

**SENATE BILL REPORT**

**SB 5275**

**AS PASSED SENATE, MARCH 4, 1993**

**Brief Description:** Authorizing nonprofit corporations to restore, maintain, and protect abandoned cemeteries.

**SPONSORS:** Senators Oke, Haugen and Winsley

**SENATE COMMITTEE ON GOVERNMENT OPERATIONS**

**Majority Report:** Do pass.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

**Staff:** Rod McAulay (786-7754)

**Hearing Dates:** February 2, 1993; February 5, 1993

**BACKGROUND:**

To facilitate the restoration, maintenance and protection of abandoned cemeteries, the Archaeological and Historical Division of the Department of Community Development may grant certificates of authority to preservation organizations. Preservation organization must be incorporated for the purpose of restoring, maintaining, and protecting abandoned cemeteries. A certified preservation organization may hold and possess burial records, maps and other historical documents, but may not make burials unless authorized by the Cemetery Board. Preservation organizations are not liable for any reasonable alterations made during restoration work.

Public service organizations such as scout troops may not be granted certificates to restore or preserve abandoned cemeteries, because they are not incorporated "for the purpose of restoring, maintaining and protecting abandoned cemeteries."

**SUMMARY:**

The Archaeological and Historical Division of the Department of Community Development may grant, in its sole discretion, nontransferable certificates authorizing any nonprofit corporation which is not incorporated for the purpose of restoring, maintaining and protecting abandoned cemeteries to restore, maintain and protect one or more abandoned cemeteries. This authority may include the right of access to any burial records, maps and other historical documents, but not the right to become the permanent custodian of original records, maps or documents. Authorized organizations are not liable for any reasonable alterations made during restoration work. The Department of Community Development shall establish standards and guidelines for granting certificates of

authority to assure that authorized work is conducted and supervised in an appropriate manner.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

The bill will enable service organizations to help restore and maintain abandoned cemeteries. An unintended restriction in the law is removed.

**TESTIMONY AGAINST:** None

**TESTIFIED:** PRO: John M. Davis, David Hansen, Office of Archaeology & Historic Preservation; Ralph Munro, Secretary of State