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SENATE BILL 5275

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Oke, Haugen and Winsley

Read first time 01/20/93. Referred to Committee on Government Operations.

1 AN ACT Relating to abandoned cemeteries; and amending RCW  
2 68.60.030.

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

4 **Sec. 1.** RCW 68.60.030 and 1990 c 92 s 3 are each amended to read  
5 as follows:

6 (1)(a) The archaeological and historical division of the department  
7 of community development may grant by nontransferable certificate  
8 authority to maintain and protect an abandoned cemetery upon  
9 application made by a preservation organization which has been  
10 incorporated for the purpose of restoring, maintaining, and protecting  
11 an abandoned cemetery. Such authority shall be limited to the care,  
12 maintenance, restoration, protection, and historical preservation of  
13 the abandoned cemetery, and shall not include authority to make  
14 burials, unless specifically granted by the cemetery board.

15 (b) Those preservation and maintenance corporations that are  
16 granted authority to maintain and protect an abandoned cemetery shall  
17 be entitled to hold and possess burial records, maps, and other  
18 historical documents as may exist. Maintenance and preservation  
19 corporations that are granted authority to maintain and protect an

1 abandoned cemetery shall not be liable to those claiming burial rights,  
2 ancestral ownership, or to any other person or organization alleging to  
3 have control by any form of conveyance not previously recorded at the  
4 county auditor's office within the county in which the abandoned  
5 cemetery exists. Such organizations shall not be liable for any  
6 reasonable alterations made during restoration work on memorials,  
7 roadways, walkways, features, plantings, or any other detail of the  
8 abandoned cemetery.

9 (c) Should the maintenance and preservation corporation be  
10 dissolved, the archaeological and historical division of the department  
11 of community development shall revoke the certificate of authority.

12 (d) Maintenance and preservation corporations that are granted  
13 authority to maintain and protect an abandoned cemetery may establish  
14 care funds pursuant to chapter 68.44 RCW, and shall report in  
15 accordance with chapter 68.44 RCW to the state cemetery board.

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

29 (3) The department of community development shall establish  
30 standards and guidelines for granting certificates of authority under  
31 subsections (1) and (2) of this section to assure that any restoration,  
32 maintenance, and protection activities authorized under this subsection  
33 are conducted and supervised in an appropriate manner.

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