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**SUBSTITUTE HOUSE BILL 1037**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** House Civil Rights & Judiciary (originally sponsored by Representative Walsh)

AN ACT Relating to family burial grounds on privately owned property; amending RCW 68.05.400, 68.20.010, 68.20.140, and 68.50.130; adding a new section to chapter 68.04 RCW; and adding a new chapter to Title 68 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 68.04 RCW to read as follows:

"Family burial ground" means an area of privately owned land that is designated pursuant to chapter 68.--- RCW (the new chapter created in section 12 of this act) for the burial of human remains in the ground and in which burials may be, but are not required to be, restricted to a group of persons who are related to each other by birth, marriage, or adoption.

NEW SECTION. **Sec.**  (1) A natural person may designate an area of land owned by the person as a family burial ground.

(2) If a property is co-owned by two or more natural persons, a family burial ground may be established on the property only with the written consent of all co-owners of the property.

(3) A family burial ground may not be established on any property co-owned by a combination of natural persons and legal entities.

(4) A family burial ground may not be established within 150 feet of a designated critical area, as defined in RCW 36.70A.030.

(5) A family burial ground may not be established within 50 feet of an existing easement or public right-of-way.

(6) A family burial ground must be set back at least 25 feet from an existing parcel boundary.

(7) A family burial ground may not comprise greater than 10 percent of the area of the parcel upon which it is established.

NEW SECTION. **Sec.**  The owner of the property on which a family burial ground is located may not offer plots in the family burial ground for sale or charge fees for any goods or services provided by the owner in connection with the burials in the family burial ground.

NEW SECTION. **Sec.**  The owner of the property on which a family burial ground is located shall record every burial within 30 days after the burial with the county auditor of the county in which the land is situated. The owner shall record:

(1) The deceased person's name as it appears on the death certificate;

(2) The deceased person's date of birth as it appears on the death certificate;

(3) The deceased person's date of death as it appears on the death certificate;

(4) The name of the owner or owners and the legal description of the property, including the assessor parcel number, where the human remains are buried; and

(5) The latitude and longitude coordinates of the grave, such as those given by a global positioning system, that are verified by two witnesses or the county coroner, sheriff, or a designee of the county coroner or sheriff.

NEW SECTION. **Sec.**  Before the sale of the property on which a family burial ground is located, the owner of the property shall disclose to the prospective buyer the existence of the family burial ground.

NEW SECTION. **Sec.**  Cities and counties are authorized to enact ordinances regulating or prohibiting the establishment of family burial grounds or the extension of existing family burial grounds and to give power to local planning commissions to pass upon and make recommendations to local legislative bodies concerning the establishment or extension of family burial grounds.

NEW SECTION. **Sec.**  Beginning on the effective date of this section, an area of privately owned land that has been established as a family burial ground or plot prior to the effective date of this section is deemed a family burial ground designated in compliance with this chapter, even if the previously established family burial ground or plot does not meet all the requirements under this chapter. Any new designation of a family burial ground on a property that already contains a family burial ground and any extension of an existing family burial ground shall comply with all the requirements of this chapter, regardless of when a family burial ground was established or designated.

**Sec.**  RCW 68.05.400 and 1979 c 21 s 13 are each amended to read as follows:

The provisions of this chapter do not apply to any of the following:

(1) Nonprofit cemeteries which are owned or operated by any recognized religious denomination which qualifies for an exemption from real estate taxation under RCW 84.36.020 on any of its churches or the ground upon which any of its churches are or will be built; ((~~or~~))

(2) Any cemetery controlled and operated by a coroner, county, city, town, or cemetery district; or

(3) A family burial ground established pursuant to chapter 68.--- RCW (the new chapter created in section 12 of this act).

**Sec.**  RCW 68.20.010 and 1943 c 247 s 42 are each amended to read as follows:

((~~It~~)) Except as otherwise provided in chapter 68.--- RCW (the new chapter created in section 12 of this act), it is unlawful for any corporation, copartnership, firm, trust, association, or individual to engage in or transact any of the businesses of a cemetery within this state except by means of a corporation duly organized for that purpose.

**Sec.**  RCW 68.20.140 and 1987 c 331 s 33 are each amended to read as follows:

(1) This chapter does not apply to any cemetery controlled and operated by a coroner, county, city, town, or cemetery district.

(2) This chapter does not apply to any family burial ground established pursuant to chapter 68.--- RCW (the new chapter created in section 12 of this act).

**Sec.**  RCW 68.50.130 and 2019 c 432 s 21 are each amended to read as follows:

Every person who performs a disposition of any human remains, except as otherwise provided by law, in any place, except in a cemetery, a family burial ground, or a building dedicated exclusively for religious purposes, is guilty of a misdemeanor. Disposition of human remains following cremation, alkaline hydrolysis, or natural organic reduction may also occur on private property, with the consent of the property owner; and on public or government lands or waters with the approval of the government agency that has either jurisdiction or control, or both, of the lands or waters.

NEW SECTION. **Sec.**  Sections 2 through 7 of this act constitute a new chapter in Title 68 RCW.

**--- END ---**