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**HOUSE BILL 2637**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Manweller, DeBolt, G. Hunt, and Zeiger

AN ACT Relating to preservation and improvement of historic cemeteries; amending RCW 18.39.175; and adding a new section to chapter 27.34 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 27.34 RCW to read as follows:

(1) The Washington state historic cemetery preservation capital grant program is created in the department.

(2) The capital grant program is intended to benefit the public by preserving outstanding examples of the state's historical heritage, enabling historic cemeteries to continue to serve their communities, and honoring the military veterans buried within them.

(3) Capital grants shall be awarded each biennium for construction, renovation, or rehabilitation projects that preserve the historic character, features, and materials of the cemetery, or that maintain or improve the functions of the cemetery.

(4) A capital grant award may not exceed fifty thousand dollars, adjusted biennially for inflation. The department may not require applicants to provide matching funds.

(5) Eligible applicants for capital grants are cemetery property owners, nonprofit organizations, and local governments.

(6) To apply for support from the capital grants program, an eligible applicant must submit an application to the department in a form and according to a process prescribed by the department.

(7) The department shall transmit the applications it receives to the funeral and cemetery board, created in RCW 18.39.173 under the department of licensing, to be evaluated and prioritized. When evaluating and prioritizing projects, the board shall consider the following criteria:

(a) The relative historical significance of the cemetery;

(b) Whether the proposed project will result in lower costs of maintenance and operations; and

(c) The relative percentage of military burials in the cemetery.

(8) The conditions in this subsection must be met by recipients of funding in order to satisfy the public benefit requirements of the historic cemetery preservation grant program.

(a) The board shall transmit a prioritized list of projects for funding to the department, which must execute a contract with recipients before they commence work. The contract must specify public benefit and minimum maintenance requirements.

(b) Recipients must proactively maintain their historic cemetery for a minimum of ten years.

(c) Public access to the exterior of properties that are not visible from a public right-of-way must be provided under reasonable terms and circumstances, including the requirement that visits by nonprofit organizations or school groups must be offered at least one day per year. Tribal access must be provided under reasonable terms and circumstances to historic cemeteries in which there are Indian burials.

(9) Projects must be initiated within one year of funding approval and completed within two years, unless an extension is provided by the department in writing.

(10) If a recipient of a historic cemetery preservation capital grant, or subsequent owner of a property that was assisted by the grant, takes any action within ten years of the award with respect to the assisted property such as dismantlement, removal, substantial alteration, or any other action inconsistent with the property's status as a cemetery, the grant must be repaid in full within one year.

**Sec.**  RCW 18.39.175 and 2009 c 102 s 3 are each amended to read as follows:

The board shall have the following duties and responsibilities under this chapter:

(1) To be responsible for the preparation, conducting, and grading of examinations of applicants for funeral director and embalmer licenses;

(2) To certify to the director the results of examinations of applicants and certify the applicant as having "passed" or "failed";

(3) To make findings and recommendations to the director on any and all matters relating to the enforcement of this chapter;

(4) To adopt and enforce reasonable rules;

(5) To examine or audit or to direct the examination and audit of prearrangement funeral service trust fund records for compliance with this chapter and rules adopted by the board; ((~~and~~))

(6) To adopt rules establishing mandatory continuing education requirements to be met by persons applying for license renewal; and

(7) To evaluate and prioritize applications submitted to the department of archaeology and historic preservation for historic cemetery preservation capital grants.

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