
**State Government & Tribal Relations
Committee**

HB 1801

Brief Description: Entering abandoned cemeteries for authorized purposes.

Sponsors: Representatives Orcutt and DeBolt.

Brief Summary of Bill

- Permits state and local governments to apply for a certificate of authority to restore, maintain, protect, and preserve an abandoned cemetery.
- Declares it lawful to enter an abandoned cemetery for burials, care and maintenance activities pursuant to a certificate of authority, and visiting graves.

Hearing Date: 2/15/19

Staff: Jason Zolle (786-7124).

Background:

Public cemeteries in Washington are generally managed by cemetery districts or municipalities. Cities and counties also have authority to regulate the establishment or extension of private cemeteries. A cemetery authority must have a certificate of authority from the Funeral and Cemetery Board (Board) to make an interment.

Abandoned cemeteries are also regulated under Washington law. A cemetery is deemed abandoned if the county assessor can find no record of an owner, the last owner is deceased and title was not conveyed, or the cemetery operator has ceased to exist or lacks a valid certificate of authority.

The Department of Archaeology and Historic Preservation (DAHP) may grant a certificate of authority to allow an organization to restore, maintain, protect, and preserve an abandoned cemetery, if the organization was incorporated for that purpose or is a nonprofit. A preservation

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.

organization is entitled to hold and possess burial records, maps, and other historical documents that exist. A nonprofit, on the other hand, has a right of access to these documents but may not be their permanent custodian.

The DAHP and the Board have adopted rules allowing for burials in an abandoned cemetery. Burials may occur when ownership of the plot, a right of interment, or a vested right of placement can be established by title, documentation, or in court proceedings.

Summary of Bill:

State and local governments may apply for a certificate of authority to restore, maintain, protect, and preserve an abandoned cemetery. Those governmental organizations have the right to hold and possess burial records, maps, and other historical documents.

It is declared lawful to enter an abandoned cemetery for burials, care and maintenance activities pursuant to a certificate of authority, and visiting graves.

Appropriation: None.

Fiscal Note: Requested on February 6, 2019.

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