

HOUSE BILL ANALYSIS

HB 1951

Title: An act relating to abandoned cemeteries.

Brief Description: Protecting remains in abandoned cemeteries.

Sponsors: Representatives Lantz, DeBolt, Miloscia, McDonald, Stensen and Santos.

Brief Summary of Bill

- Requires that before a land can be removed from dedication as a cemetery, it must be shown that the land is not an abandoned cemetery.
- Requires that before human remains can be removed from a cemetery without the consent of the cemetery owner and a surviving family member of the deceased, it must be shown that the land is not an abandoned cemetery.

HOUSE COMMITTEE ON JUDICIARY

Staff: Bill Perry (786-7123).

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 can 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.

Summary of Bill:

An additional element must be proven before the superior court may order either the removal of the dedication of a cemetery, or the removal of human remains from a cemetery without consent of the cemetery operator and survivors of the deceased. In both instances, it must be shown that the cemetery in question is not an "abandoned cemetery."

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Office of Program Research