

# HOUSE BILL REPORT

## EHB 1801

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### As Passed Legislature

**Title:** An act relating to entering abandoned cemeteries for authorized purposes.

**Brief Description:** Entering abandoned cemeteries for authorized purposes.

**Sponsors:** Representatives Orcutt and DeBolt.

#### **Brief History:**

##### **Committee Activity:**

State Government & Tribal Relations: 2/15/19, 2/22/19 [DP].

##### **Floor Activity:**

Passed House: 3/5/19, 98-0.

Passed Senate: 4/11/19, 47-0.

Passed Legislature.

#### **Brief Summary of Engrossed 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.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

**Majority Report:** Do pass. Signed by 9 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton, Dolan, Hudgins, Mosbrucker and Smith.

**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

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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 A preservation organization is entitled to hold and possess burial records, maps, and other historical documents that exist.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 Engrossed 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:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:**

(In support) There is a serious problem with an abandoned cemetery, Greenwood Memorial, in Centralia. It is in a terrible state of disrepair. The owner has essentially locked the gates and told people they cannot get in. Graves and tombs have been broken. People are waiting for the chance to enter and take care of their families' graves but they have been turned away. The City of Centralia is willing to step up and work on fixing this, but they do not have the authority to go in. Volunteer organizations would also like to participate.

(Opposed) None.

**Persons Testifying:** Representative Orcutt, prime sponsor; Marveen Rohr; and Rob Hill, City of Centralia.

**Persons Signed In To Testify But Not Testifying: None.**