

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1512 (Delegate Queen, *et al.*)  
Health and Government Operations

---

**Historic African American Cemeteries Preservation Fund**

---

This bill establishes the Historic African American Cemeteries Preservation Fund, administered by the Maryland Department of Planning (MDP). The purpose of the fund is to maintain graves, monuments, or markers at historic African American cemeteries. For each fiscal year, the Governor must include in the annual budget bill an appropriation to the fund as determined by MDP, which must equal the average annual cost of grave, monument, or marker maintenance multiplied by the number of graves, monuments, and markers within historic African American cemeteries in the State. **The bill takes effect July 1, 2020.**

---

**Fiscal Summary**

**State Effect:** General fund expenditures increase by an indeterminate amount in FY 2021 for MDP to determine the required annual appropriation, as discussed below. General fund expenditures increase, likely significantly, beginning in FY 2022 to reflect the mandated appropriation to the fund; MDP special fund revenues and expenditures increase correspondingly to provide grants. **This bill establishes a mandated appropriation beginning in FY 2022.**

**Local Effect:** Local government revenues and expenditures increase to the extent that a local government owns an historic African American cemetery and receives a grant under the bill.

**Small Business Effect:** Minimal.

---

## Analysis

**Bill Summary:** “Historic African American cemetery” means a cemetery that was established on or after January 1, 1800, but before January 1, 1900, for interments of African Americans in the State.

The historic African American Cemeteries Preservation Fund is a special, nonlapsing fund that consists of (1) money appropriated in the State budget to the fund; (2) interest earnings on the fund; and (3) any other money from any other source accepted for the benefit of the fund.

The fund may be used to provide grants to a nonprofit organization whose primary purpose is the preservation of historical cemeteries and graves or a person or political subdivision that owns a historic African American cemetery. Grants may be used for routine maintenance or the erection and maintenance of markers, memorials, or monuments. The owner of a historic African American cemetery must cooperate with an entity that receives a grant from the fund.

**Current Law/Background:** Various news articles in recent years have discussed the issue of historic cemeteries falling into disrepair. Appalachian Voices, a Virginia advocacy group, reports that historic African American cemeteries often suffer the most. In response to this issue, Virginia enacted Chapter 818 of 2019 to fund 19 of the State’s historic African American cemeteries. The bill is based on this similar legislation enacted by Virginia.

**State Fiscal Effect:** The bill requires MDP to determine the annual appropriation to the fund based on the average annual cost of grave, monument, or marker maintenance multiplied by the number of graves, monuments, and markers within historic African American cemeteries in the State. MDP advises that three variables are necessary to make the calculation: (1) the number and location of historic African American cemeteries in the State; (2) the number of graves, monuments, and markers within historic African American cemeteries; and (3) the average annual cost of maintenance for a grave, monument, or marker. At this time, these variables are unknown. Thus, general fund expenditures increase by an indeterminate amount in fiscal 2021 for MDP to conduct a survey and research to obtain this information.

To the extent MDP is able to calculate the amount of the mandated appropriation, general fund expenditures increase, likely significantly, beginning in fiscal 2022 to provide the mandated appropriation to the fund. Special fund revenues and expenditures for MDP increase correspondingly as the fund accepts and issues the money for grants.

General fund expenditures increase further to the extent that MDP requires additional staff to administer the fund. Any such impact depends on the amount of funding available for grants and the number of grant applications received and, therefore, cannot be reliably estimated at this time. *For illustrative purposes*, MDP can likely administer the grants with existing resources if there are 10 or fewer applications each year but would likely need additional staff to handle more.

**Local Fiscal Effect:** Local government revenues and expenditures increase to the extent that a local government owns an historic African American cemetery and receives a grant under the bill. However, the number of such cemeteries owned by local governments is unknown and, therefore, any such impact cannot be reliably estimated at this time.

---

### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland Department of Planning; Department of Budget and Management; *Baltimore Sun*; Appalachian Voices; Department of Legislative Services

**Fiscal Note History:** First Reader - March 6, 2020  
mm/jc

---

Analysis by: Richard L. Duncan

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510