
ENGROSSED HOUSE BILL 1801

State of Washington

66th Legislature

2019 Regular Session

By Representatives Orcutt and DeBolt

Read first time 01/31/19. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to entering abandoned cemeteries for authorized
2 purposes; amending RCW 68.60.030; adding a new section to chapter
3 68.60 RCW; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 68.60
6 RCW to read as follows:

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

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

9 (2) Care and maintenance activities authorized under RCW
10 68.60.030; and

11 (3) Visitation of graves.

12 **Sec. 2.** RCW 68.60.030 and 2009 c 102 s 21 are each amended to
13 read as follows:

14 (1)(a) The department of archaeology and historic preservation
15 may grant, by nontransferable certificate, the authority to maintain
16 and protect an abandoned cemetery upon application made by a state or
17 local governmental organization, such as a city or county, or by a
18 preservation organization ((which)) that has been incorporated for
19 the purpose of restoring, maintaining, and protecting an abandoned
20 cemetery. Such authority ((shall be)) is limited to the care,

1 maintenance, restoration, protection, and historical preservation of
2 the abandoned cemetery, and (~~shall~~) does not include authority to
3 make burials. In order to activate a historical cemetery for burials,
4 an applicant must apply for a certificate of authority to operate a
5 cemetery from the funeral and cemetery board.

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9 burial records, maps, and other historical documents as may exist.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

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

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

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

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

7 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of
9 the state government and its existing public institutions, and takes
10 effect immediately.

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