

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 11/21/2000

Reference No.: CB-98-2000

Proposer: Estep

Draft No.: 3

Sponsors: Estep

Item Title: An Act providing for the licensing of cemeteries,
imposing standards of operations, and providing
remedies for violation

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource John Timms
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: __/__/__

Executive Action: 12/14/2000 S

Committee Referral: 10/24/2000 PSFM

Effective Date: 1/29/2001

Committee Action: 11/2/2000 FAV(A)

Date Introduced: 10/24/2000

Public Hearing: 11/21/2000 1:30 P.M.

Council Action: 11/21/2000 ENACTED

Council Votes: DB:A, JE:A, IG:A, TH:A, WM:A, RVR:-, AS:A, PS:A, MW:A

Pass/Fail: P

Remarks: _____

11/21/2000 – Amended on the floor; CB-98-2000 (DR-3) enacted.

PUBLIC SAFETY & FISCAL MANAGEMENT COMMITTEE REPORT Date: 11/2/00

Committee Vote: Favorable as amended, 5-0, (In favor: Council Members Wilson, Estep, Maloney, Russell and Scott).

The Office of Law stated that the legislation as drafted presents a legal issue regarding the authority of the County to require the Health Officer to regulate cemeteries. Based on State law, the Health Officer, who is a Deputy State Health Officer, would likely be construed to be a State official who exercises the sovereignty of the State. As such, it appears that legislation requiring the Health Officer to regulate cemeteries would exceed the authority of the County, as the County does not

exercise authority over the State. Further, the State's Office of Cemetery Oversight regulates cemeteries throughout the State.

This bill will require those cemeteries and persons who provide burial services not licensed by the State to register with the Health Officer and provide remedies for violations. This legislation will alleviate the loopholes that exist at the present time between the cemeteries and State regulations.

The following technical amendments were recommended during the worksession:

- ◁ Page 5 line 1: delete "under"
- ◁ Page 5 line 28: after 12-210, insert "Reports"
- ◁ Page 6 lines 18 and 20: delete "Subtitle" and insert "Division"
line 19: delete "to" insert "or"
line 29: correct "disenterment"
- ◁ Page 7 line 1: delete "Subtitle", insert "Division"

Throughout the bill, "Health Officer" is amended to be "Director" and the Section numbers are changed from numbering in **Subtitle 12 Health** to **Subtitle 2 Administration**. "Director" is defined to be the Director of the Office of Business and Regulatory Affairs. A proposed Draft 2 has been prepared to reflect these desired amendments.

There should be a positive fiscal impact on the County in the amount of \$600 as a result of enacting CB-98-2000. This amount is anticipated from the registration and application fees from one cemetery in the County. There may be additional revenue related to any civil fines imposed for violation of the ordinance.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

The proposed legislation will regulate cemeteries and persons who provide burial services. The proposed legislation will compliment similar State law.

CODE INDEX TOPICS: