

SENATE BILL REPORT

HB 2637

As Reported by Senate Committee On:
Government Operations & Security, February 25, 2016
Ways & Means, February 29, 2016

Title: An act relating to preservation and improvement of historic cemeteries.

Brief Description: Creating the Washington state historic cemetery preservation capital grant program.

Sponsors: Representatives Manweller, DeBolt, G. Hunt and Zeiger.

Brief History: Passed House: 2/17/16, 98-0.

Committee Activity: Government Operations & Security: 2/25/16, 2/25/16 [DP-WM, DNP].

Ways & Means: 2/29/16, 2/29/16 [DPA, w/oRec].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Roach, Chair; Pearson, Vice Chair; Habib, McCoy and Takko.

Minority Report: Do not pass.

Signed by Senator Dansel.

Staff: Karen Epps (786-7424)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey, Becker, Brown, Conway, Hasegawa, O'Ban, Padden, Parlette, Schoesler and Warnick.

Minority Report: That it be referred without recommendation.

Signed by Senators Billig, Darneille, Nelson, Pedersen and Rolfes.

Staff: Richard Ramsey (786-7412)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background: The Department of Archaeology and Historic Preservation (DAHP) is charged with activities including administering the State Historic Preservation Program, the protection of historical and archaeological sites, and making nominations to the State and National Historic Registers.

DAHP's Human Remains and Cemeteries program investigates non-forensic human skeletal remains found in the state of Washington and the recording of all known cemeteries and burial sites within the state. The DAHP is required to develop and maintain a centralized database and geographic information systems spatial layer of all known cemeteries and known sites of burials of human remains. The database, currently numbering 1457 cemeteries, is updated on an annual basis.

The Funeral and Cemetery Board (Board), under the Department of Licensing (DOL), is responsible for regulatory and disciplinary matters for the cemetery and funeral programs within the DOL. The Board currently regulates 155 cemeteries. The Board does not regulate nonprofit cemeteries owned or operated by any recognized religious denomination that is exempt from property taxes, and any cemetery controlled and operated by a coroner, county, city, town, or cemetery district.

A "historical cemetery" is defined in statute as any burial site or grounds which contain human remains buried prior to November 11, 1889. Cemeteries holding a valid certificate of authority under the Board's authority, cemeteries owned or operated by any recognized religious denomination that qualifies for an exemption from property taxation, and cemeteries controlled or operated by a coroner, county, city, town, or cemetery district are not considered historical cemeteries.

Summary of Bill (Recommended Amendments): The Washington State Historic Cemetery Preservation Capital Grant program (Program) is created in the DAHP. The Program is intended to benefit the public by preserving the state's historic heritage, allowing historic cemeteries to continue serving communities, and honoring military veterans. Cemetery property owners, nonprofit organizations, and local governments are eligible to apply for grants for construction, renovation, or rehabilitation projects that preserve a cemetery's historic character, features, or maintain or improve the functions of the cemetery. Grant awards may not exceed \$50,000 adjusted each biennium for inflation. No match may be required from applicants.

Applications must be submitted to DAHP and be evaluated by a committee established by the Director of DAHP. The committee shall consist of at least five members with expertise or association with historic preservation, cemetery associations, local cemetery boards or other associations or professional organizations the Director deems appropriate. When evaluating and prioritizing projects, the committee must consider:

- relative historic significance of the cemetery;
- whether the proposed project will result in lower maintenance and operations costs;
and
- relative percentage of military burials.

The committee shall provide a prioritized list of projects for funding to the DAHP, which must execute contracts with recipients prior to work beginning. The contracts must specify

the public benefit and minimum maintenance requirements. Projects must be initiated within one year and completed within two years of the award, unless approved for extension.

Grant recipients must maintain the cemetery for at least 10 years. Public access and tribal access must be provided under reasonable terms and conditions. Visits by nonprofit organizations and school groups must be offered at least one day per year. If a recipient of a grant award takes any action, such as dismantlement, removal, substantial alteration or other action inconsistent with maintaining the property as a cemetery, the grant must be repaid in full within one year.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Amendments): For the review of grant applications, the Funeral and Cemetery Board is replaced by a committee established by the Director of DAHP. The committee shall consist of at least five members with expertise or association with historic preservation, cemetery associations, local cemetery boards or other associations or professional organizations the Director deems appropriate.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill (Government Operations & Security): PRO: This is a great bill for historic cemeteries, like the Evergreen-Washelli which was established in 1884. The Evergreen-Washelli has 5,500 headstones in part of the cemetery. The cemetery contains a chimes tower that was established in 1950 that is in need of restoration. This renovation project is ready to go and will be completed this year. This bill could help with projects like this one. This bill could help repair the abandoned cemetery outside Sprague, WA that contains 3 unknown soldiers and possibly 2 buffalo soldiers. These graves are from the Civil War and the Indians War and they are located outside of the Lakeview Cemetery. If this bill passes, grant funding could be used to put a metal chain around these graves so they are identified and preserved.

Persons Testifying on Original Bill (Government Operations & Security): PRO: Skip Dreps, Northwest Chapter Paralyzed Veterans of America and Veterans Cemetery Board of Trustees at Evergreen-Washelli.

Persons Signed In To Testify But Not Testifying on Original Bill: No one.

Staff Summary of Public Testimony on Original Bill (Ways & Means): PRO: This can be a much smaller program than the bill authorizes. Compared to the Historic Barn program in which there were 46 barns receiving grants totaling \$900,000; of the 115 cemeteries in the state, three likely qualify. Total costs of the program will not likely exceed \$50,000.

Persons Testifying on Original Bill (Ways & Means): PRO: Skip Dreps, Northwest Chapter, Paralyzed Veterans of America.

Persons Signed In To Testify But Not Testifying on Original Bill: No one.