
**State Government, Elections &
Information Technology Committee**

HB 1907

Brief Description: Concerning abandoned cemeteries.

Sponsors: Representatives Orcutt, Blake, DeBolt, McDonald and Van Werven.

Brief Summary of Bill

- Adds to the definition of abandoned cemetery.
- Requires the Funeral and Cemetery Board to promulgate rules regarding burials in abandoned cemeteries.
- Specifies requirements regarding transfer of records.

Hearing Date: 2/8/17

Staff: Megan Palchak (786-7105).

Background:

Under state law, an abandoned cemetery is defined as a burial ground of human dead for which the county assessor has no record of ownership, the last known owner is deceased and the title has not been conveyed, or the organization that formed for the purposes of burying the dead has disbanded, dissolved, or otherwise ceased to exist.

Cemetery is generally defined in Title 68, with specific reference to RCW 68.04.040(2), which defines a "cemetery" as any burial site, burial ground, or place where five or more human remains are buried with 10 feet boundaries in any direction, unless land is designated as a cemetery in county assessor records.

The Funeral and Cemetery Board has the authority to: (1) to adopt, amend, and rescind rules necessary to carry out activities related to cemeteries, morgues, and human remains; and (2) to adopt standards of professional conduct or practice.

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.

The Department of Archaeology and Historic Preservation, created under the authority of chapter [43.334](#) RCW, is designated as an appropriate agency to: (1) carry out discovery, identification, excavation, and study of the state's archaeological resources, (2) provide information on archaeological sites for their nomination to the state and national registers of historic places, (3) maintain a complete inventory of archaeological sites and collections, and (4) provide information to state, federal, and private construction agencies regarding the possible impact of construction activities on the state's archaeological resources.

The State Archivist manages all public records of the state of Washington.

Summary of Bill:

When a cemetery becomes an abandoned cemetery, records, maps, and other associated documents must be transferred to the state archives. Endowment care funds held by the cemetery authority at the time of abandonment must be transferred to the Department of Archaeology and Historic Preservation.

In order for burials to occur in abandoned cemeteries, landowners of abandoned cemeteries must allow for burials in accordance with rules promulgated by the Funeral and Cemetery Board, in consultation with the Department of Archaeology and Historic Preservation.

Definitions regarding cemeteries, morgues, and human remains in Chapter 68.04 are amended to (1) add to the definition of "abandoned cemetery," burial grounds of the human dead that no longer have a valid certificate of authority as determined by the Funeral and Cemetery Board; and (2) clarify that cemeteries include burial parks for earth interments, mausoleums for crypt interments, and columbariums for permanent niche interments.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.