

HOUSE BILL REPORT

HB 1907

As Passed Legislature

Title: An act relating to abandoned cemeteries.

Brief Description: Concerning abandoned cemeteries.

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

Brief History:

Committee Activity:

State Government, Elections & Information Technology: 2/8/17 [DP].

Floor Activity:

Passed House: 3/7/17, 97-0.

Passed Senate: 4/5/17, 48-0.

Passed Legislature.

Brief Summary of Bill

- Requires landowners of abandoned cemeteries to allow burials under rules adopted by the Funeral and Cemetery Board.
- Requires documents associated with an abandoned cemetery to be transferred to the State Archives and requires endowment care funds associated with an abandoned cemetery to be transferred to the Department of Archaeology and Historic Preservation.

HOUSE COMMITTEE ON STATE GOVERNMENT, ELECTIONS & INFORMATION TECHNOLOGY

Majority Report: Do pass. Signed by 9 members: Representatives Hudgins, Chair; Dolan, Vice Chair; Koster, Ranking Minority Member; Volz, Assistant Ranking Minority Member; Appleton, Gregerson, Irwin, Kraft and Pellicciotti.

Staff: Megan Palchak (786-7105).

Background:

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.

Private cemeteries generally operate under certificates of authority granted by the Funeral and Cemetery Board (Board). Cemeteries must deposit 10 percent of the gross proceeds of the sale of each grave, niche, or crypt into an endowment care fund, and the income from an endowment care fund must be used for the general care, maintenance, and embellishment of the cemetery. Other requirements address permitted and prohibited investments of endowment care funds, annual reports to the Board regarding funds, and other matters. The Board may revoke or suspend a certificate of authority for violation of any of the requirements.

An abandoned cemetery is 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, been dissolved, or otherwise ceased to exist, and title has not been conveyed.

The responsibilities of the Department of Archaeology and Historic Preservation (DAHP) include promotion of historic preservation efforts throughout the state, enhancement the effectiveness of the state preservation program, and maintenance of a database of all known cemeteries and burial sites in the state.

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

Summary of Bill:

Landowners of abandoned cemeteries must allow for burials under rules adopted by the Board. In adopting rules, the Board must consult with the DAHP. Records, maps, and other documents associated with an abandoned cemetery must be transferred to the State Archives, and endowment care funds held by a cemetery authority at the time of abandonment must be transferred to the DAHP.

The definition of "abandoned cemetery" includes burial grounds of the human dead in which the organization that held a certificate of authority no longer has a valid certificate.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill was collaboratively developed. It addresses property rights and neglect of documents that can prevent families from being buried together. It is unclear how many will be negatively impacted if the initiative does not progress. Burial grounds, including historic burial grounds, require maintenance and funding.

(Opposed) None.

Persons Testifying: Representative Orcutt, prime sponsor; and Earl Emerson.

Persons Signed In To Testify But Not Testifying: None.