

# SENATE BILL REPORT

## HB 2637

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As of February 24, 2016

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

**Committee Activity:** Government Operations & Security: 2/25/16.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

**Staff:** Karen Epps (786-7424)

**Background:** The Department of Archaeology and Historic Preservation (DAHP) is charged with activities including administering the State Historic Preservation Program, the protection of historical and archaeological sites, and making nominations to the State and National Historic Registers.

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 1457 cemeteries, is updated on an annual basis.

The Funeral and Cemetery Board (Board), under the Department of Licensing (DOL), is responsible for regulatory and disciplinary matters for the cemetery and funeral programs within the DOL. The Board currently regulates 155 cemeteries. The Board does not regulate 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.

A "historical cemetery" is defined in statute as 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

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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 (Program) is created in the DAHP. The Program is intended to benefit the public by 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 the functions of the cemetery. Grant awards may not exceed \$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. When evaluating and prioritizing projects, the Board must consider:

- relative historic significance of the cemetery;
- whether the proposed project will result in lower 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. The contracts must specify the public benefit and minimum maintenance requirements. 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 nonprofit organizations and school groups must be offered at least one day per year. If a recipient of a grant award takes any action, such as dismantlement, removal, substantial alteration or other action inconsistent with maintaining the property as a cemetery, the grant must be repaid in full within one year.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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