

# HOUSE BILL REPORT

## HB 2637

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### As Amended by the Senate

**Title:** An act relating to preservation and improvement of historic cemeteries.

**Brief Description:** Creating the Washington state historic cemetery preservation capital grant program.

**Sponsors:** Representatives Manweller, DeBolt, G. Hunt and Zeiger.

#### Brief History:

##### Committee Activity:

Capital Budget: 1/22/16, 2/2/16 [DP].

##### Floor Activity:

Passed House: 2/17/16, 98-0.

Senate Amended.

Passed Senate: 3/4/16, 41-7.

#### Brief Summary of Bill

- Creates the Washington state Historic Cemetery Preservation Capital Grant program in the Department of Archaeology and Historic Preservation.

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### HOUSE COMMITTEE ON CAPITAL BUDGET

**Majority Report:** Do pass. Signed by 9 members: Representatives Tharinger, Chair; Stanford, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kilduff, Kochmar, Peterson, Riccelli and Walsh.

**Staff:** Meg VanSchoorl (786-7105).

#### Background:

Department of Archaeology and Historic Preservation.

The Department of Archaeology and Historic Preservation (DAHP), under the direction of the State Historic Preservation Officer, has responsibilities under both federal and state law for helping preserve the cultural and historic resources of the state. Among its capital budget

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related responsibilities is administering the Heritage Barn and Historic County Courthouse Rehabilitation grant programs. Related to cemeteries, DAHP's Human Remains and Cemeteries program investigates non-forensic human skeletal remains found in the state of Washington and the recording of all known cemeteries and burial sites within the state. The DAHP is required to develop and maintain a centralized database and geographic information systems spatial layer of all known cemeteries and known sites of burials of human remains. The database, currently numbering 1,457 cemeteries, is updated on an annual basis.

#### Funeral and Cemetery Board, Department of Licensing.

The Funeral and Cemetery Board (Board), under the Department of Licensing (DOL), has seven members appointed by the Governor. The Board is responsible for regulatory and disciplinary matters for the cemetery and funeral programs within the DOL. Related to cemeteries, the Board administers licenses to cemetery authorities; examines cemetery authorities' endowment care and prearrangement trust funds; issues permits for operating a crematory and disposing of cremated remains; and takes disciplinary actions against cemetery authorities. The Board currently regulates 155 cemeteries. Exempted from the Board's regulatory authority are nonprofit cemeteries owned or operated by any recognized religious denomination that is exempt from property taxes, and any cemetery controlled and operated by a coroner, county, city, town or cemetery district.

#### Cemetery Definitions in Statute.

Under chapter 68.04 RCW, a "cemetery" includes any one, or a combination, of the following, in a place used or intended to be used for placement of human remains and dedicated for cemetery purposes: a burial park, for earth interments; a mausoleum, for crypt interments, a columbarium, for permanent niche interments; or, for the purposes of chapter 68.60 RCW, any burial site, burial grounds, or place where five or more human remains are buried.

Under chapter 68.60 RCW, a "historical cemetery" is any burial site or grounds which contain human remains buried prior to November 11, 1889. Cemeteries holding a valid certificate of authority under the Board's authority, cemeteries owned or operated by any recognized religious denomination that qualifies for an exemption from property taxation, and cemeteries controlled or operated by a coroner, county, city, town, or cemetery district are not considered historical cemeteries.

#### **Summary of Bill:**

The Washington State Historic Cemetery Preservation Capital Grant program is created in the DAHP. The program's public benefits include: preserving the state's historic heritage, allowing historic cemeteries to continue serving communities, and honoring military veterans. Cemetery property owners, nonprofit organizations, and local governments are eligible to apply for grants for construction, renovation, or rehabilitation projects that preserve a cemetery's historic character, features, or maintain or improve its functions. Grant awards are capped at \$50,000, adjusted each biennium for inflation. No match may be required from applicants.

Applications must be submitted to DAHP, then transmitted to the Board to be evaluated and prioritized. Evaluation and prioritization of Historic Cemetery Preservation Capital Grant applications is added to the Board's existing statutory responsibilities. The evaluation criteria are: relative historic significance, potential lessening of maintenance and operations costs, and relative percentage of military burials. The Board must transmit its prioritized list of projects for funding to the DAHP, which must execute contracts with recipients prior to work beginning. Projects must be initiated within one year and completed within two years of the award, unless approved for extension.

Grant recipients must maintain the cemetery for at least 10 years. Public access and tribal access must be provided under reasonable terms and conditions. Visits by non-profit organizations and school groups must be offered at least one day per year. Any dismantlement, removal, substantial alteration or similar action taken by the recipient or subsequent owner within 10 years of the award will require full grant repayment within one year.

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment authorizes the awarding of grants subject to appropriation. Review and prioritization of the grant applications by the Board is replaced by a committee established by the DAHP. The committee must have at least five members with expertise or association with historic preservation, cemetery associations, local cemetery boards, or other relevant organizations.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill provides an opportunity to assist with the growing problem of decaying and abandoned cemeteries. It is important to preserve cemeteries as part of a community's history as well as functioning community assets. Cemetery businesses are experiencing declining revenues due to increasing alternatives to burial, which makes it difficult to take on capital projects. The DAHP data suggests that over 100 cemeteries are maintained poorly or not at all. Some capital needs have been met through direct capital budget appropriations. Much of the maintenance work is done by volunteers such as the Oddfellows and veterans' organizations. Capital grants are not ongoing obligations. They could be used for projects such as automatic irrigation systems or solar lighting which would lower the cemeteries' ongoing maintenance and operations costs. The policy bill can pass in 2016 and funding can be appropriated in the next session. The \$50,000 maximum per project can be revised and the concept of creating a state endowment care fund could be discussed with the funeral industry.

(Opposed) None.

(Other) The Board does not have statutory authority over cemeteries operated by religious organizations, governments, or nonprofits. Cemeteries the Board regulates cannot be considered historic. The Board, therefore, would be reviewing applications for cemeteries they do not regulate, but they could fulfill that role.

**Persons Testifying:** (In support) Representative Manweller, prime sponsor; Representative DeBolt; and Tom Duke, Historical Memorial Gardens Program.

(Other) Tony Sermonti, Department of Licensing.

**Persons Signed In To Testify But Not Testifying:** None.