

# HOUSE BILL REPORT

## SB 5275

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As Reported By House Committee On:  
State Government

**Title:** An act relating to abandoned cemeteries.

**Brief Description:** Authorizing nonprofit corporations to restore, maintain, and protect abandoned cemeteries.

**Sponsors:** Senators Oke, Haugen and Winsley.

**Brief History:**

Reported by House Committee on:  
State Government, March 18, 1993, DP.

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### HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** Do pass. Signed by 7 members:  
Representatives Anderson, Chair; Veloria, Vice Chair;  
Campbell; Conway; Dyer; King; and Pruitt.

**Staff:** Bonnie Austin (786-7135).

**Background:** The Department of Community Development may grant certificates to preservation organizations authorizing them to maintain and protect abandoned cemeteries. To be certified, preservation organizations must be incorporated for the purpose of restoring, maintaining, and protecting abandoned cemeteries. Certified preservation organizations are authorized to hold and possess burial records, maps, and other historical documents. Preservation organizations are not liable for any reasonable alterations made during restoration work.

According to the department, no organization has been certified to maintain abandoned cemeteries. Several groups have inquired as to certification, but have been unable or unwilling to change their by-laws to conform with the statutory requirement that they be incorporated "for the purpose of restoring, maintaining, and protecting abandoned cemeteries."

**Summary of Bill:** The Department of Community Development may grant certificates to any nonprofit corporation to restore, maintain, and protect abandoned cemeteries. This authority may include the right of access to any burial records, maps, and other historical documents, but not the

right to become the permanent custodian of these documents unless the organization is incorporated for the purpose of maintaining abandoned cemeteries. Certificated nonprofit organizations are not liable for reasonable alterations made during restoration work. The Department of Community Development will establish standards and guidelines for granting certificates of authority to assure that authorized work is conducted and supervised in an appropriate manner.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** In preparing for the state's centennial celebration, it was discovered that many of the state's cemeteries had been abandoned and were in need of repair. The 1990 Legislature passed a law to address this problem, but in practice the law was too restrictive. Scout troops and veteran organizations, among others, inquired as to certification, but did not want to change their articles of incorporation. This corrects the problem and encourages adults and children to participate in public service. Cemetery restoration preserves our state history.

**Testimony Against:** None.

**Witnesses:** Senator Bob Oke, prime sponsor (pro); Ralph Munro, Secretary of State (pro); and John Davis (pro).