

FINAL BILL REPORT

SHB 1951

C 367 L 99

Synopsis as Enacted

Brief Description: Protecting remains in abandoned cemeteries.

Sponsors: By House Committee on Judiciary (Originally sponsored by Representatives Lantz, DeBolt, Miloscia, McDonald, Stensen and Santos).

House Committee on Judiciary
Senate Committee on State & Local Government

Background:

For most purposes, state law defines a "cemetery" as a place that is dedicated for burial or interment of human remains. Dedication requires filing of a map or plat of the cemetery property and a written declaration that the property is to be used exclusively for cemetery purposes.

Once property has been dedicated, the dedication may be removed by a superior court decree. Removal of dedication may be ordered if proof is shown that:

- there are no interments remaining on the property; and
- at least 60 days' notice of the proposed removal of dedication was given the cemetery board.

An "abandoned" cemetery is one for which:

- the county assessor can find no record of an owner; or
- the last known owner is dead and the land has not been conveyed to a new owner; or
- the company or organization that ran the cemetery has disbanded, been dissolved, or otherwise ceased to exist, and the land has not been conveyed to a new owner.

For purposes of "abandoned" cemeteries, a "cemetery" includes any place where five or more human remains are buried. If no boundaries for the cemetery are recorded with the county assessor, the boundaries of an abandoned cemetery are 10 feet in all directions from each burial site. An abandoned cemetery is considered "permanently dedicated," subject to the removal of dedication provisions described above.

Human remains may be removed from a cemetery with the consent of the operator of the cemetery and the consent of a surviving family member. If consent cannot be gotten, the superior court may allow the removal of the remains, but only if removal does not violate the terms of a contract or the rules of the cemetery.

As a practical matter, however, many older burial sites have never been formally dedicated or catalogued, and are subject to destruction without notice.

Summary:

Any recording of a title document for a dedicated cemetery must include the fact of that dedication.

Before dedication of a cemetery is removed, at least 60 days' notice must be given to the Office of Archaeology and Historic Preservation and to the county auditor.

Votes on Final Passage:

House 97 0

Senate 42 0 (Senate amended)

House 97 0 (House concurred)

Effective: July 25, 1999