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**ENGROSSED HOUSE BILL 1801**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Orcutt and DeBolt

AN ACT Relating to entering abandoned cemeteries for authorized purposes; amending RCW 68.60.030; adding a new section to chapter 68.60 RCW; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 68.60 RCW to read as follows:

It is lawful to enter an abandoned cemetery for purposes of:

(1) Burials pursuant to RCW 68.60.070 and associated rules;

(2) Care and maintenance activities authorized under RCW 68.60.030; and

(3) Visitation of graves.

**Sec.**  RCW 68.60.030 and 2009 c 102 s 21 are each amended to read as follows:

(1)(a) The department of archaeology and historic preservation may grant, by nontransferable certificate, the authority to maintain and protect an abandoned cemetery upon application made by a state or local governmental organization, such as a city or county, or by a preservation organization ((~~which~~)) that has been incorporated for the purpose of restoring, maintaining, and protecting an abandoned cemetery. Such authority ((~~shall be~~)) is limited to the care, maintenance, restoration, protection, and historical preservation of the abandoned cemetery, and ((~~shall~~)) does not include authority to make burials. In order to activate a historical cemetery for burials, an applicant must apply for a certificate of authority to operate a cemetery from the funeral and cemetery board.

(b) Those ((~~preservation and maintenance corporations~~)) organizations that are granted authority to maintain and protect an abandoned cemetery ((~~shall be~~)) are entitled to hold and possess burial records, maps, and other historical documents as may exist. ((~~Maintenance and preservation corporations~~)) Organizations that are granted authority to maintain and protect an abandoned cemetery ((~~shall~~)) are not ((~~be~~)) liable to those claiming burial rights, ancestral ownership, or to any other person or organization alleging to have control by any form of conveyance not previously recorded at the county auditor's office within the county in which the abandoned cemetery exists. Such organizations ((~~shall~~)) are not ((~~be~~)) liable for any reasonable alterations made during restoration work on memorials, roadways, walkways, features, plantings, or any other detail of the abandoned cemetery.

(c) Should the maintenance and preservation corporation be dissolved, the department of archaeology and historic preservation shall revoke the certificate of authority.

(d) Maintenance and preservation corporations that are granted authority to maintain and protect an abandoned cemetery may establish care funds.

(2) Except as provided in subsection (1) of this section, the department of archaeology and historic preservation may, in its sole discretion, authorize any Washington nonprofit corporation that is not expressly incorporated for the purpose of restoring, maintaining, and protecting an abandoned cemetery, to restore, maintain, and protect one or more abandoned cemeteries. The authorization may include the right of access to any burial records, maps, and other historical documents, but ((~~shall~~)) may not include the right to be the permanent custodian of original records, maps, or documents. This authorization ((~~shall~~)) must be granted by a nontransferable certificate of authority. Any nonprofit corporation authorized and acting under this subsection is immune from liability to the same extent as if it were a preservation organization holding a certificate of authority under subsection (1) of this section.

(3) The department of archaeology and historic preservation ((~~shall~~)) must establish standards and guidelines for granting certificates of authority under subsections (1) and (2) of this section to assure that any restoration, maintenance, and protection activities authorized under this subsection are conducted and supervised in an appropriate manner.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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