS OF A**
30 **STATE FACILITY** shall be maintained by the State, **IN ACCORDANCE WITH THE**
31 **DEFINITION OF PERPETUAL CARE UNDER § 5-601 OF THE BUSINESS**

1 **REGULATION ARTICLE**, and marked with a monument commemorating the
2 individuals interred in the cemetery.

3 (d) Any easement or right of entry to a cemetery owned by the State and
4 located on the grounds of a State facility that has been recorded among the land
5 records of the county where the cemetery is located on or before October 1, 2004 may
6 not be transferred or sold.

7 (e) Notwithstanding subsections (b) and (d) of this section, a cemetery or an
8 easement or right of entry to a cemetery owned by the State and located on the
9 grounds of a State facility may be sold by the State if the deed for the property
10 includes a restrictive covenant requiring the owner and any future owner to maintain
11 the cemetery as provided under subsection (c) of this section.

12 **(F) THE PROVISIONS OF § 5-502 OF THE BUSINESS REGULATION**
13 **ARTICLE APPLY TO A CEMETERY OWNED BY THE STATE AND LOCATED ON THE**
14 **GROUNDS OF A STATE FACILITY.**

15 **(G) BEGINNING JANUARY 1, 2015, AND ON OR BEFORE JANUARY 1 OF**
16 **EACH SUCCEEDING YEAR, THE DEPARTMENT OF HEALTH AND MENTAL**
17 **HYGIENE SHALL REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE**
18 **GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE AND THE**
19 **HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE ON THE**
20 **IMPLEMENTATION OF THIS SECTION.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2014.