

# SENATE BILL REPORT

## EHB 1801

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As Passed Senate, April 11, 2019

**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:** Passed House: 3/05/19, 98-0.

**Committee Activity:** Local Government: 3/19/19 [DP].

**Floor Activity:**

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

### Brief Summary of Bill

- Permits state and local governmental organizations 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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### SENATE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass.

Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford.

**Staff:** Greg Vogel (786-7413)

**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

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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 A preservation organization is entitled to hold and possess burial records, maps, and other historical documents that exist.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 Bill:** State and local governmental organizations, such as a city or county, 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.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: This has been an ongoing problem for a lot of people in the Centralia area and all over the state. The owner has failed to maintain a lot of the records and the money is all gone from this private cemetery. Nobody is stepping up to do the maintenance. The walls are busted, graves are caving in with caskets exposed, and headstones have been thrown and run over by motor vehicles. Military veterans and people's family members are buried here. The city is willing to step up and do the work and is looking for the authority to do so.

**Persons Testifying:** PRO: Representative Ed Orcutt, Prime Sponsor; Rob Hill, City Manager, City of Centralia; Marveen Rohr, citizen; Christina Sivewright, citizen.

**Persons Signed In To Testify But Not Testifying:** No one.