

Washington State Funeral & Cemetery Board Meeting Transcript

November 30, 2022

0:0:0.0 --> 0:0:0.520

Little, Rick (Chair)

There you go.

0:0:1.440 --> 0:0:1.740

Allen-Ba, Debra (DOL)

OK.

0:0:7.540 --> 0:0:9.750

Little, Rick (Chair)

So, shall we wait a couple more minutes, or are we good?

0:0:13.330 --> 0:0:14.60

Muhle, Sydney (DOL)

I think we're good.

0:0:14.510 --> 0:0:14.870

Little, Rick (Chair)

OK.

0:0:17.530 --> 0:0:18.390

Little, Rick (Chair)

Well, good morning.

0:0:20.30 --> 0:0:28.400

Little, Rick (Chair)

Hi, Rick Little Chair of the Washington State Funeral and Cemetery Board. The time is now 10:00 o'clock right on the dot.

0:0:29.310 --> 0:0:35.910

Little, Rick (Chair)

On Wednesday, November 30th, 2022, and I'm calling the special board meeting to order.

0:0:36.710 --> 0:0:47.380

Little, Rick (Chair)

We will be providing an opportunity for public comment later in the meeting and have posted information with the agenda on the website with a link to the meeting.

0:0:48.100 --> 0:1:10.850

Little, Rick (Chair)

As a courtesy, we encourage everyone to mute their mics, or your phone if you have called in, when you are not speaking to reduce the background noise when others are speaking. Also, for board members to help us capture information correctly, please state your name and make comments when you make when you make comments. Thank you.

0:1:12.0 --> 0:1:18.680

Little, Rick (Chair)

Sydney if you would please do roll call for members and staff. Please respond if you are in attendance.

0:1:19.830 --> 0:1:21.160

Muhle, Sydney (DOL)

Yes. Chair Little.

0:1:22.140 --> 0:1:22.600

Little, Rick (Chair)

I am here.

0:1:23.720 --> 0:1:24.690

Muhle, Sydney (DOL)

Vice Chair Ittner.

0:1:26.190 --> 0:1:26.590

Ittner, David (Vice Chair)

Present.

0:1:28.10 --> 0:1:29.100

Muhle, Sydney (DOL)

Board member Cameron.

0:1:32.750 --> 0:1:33.940

Cameron, Pete (Board Member)

Pete Camera is here.

0:1:36.40 --> 0:1:37.140

Muhle, Sydney (DOL)

Board member LeSourd

0:1:38.10 --> 0:1:39.770

LeSourd, Constance (Board Member)

A Connie LeSourd's here.

0:1:40.830 --> 0:1:42.560

Muhle, Sydney (DOL)

Board member Gutierrez-Zamora.

0:1:43.120 --> 0:1:43.750

Gutierrez-Zamora, Dante (Board Member)

I'm here.

0:1:44.920 --> 0:1:46.50

Muhle, Sydney (DOL)

Board member Smock.

0:1:46.710 --> 0:1:47.350

Smock, Cameron (Board Member)
Present.

0:1:48.200 --> 0:1:49.260

Muhle, Sydney (DOL)
And Board member Ward.

0:1:50.880 --> 0:1:51.160

Ward, Angie (Board Member)
Here.

0:1:52.340 --> 0:1:56.300

Muhle, Sydney (DOL)
Okay. And from staff, we have Debra Allen-Ba.

0:1:57.460 --> 0:1:58.120

Allen-Ba, Debra (DOL)
I am here.

0:1:59.140 --> 0:2:0.490

Muhle, Sydney (DOL)
Elizabeth Lagerberg.

0:2:0.960 --> 0:2:1.160

Lagerberg, Elizabeth E (ATG)
Here.

0:2:2.740 --> 0:2:4.130

Muhle, Sydney (DOL)
And Beau Perschbacher.

0:2:8.190 --> 0:2:11.710

Perschbacher, Beau (DOL)
Sorry. That mute button, it still gets me two years later. I'm here.

0:2:13.30 --> 0:2:15.260

Muhle, Sydney (DOL)
Alright, we have everyone.

0:2:15.790 --> 0:2:17.120

Little, Rick (Chair)
OK, sounds good.

0:2:19.850 --> 0:2:22.440

Little, Rick (Chair)
We have our order of agenda here. It's posted.

0:2:23.410 --> 0:2:30.500

Little, Rick (Chair)

We're gonna be doing a presentation from LF Sloane regarding the cemetery law study.

0:2:31.780 --> 0:2:48.410

Little, Rick (Chair)

DOL Policy and Legislative Director Beau Perschbacher will facilitate and facilitate a discussion with LF Sloane and the state staff team for us. So I will turn it over to Mr. Perschbacher. Beau.

0:2:50.740 --> 0:2:51.520

Perschbacher, Beau (DOL)

Hi everyone.

0:2:50.600 --> 0:2:52.200

Little, Rick (Chair)

And get started.

0:2:52.530 --> 0:2:55.20

Perschbacher, Beau (DOL)

Ohh, I'm sorry, I didn't mean to cut you off there, Mr. Chair.

0:2:54.830 --> 0:2:56.260

Little, Rick (Chair)

That's OK, you're good.

0:2:57.130 --> 0:3:1.500

Perschbacher, Beau (DOL)

Yeah, Beau Perschbacher, Legislative and Policy Director for Department of Licensing.

0:3:3.390 --> 0:3:15.890

Perschbacher, Beau (DOL)

If it's all right, Mr. Chair, I, I have the provisions that the legislature passed last year about the cemetery study, and I was wondering if it would be appropriate if I could just share my screen briefly so you could all visually look at it as I talk through it.

0:3:16.700 --> 0:3:17.120

Little, Rick (Chair)

Yes.

0:3:17.370 --> 0:3:18.990

Perschbacher, Beau (DOL)

OK, so I will do that.

0:3:24.900 --> 0:3:25.470

Perschbacher, Beau (DOL)

OK.

0:3:26.310 --> 0:3:28.100

Perschbacher, Beau (DOL)

So I'm gonna sort of narrate here too.

0:3:29.730 --> 0:3:31.160

Perschbacher, Beau (DOL)

OK. Can you all see the?

0:3:32.600 --> 0:3:33.640

Perschbacher, Beau (DOL)

The RCW language?

0:3:34.750 --> 0:3:35.60

Little, Rick (Chair)

Yes.

0:3:34.670 --> 0:3:41.870

Perschbacher, Beau (DOL)

And so we're looking at this subsection 3 here. I'll just read it out loud. I know sometimes the text is a bit small, but it says.

0:3:42.850 --> 0:3:51.960

Perschbacher, Beau (DOL)

92,000 of the General Fund state appropriation for fiscal year 2023 is provided solely for the Department of Archaeology and Historic Preservation to conduct a comprehensive study.

0:3:52.650 --> 0:4:12.250

Perschbacher, Beau (DOL)

Generally, with the Department of Licensing to review the definition of a cemetery, examine current cemetery protections and oversight authority, and provide recommendations for future protections and oversight authority of cemeteries in Washington state, the department may solicit input for the analysis from representatives of interested parties to include, but not limited to, cities, counties, tribes, and law enforcement.

0:4:13.80 --> 0:4:16.450

Perschbacher, Beau (DOL)

The department shall submit the study of the legislature by December 31st, 2022.

0:4:17.830 --> 0:4:18.320

Perschbacher, Beau (DOL)

So.

0:4:19.310 --> 0:4:21.700

Perschbacher, Beau (DOL)

That was what the legislature passed.

0:4:23.610 --> 0:4:26.440

Perschbacher, Beau (DOL)

And I believe Representative Orwell was one of the.

0:4:27.900 --> 0:4:32.850

Perschbacher, Beau (DOL)

Legislators, that was leading that effort to have the the look at the study and part of it was.

0:4:34.120 --> 0:4:40.930

Perschbacher, Beau (DOL)

Over the years, the different agencies that have worked on cemeteries, particularly archaeology and historic preservation and DOL.

0:4:41.820 --> 0:4:59.420

Perschbacher, Beau (DOL)

Religious institutions, cemeteries. Sometimes they off write off, different RCWs, which is another way of saying, you know, state law. And that's caused problems. And there's been concerns over pet cemeteries and cell towers and all of these things that have contributed to it so.

0:5:0.550 --> 0:5:11.60

Perschbacher, Beau (DOL)

That is why Archaeology and Historical Preservation contracted with the consultant to help put this report together. They have some draft recommendations. They're gonna be sharing with you today.

0:5:11.640 --> 0:5:16.730

Perschbacher, Beau (DOL)

You know, we knew that because the Board does not have itself a legislative.

0:5:17.800 --> 0:5:31.460

Perschbacher, Beau (DOL)

Arm that, you know, making sure that you had a chance to weigh in directly on this these recommendations and provide that feedback to the consultant and archaeology and us and that we have that chance to to discuss it so.

0:5:32.290 --> 0:5:39.180

Perschbacher, Beau (DOL)

I think with that I might turn it over to Sloane, Stephanie. If that's alright, Mr. Chair, or I don't know if.

0:5:40.690 --> 0:5:44.0

Perschbacher, Beau (DOL)

You know any of the DOL staff would wanna add anything that I might have missed.

0:5:51.790 --> 0:5:53.30

Allen-Ba, Debra (DOL)

I I think we're good Beau.

0:5:53.370 --> 0:5:59.750

Perschbacher, Beau (DOL)

OK. And of course, I'll say, Mr. Chair, too, I'm happy to take any questions. If before she does in her presentation, there's any.

0:6:1.70 --> 0:6:1.710

Perschbacher, Beau (DOL)

Right off the bat.

0:6:8.20 --> 0:6:11.680

Little, Rick (Chair)

I have to unmute myself. Thank you very much. Just just move forward.

0:6:15.140 --> 0:6:26.590

Sloane, Stephanie

Great. Well, thank you so much first and foremost, for calling the special meeting. We really appreciate the the industry experts and and public representatives that are on this call to help give us feedback.

0:6:27.10 --> 0:6:40.780

Sloane, Stephanie

I'm joined today by Larry Sloane, who you probably guessed by last name is my father. So we're a small family business. My brother, Will, also is working on this project, but unable to attend the meeting today.

0:6:42.320 --> 0:7:2.360

Sloane, Stephanie

And and collectively we have something like 60 years of experience in the cemetery and funeral space. Larry grew up in upstate New York. Actually. We like to joke, was born on a cemetery and got to work all the different roles from operations on through to sales and running, running facilities throughout the country.

0:7:3.480 --> 0:7:10.130

Sloane, Stephanie

I personally spent a decade working for the Catholic Church and their cemetery and funeral operations throughout the country as well.

0:7:11.550 --> 0:7:27.660

Sloane, Stephanie

So we come in with a a very knowledge of cemetery issues as well as we've operated in a number of states, which gives us a perspective on how different states have organized their, their cemetery and funeral regulations and oversight.

0:7:28.140 --> 0:7:45.450

Sloane, Stephanie

And quite frankly, we were really excited to see this project come up or the state of Washington because as you all know, Washington is one of the early adopters on a number of new disposition types.

0:7:45.880 --> 0:7:50.510

Sloane, Stephanie

And really, for forward-looking in terms of the cemetery and funeral space.

0:7:52.220 --> 0:8:22.910

Sloane, Stephanie

And we know that cemetery laws historically have been reactive, so something goes wrong and that's when legislation is drafted. And a lot of times that's around in most states that's been financially related with the establishment of preneed funeral preneed funeral trust, preneed cemetery trust, endowment care protections, etcetera. So we saw this as a real interesting opportunity to look at the cemetery landscape.

0:8:23.210 --> 0:8:39.780

Sloane, Stephanie

Knowing that over the last 30 years, family choices have really changed and that's with the growth of cremation and a lot of state laws don't don't really contemplate the impact of that change of cremation on the established law.

0:8:41.820 --> 0:9:11.620

Sloane, Stephanie

So really, our approach throughout this has been to study other States and figure out if there are best practices out there that we can recommend to Washington and where there's a gap in states that have taken a lead try and come up with best recommendations. And so working with Beau and his team at the Department of Licensing as well as Doctor Brooks and the Department of Archaeology and Historic Preservation.

0:9:12.470 --> 0:9:15.560

Sloane, Stephanie

Really is our two principal stakeholders to start.

0:9:16.210 --> 0:9:35.690

Sloane, Stephanie

Contemplating what what can we affect and recommend a short term change? And then what would be the recommendation for long term for a long term look at these laws? Because I I don't have to tell you all that from a public perspective most people think cemeteries are very simple operations.

0:9:37.10 --> 0:9:46.780

Sloane, Stephanie

But there's a lot of complexity to them and and especially with the advent of cremated remains and what that disposition type changes and opens for opportunities.

0:9:47.870 --> 0:9:51.900

Sloane, Stephanie

They're they're just, there's a lot of nuance and complexity out there.

0:9:53.910 --> 0:10:6.130

Sloane, Stephanie

And as we thought about this and I apologize, I don't have a graphic that that illustrates this yet, but kind of the the principle question that actually has become harder to answer is.

0:10:6.890 --> 0:10:9.30

Sloane, Stephanie

Is this property a cemetery?

0:10:10.220 --> 0:10:35.90

Sloane, Stephanie

And where that complexity arises from is. If you're a botanical garden that allows cremated remains to be buried there, or university that has a niche block, or now with natural organic reduction. If you're allowing, you know, I hate to put it in these terms, but grandma's composts to grow a tree, it is that a cemetery?

0:10:36.110 --> 0:10:46.920

Sloane, Stephanie

And so there are the whole hosts of scenarios that have now arisen and why it's so important to know what a cemetery is, is that's where a number of core.

0:10:48.370 --> 0:10:56.670

Sloane, Stephanie

Rights and protections arise out of. So is there a right to access if it's a cemetery? What should the zoning requirements be?

0:10:57.670 --> 0:11:5.940

Sloane, Stephanie

With, with how Washington has structured the dedication of cemetery property, the dedication of that to use for other purposes.

0:11:7.380 --> 0:11:21.490

Sloane, Stephanie

So really, that's our our core goal in this this analysis and study is to put forward recommendations around those subjects of, "is it a cemetery?" and then "what are the conferred rights for that?"

0:11:22.370 --> 0:11:31.400

Sloane, Stephanie

In the long term, I think there's some other items that start to become relevant, which is, "is this a permanent location?"

0:11:32.140 --> 0:11:48.670

Sloane, Stephanie

So as you as the cemetery operators on the call know, you know, there's perpetual care requirements. It's really a true cemetery is viewed as a permanent apparatus, but because of some of those items I mentioned previously, a parish columbarium.

0:11:49.410 --> 0:11:54.320

Sloane, Stephanie

That's not necessarily a the parish is not necessarily a permanent entity.

0:11:55.250 --> 0:12:2.60

Sloane, Stephanie

Or cremated remains on a pet cemetery. That pet cemetery again, is not a perpetual entity necessarily.

0:12:3.200 --> 0:12:7.550

Sloane, Stephanie

So so there are some challenges arising with those those changes.

0:12:9.400 --> 0:12:20.510

Sloane, Stephanie

And so again we think there's some opportunity in the long term to tackle some of those bigger, potentially shifting regulatory environment questions.

0:12:21.90 --> 0:12:29.170

Sloane, Stephanie

But in the short term, what what's really necessary is to try and come up with that clean definition of what a cemetery is today.

0:12:30.370 --> 0:12:36.690

Sloane, Stephanie

And then make sure it's very clear in Washington state law what rights are conferred based on that.

0:12:37.710 --> 0:12:41.790

Sloane, Stephanie

Larry, I'll paused there and just is. Is there something else you'd like to add to that introduction?

0:12:42.480 --> 0:12:45.510

Sloane, Larry

No, I think you've covered it very, very well. The.

0:12:46.760 --> 0:13:0.560

Sloane, Larry

As she said, we're excited to do this because it's very rare for a state to to turn its attention to cemetery law. Period. Usually, we're the ones begging them to take a look at it as the industry. And so it's and we're.

0:13:2.100 --> 0:13:3.830

Sloane, Larry

Honest brokers. We're we have no.

0:13:4.580 --> 0:13:34.410

Sloane, Larry

You know, interest in the game that we have no outcome, we don't, we don't, we don't own a cemetery in Washington or or a Funeral Home or or have a church with a columbarium. So it's it's kind of a fun project and you know, I think your input to this, now we're at a stage where we really are ready to hear criticism, to hear what it is that we're not thinking about. And so that's really why we're here. And so don't think like you're gonna get us upset by this. We ehe harder you are, the better it'll be because that will get a better product.

0:13:45.20 --> 0:13:45.410

Sloane, Stephanie

Ohh.

0:13:37.770 --> 0:13:45.750

Allen-Ba, Debra (DOL)

And Stephanie, sorry to interject. At any point if you want us to put the slide deck up, we have it ready to go. So let us know when you're ready.

0:13:47.590 --> 0:13:48.0

Allen-Ba, Debra (DOL)

OK.

0:13:46.450 --> 0:13:48.910

Sloane, Stephanie

Perfect that that's a great point.

0:13:49.0 --> 0:14:3.850

Sloane, Stephanie

And just before we go into the slide deck, based on our introduction, did anyone have any questions or comments? Or do you want us to get into more of the the tactical that make this more illustrative what we're talking about? Because I know it's some blue sky thinking right now.

0:14:9.60 --> 0:14:11.800

Little, Rick (Chair)

Any Board members have anything they'd like to ask?

0:14:14.500 --> 0:14:31.430

Cameron, Pete (Board Member)

Ohh yeah, this is Pete. I know this is brand new material for us to go through. Is this something that the Board is going to be making a recommendation on to endorse or adopt today, or will we have some time to go through this and?

0:14:31.980 --> 0:14:33.550

Cameron, Pete (Board Member)

Discuss it?

0:14:36.740 --> 0:14:38.510

Little, Rick (Chair)

I believe this is just informational.

0:14:39.590 --> 0:14:40.100

Little, Rick (Chair)

Right now.

0:14:41.450 --> 0:15:1.420

Sloane, Larry

It's our responsibility to make a recommendation to the Department. Who's then gonna make a recommendation to the legislature by filing our report with them. We really want your input and and be transparent with you at every element of this. But I'm not sure that in the process, we're expecting you to ever go on the record saying yes or no about it.

0:15:2.750 --> 0:15:24.310

Perschbacher, Beau (DOL)

And and what I'd add, too is the report is due at the end of December. So for at least just from my perspective, working with archaeology, there's time. You don't have to make a decision today. I think if you wanted to make a recommendation about your position, you could. You don't have to. This is kind of initial thoughts, feedback, not the last bite of the apple by any means. From my perspective at least.

0:15:26.320 --> 0:15:27.0

Cameron, Pete (Board Member)

OK. Thanks.

0:15:28.210 --> 0:15:45.690

Sloane, Stephanie

Yeah. And I'll just add, obviously, we're we're gonna give kind of the introduction to this material today and if anyone has follow-up, they'd like to do as a group or individually, Larry and I are certainly available to have those conversations and and talk through it more as appropriate.

0:15:47.700 --> 0:15:48.60

Little, Rick (Chair)

OK.

0:15:50.250 --> 0:15:59.970

Sloane, Stephanie

Great. In that case, Debra, do you mind sharing our slides and we'll get right into it and slide two, if that's great. OK. Or thank you.

0:15:59.350 --> 0:16:0.270

Allen-Ba, Debra (DOL)

Yep, there it is.

0:16:2.480 --> 0:16:7.80

Sloane, Stephanie

Great. So again, this is kind of the the.

0:16:7.870 --> 0:16:13.660

Sloane, Stephanie

The agenda of what we want to go through today. And as Larry said, we're really, really looking for input here.

0:16:14.350 --> 0:16:15.240

Sloane, Stephanie

And so.

0:16:16.230 --> 0:16:38.80

Sloane, Stephanie

As we looked at this, we've come up with five preliminary recommendations, or areas that we think we can make recommendations in the short term. And that would be for to Representative Orwell, via the

Department of Licensing and DAHP, around the five subjects you see bolded here. Which is moving to a single cemetery definition.

0:16:39.240 --> 0:16:52.710

Sloane, Stephanie

As you probably all know, currently there are definitions for a cemetery, a historic cemetery and abandoned cemetery. There's a different statute if it of what a cemetery is, that's five.

0:16:54.10 --> 0:16:56.480

Sloane, Stephanie

Burials effectively or or.

0:16:57.640 --> 0:17:16.130

Sloane, Stephanie

For the the DAHP statutes of historic cemeteries. And we think there's some opportunity to clarify that and really talk through some of the the alternate dispositions like natural organic reduction, cremated remains, cremation, etcetera.

0:17:18.40 --> 0:17:38.480

Sloane, Stephanie

As part of that, we have an idea around requiring cemeteries to proactively register with DAHP so they could add it to their GIS map they're they're currently collecting information on so that everyone knows where all of these cemeteries are in Washington.

0:17:39.640 --> 0:18:7.590

Sloane, Stephanie

And again, where we effectively that's already in practice today with, but it's DAHP going and finding the cemeteries versus the cemeteries registering with DAHP. And why we think that's important is, again, the the advent of parish columbaria and other kind of I'm gonna call alternate cemetery formats to make sure that the State knows where those are and that they're operating as a cemetery.

0:18:9.400 --> 0:18:10.840

Sloane, Stephanie

And then we also.

0:18:11.400 --> 0:18:40.510

Sloane, Stephanie

Have been contemplating kind of the the relationship of of pet and humans in the end of life process. As many of you know, there's the, the I'm going to call it a controversy, with the Seattle pet cemetery and the cell phone tower and some of those items. And you know, knowing that so many people are pet owners now today and it's a question we get in cemeteries we operate throughout the country of.

0:18:41.480 --> 0:18:45.950

Sloane, Stephanie

You know, "can I have my pet buried with me," or "can I be buried with my pet?"

0:18:47.40 --> 0:18:50.590

Sloane, Stephanie

So we've contemplated a a structure that's opt-in.

0:18:52.90 --> 0:18:58.0

Sloane, Stephanie

On the part of the the cemetery to potentially allow that and make those.

0:18:59.360 --> 0:19:11.560

Sloane, Stephanie

Clear legislatively. Because right now, there's technically nothing in the law regulating that, but it's more of an industry best practice that prevents it from happening from a state side.

0:19:13.850 --> 0:19:17.720

Sloane, Stephanie

Additionally, and this may be one that we need to.

0:19:18.380 --> 0:19:26.410

Sloane, Stephanie

Identify as a long-term goal versus a short term. But looking at the the leasing or selling of cemetery land.

0:19:27.620 --> 0:19:38.390

Sloane, Stephanie

And quite frankly, Washington state has a pretty restrictive view on this in terms of having to go to the Court to de-dedicate cemetery land to use it for alternative purposes.

0:19:39.650 --> 0:19:40.370

Sloane, Stephanie

And so.

0:19:41.200 --> 0:20:11.950

Sloane, Stephanie

We're curious if there's a way to open that up so it's beneficial to cemetery operators. And some of the less intrusive mechanisms of leasing undeveloped land could be a less onerous process, such as if you're, if you're leasing undeveloped land for agricultural purposes. So a farmer coming in and mowing it, that's really not a major economic boon, but it it creates a benefit to the larger community. But right now it's such a onerous process to get something like that approved.

0:20:12.650 --> 0:20:16.140

Sloane, Stephanie

Uh, that most cemetery operators wouldn't do that.

0:20:17.810 --> 0:20:27.60

Sloane, Stephanie

And then conversely, also being clear on what, because you now know what at all the cemeteries are, and so there would be clear zoning.

0:20:27.700 --> 0:20:35.670

Sloane, Stephanie

What process do we wanna go through for the cemeteries? If there's a a more intensive land use.

0:20:36.330 --> 0:20:40.850

Sloane, Stephanie

Being contemplated like a cell phone tower, solar farms, et cetera.

0:20:42.80 --> 0:20:45.150

Sloane, Stephanie

And then the last item is the the right of access.

0:20:46.210 --> 0:20:48.880

Sloane, Stephanie

And making sure that this is a a clear.

0:20:50.340 --> 0:20:52.610

Sloane, Stephanie

Clear Statute for Washington state.

0:20:54.880 --> 0:21:8.900

Sloane, Stephanie

Again, you know, DAHP's been wonderful working with the the tribes to get some perspective for them. Because we know this is a major issue impacting those groups because so many of their historic burial sites are surrounded by private property.

0:21:10.60 --> 0:21:17.210

Sloane, Stephanie

And so we see opportunity to clarify that and ensure that descendants have a continual right to access.

0:21:18.180 --> 0:21:22.290

Sloane, Stephanie

Their their ancestors and pay respects and do genealogy research.

0:21:23.70 --> 0:21:53.450

Sloane, Stephanie

And so again, those are the five areas that that we've looked at to try and to identify as as areas that we could make recommendations in 2023 that we don't think would hit major opposition. And I'll walk through each of those in more detail. And then the two real long-term items that we have is this idea around nonpermanent burial facilities. And again that's our our polite euphemism to as a catch all of.

0:21:53.920 --> 0:21:58.970

Sloane, Stephanie

What do we do with parish columbaria? What do we do with our university that has a columbarium?

0:22:0.270 --> 0:22:11.0

Sloane, Stephanie

And some of these alternate forms, like natural organic reduction. What do we do when those if there's a contractual relationship to sell land for those remains to go?

0:22:11.850 --> 0:22:21.360

Sloane, Stephanie

And finally the the big swing is the the regulatory environment and I'm hoping we'll have some time at the end to to chat and get some feedback on this.

0:22:23.0 --> 0:22:25.220

Sloane, Stephanie

And just generally.

0:22:26.320 --> 0:22:38.590

Sloane, Stephanie

I think cemeteries are only going to get more, more complicated as they get smaller and more unique in nature of operations. And already there's some.

0:22:39.840 --> 0:22:41.880

Sloane, Stephanie

Lack of clarity around.

0:22:42.930 --> 0:22:45.930

Sloane, Stephanie

Where certain cemetery issue should go.

0:22:46.650 --> 0:22:56.680

Sloane, Stephanie

And I know many of you are cemetery operators on the Board, so I'll be really curious to get your feedback if you've had challenges knowing how to navigate the the regulatory environment.

0:22:58.60 --> 0:23:27.800

Sloane, Stephanie

But one of the really big, big ideas we had is, "Should there be a central point that catches all cemetery issues and then knows how to funnel it to the appropriate state agency, the the correct board, etcetera?" So that's some really fun blue Sky thinking. And again, we're not arrogant enough to think that we could get that in place in 2023 and would certainly need more study. But we did wanna get the concept out there.

0:23:28.640 --> 0:23:31.430

Sloane, Stephanie

And see if there's something that there's traction behind.

0:23:32.350 --> 0:23:47.70

Sloane, Stephanie

Uh, so if Sydney, if you wouldn't mind going to the next slide, that'd be great. So we're just going to go through kind of each of these scenarios and and please come off mute and interrupt and ask questions and give us feedback as we're going through these.

0:23:47.810 --> 0:23:51.670

Sloane, Stephanie

And Larry, if I if I'm missing anything, please jump in and add this.

0:23:52.40 --> 0:23:52.720

Sloane, Larry

I will do so.

0:23:53.620 --> 0:24:3.690

Sloane, Stephanie

Thank you. So again, I think our biggest challenge in this report and the the thing that's most most needed is clarifying that cemetery definition.

0:24:4.990 --> 0:24:7.800

Sloane, Stephanie

And again, it comes back to, "What is the cemetery today?"

0:24:8.530 --> 0:24:23.610

Sloane, Stephanie

And you know we've we listed 6 scenarios here that I've I've probably chatted through in some of my discussions already that represent some of the the challenges today of identifying, "Is this a cemetery, is it not?"

0:24:25.470 --> 0:24:45.700

Sloane, Stephanie

The first one being 2 individuals buried in the backyard of their family home. So the homestead idea of Grandma and Grandpa are are on my land or on my ranch. Is that a cemetery? And currently Washington State has a statute for DAHP and the historic cemeteries that say.

0:24:46.420 --> 0:24:47.350

Sloane, Stephanie

5.

0:24:48.510 --> 0:24:51.510

Sloane, Stephanie

Human remains must be present for it to be a cemetery.

0:24:52.380 --> 0:24:57.800

Sloane, Stephanie

And you know, as Larry and I looked at this, we found that number somewhat arbitrary.

0:24:59.480 --> 0:25:12.800

Sloane, Stephanie

And you know, again, we know what, what? Why the purpose is to say, hey, you know, family cemeteries, will be handled differently than larger cemeteries. But but the cutoff of five seemed a little arbitrary and capricious.

0:25:14.720 --> 0:25:32.930

Sloane, Stephanie

And so we really want to think through does just the nature of having a full body burial on a property automatically make that a cemetery, or is there really a requirement to have some mass mass burial schema for it to be a cemetery?

0:25:34.830 --> 0:25:51.460

Sloane, Stephanie

And and we'll share where we're leaning, which is that any full body burial on a property automatically makes that a cemetery and would trigger the right of access for descendants.

0:25:52.660 --> 0:26:3.700

Sloane, Stephanie

Some of the zoning requirements and the the de-dedication if that branch was to be turned into high density residential right, we'd want that to be treated like a cemetery.

0:26:4.830 --> 0:26:28.830

Sloane, Stephanie

And if it's OK, I'm gonna pause after each of these scenarios and see if anyone has a different perspective or wants to add some nuance to this. But I would really like to to welcome some feedback around that concept of is just one full body burial, enough to trigger the concept of that land as a cemetery specifically right around it and needs to be treated as such.

0:26:36.670 --> 0:26:41.550

Smock, Cameron (Board Member)

And if it's one full body burial, then it automatically triggers a cemetery designation?

0:26:42.640 --> 0:26:43.460

Sloane, Stephanie

Correct.

0:26:57.330 --> 0:27:4.740

Sloane, Stephanie

And I'm gonna. I'm gonna make the assumption that if there's some silence, there's agreement in that, that concept.

0:27:6.740 --> 0:27:7.160

Little, Rick (Chair)

Of course.

0:27:5.900 --> 0:27:8.570

Sloane, Stephanie

So please, if if you disagree, let us know.

0:27:12.680 --> 0:27:13.90

Sloane, Stephanie

Sure.

0:27:9.690 --> 0:27:22.110

Brooks, Allyson (DAHP)

Hey Stephanie, this is Allyson. Can I ask a question? Is it a cemetery have to be a full body burial, or? This is where our state laws now get really confusing. Or is it the human remains?

0:27:22.620 --> 0:27:23.470

Sloane, Stephanie

Well, so.

0:27:44.890 --> 0:27:45.430

Sloane, Stephanie

Yeah.

0:27:22.830 --> 0:27:47.760

Brooks, Allyson (DAHP)

I mean, what is a full body? Are you are you saying that the the individual has to be in a casket? 'Cause we find, right, 'cause we're archaeology so we can find multiple people that aren't casket burials, or we find multiple parts of people, which I think why the state law references human remains as opposed to the word full body burial. So that's where you get into a strange situation.

0:27:48.810 --> 0:28:0.670

Sloane, Stephanie

Yeah. And Doctor Brooks, you bring up a great point. And and part of why we wanna go through each of these scenarios is to make sure we're our our your industry professionals view this the same way we do.

0:28:1.310 --> 0:28:12.460

Sloane, Stephanie

Because there's gonna be some real nuance in the terms that are ultimately used and there's gonna be some gray areas. But, you know, just just to kind of give you the sneak peek of what we're thinking.

0:28:14.640 --> 0:28:25.310

Sloane, Stephanie

We're thinking that we need from a a State of Washington perspective, the full body burial. Historically, as the state contemplated laws.

0:28:26.500 --> 0:28:38.880

Sloane, Stephanie

Your final form of disposition was being buried in a cemetery or on your land, pre-cremation. And so the state viewed that burial process as the final form of disposition.

0:28:39.580 --> 0:28:40.820

Sloane, Stephanie

As alternate.

0:28:39.760 --> 0:28:42.350

Brooks, Allyson (DAHP)

But the but then they have to be in a container.

0:28:42.960 --> 0:28:46.940

Sloane, Stephanie

Yeah, just if I could just finish this, I'll come back to that, I promise.

0:28:48.330 --> 0:28:59.140

Sloane, Stephanie

And then as alternate forms of of of disposition rose like cremation, natural organic reduction, etcetera, the process itself became the final disposition.

0:28:59.990 --> 0:29:11.970

Sloane, Stephanie

And and so we think there's a natural split there of how we need to contemplate this in the cemetery law of full body burial versus alternate forms.

0:29:13.260 --> 0:29:19.620

Sloane, Stephanie

And so that's where we're trying to get the feedback and and to specifically answer your your question, I think we wanna be.

0:29:21.320 --> 0:29:25.990

Sloane, Stephanie

I think we've gotta figure out the language to get behind the intention of burial.

0:29:26.630 --> 0:29:38.690

Sloane, Stephanie

So obviously there, caskets weren't always required, burial vaults weren't always required, but the nature of burying a loved one.

0:29:40.290 --> 0:29:46.170

Sloane, Stephanie

Is what would trigger that protection. So a container wouldn't necessarily be required for full body.

0:29:47.880 --> 0:29:48.760

Lagerberg, Elizabeth E (ATG)

And when you say.

0:29:48.180 --> 0:29:49.480

Sloane, Stephanie

Sorry for the long answer.

0:29:49.970 --> 0:30:11.340

Lagerberg, Elizabeth E (ATG)

When, this is Elizabeth Lagerberg, when you say full body I I'm still a little unclear. Do you mean whether it's whether it's cremated, alkaline hydrolysis, whatever that whatever form the remains are, full body meaning but meaning the whole body? Or do you just mean not the?

0:30:12.260 --> 0:30:17.420

Lagerberg, Elizabeth E (ATG)

The non cremated, non alkaline hydrolysis like full body, meaning nothing's been done to them.

0:30:18.380 --> 0:30:18.880

Lagerberg, Elizabeth E (ATG)

Which?

0:30:18.330 --> 0:30:35.380

Sloane, Stephanie

Correct the the the the latter. So the idea of and I'm gonna use a terrible term that we will not use in the report, but just for kind of industry terms of that traditional full body burial and then alternate forms of disposition be natural organic production.

0:30:36.40 --> 0:30:40.50

Sloane, Stephanie

Uh cremation, alkaline hydrolysis, etcetera.

0:30:43.490 --> 0:30:52.420

Lagerberg, Elizabeth E (ATG)

And and just to clarify this list that you have here where you have two individuals, cremated remains, scattered on a golf course, this whole list right here.

0:30:53.700 --> 0:30:59.950

Lagerberg, Elizabeth E (ATG)

Is this just to generate discussion? Or are these items that you believe all are?

0:31:1.90 --> 0:31:4.500

Lagerberg, Elizabeth E (ATG)

Would create a cemetery situation?

0:31:5.190 --> 0:31:19.180

Sloane, Stephanie

These are degenerate discussion, and we certainly think some of these don't, in our opinion, don't rise to the occasion of a cemetery and I'll use the second one, which is, you know, cremated remains scattered on a golf course.

0:31:20.310 --> 0:31:28.140

Sloane, Stephanie

If there's no contractual obligation there, we would not see that creating a cemetery obligation for the proprietor.

0:31:31.480 --> 0:31:57.90

Lagerberg, Elizabeth E (ATG)

Yeah, I think it's important to distinguish, you know, to use some of the. I'm an attorney, so I I'm concerned about the legal elements. And so elements like contract contract, you know, if there's a contracted promise, there's a lot of pieces that are that are legal, I think, that would make distinguishing would be distinguishing elements of what is cemetery and what is not a cemetery.

0:31:57.660 --> 0:31:58.530

Sloane, Stephanie

Certainly.

0:32:0.160 --> 0:32:1.750

Sloane, Stephanie

And and I I think.

0:32:2.620 --> 0:32:7.530

Sloane, Stephanie

Probably everyone's seeing a little bit of we have an agenda on why we've asked these questions this way.

0:32:8.930 --> 0:32:18.920

Sloane, Stephanie

One to to facilitate some discussion and two to to get at the nuance of this. And certainly at the end of the day, it's gonna be a, a, a very.

0:32:19.0 --> 0:32:24.130

Sloane, Stephanie

Uh, it's thin needle where we're threading with our language and making sure we're very clear.

0:32:25.550 --> 0:32:45.360

Sloane, Stephanie

But what we want to do is come up with those examples that create the bright line of what is and what isn't, and then make sure we're crafting language that that reflects that and everyone reads the same way, because that's also the nuance here as having clearly understandable language around these complex subjects.

0:32:48.720 --> 0:33:0.10

Sloane, Stephanie

So I guess you know I I I think we've we've elucidated our our opinion on full body traditional burial. And again, I'm sorry we don't have a clearer term for that.

0:33:1.280 --> 0:33:15.260

Sloane, Stephanie

Yet. But our view is again if a full body burial has happened somewhere, that is a cemetery. And the complexity really arises with the alternate forms of disposition.

0:33:16.630 --> 0:33:20.500

Sloane, Stephanie

And just as Elizabeth was was identifying.

0:33:21.900 --> 0:33:32.470

Sloane, Stephanie

What we're seeing is being the trigger for the alternate forms is a contractual relationship or money changing hands with a promise.

0:33:33.150 --> 0:33:35.780

Sloane, Stephanie

So a pet cemetery.

0:33:36.490 --> 0:33:39.880

Sloane, Stephanie

That sells a property to a human.

0:33:40.810 --> 0:33:48.270

Sloane, Stephanie

For cremated remains to be buried there is creating an implicit obligation and is becoming a cemetery.

0:33:49.530 --> 0:34:3.640

Sloane, Stephanie

Conversely, if a family walked to that pet cemetery after hours and buried a set of human remains without the proprietor knowing or scattered human remains, that wouldn't create the obligation.

0:34:5.10 --> 0:34:7.190

Sloane, Stephanie

Does that? Does that make sense to this group?

0:34:10.260 --> 0:34:28.390

Lagerberg, Elizabeth E (ATG)

So one of the elements of a cemetery would be a contractual obligation, so that that creates an expectation on behalf of the of the person or family that is bearing a, a, an individual. There would have an expectation that that is a cemetery and will be protected as a cemetery. Is that right?

0:34:29.160 --> 0:34:33.210

Sloane, Stephanie

Correct. And probably the one exception to that, to be clear, is kind of the.

0:34:33.290 --> 0:34:38.330

Sloane, Stephanie

But how we wanna handle historic full body burial on homesteads.

0:34:38.990 --> 0:34:47.610

Sloane, Stephanie

Because that's where they're probably isn't wasn't a contractual obligation created, you know, Grandma and Grandpa were buried on the ranch.

0:34:48.390 --> 0:34:53.820

Sloane, Stephanie

We still think they are entitled to protections of that land being cemetery land.

0:34:54.610 --> 0:35:1.140

Sloane, Stephanie

And so that's where there's some nuance in there for the the traditional full body burial.

0:35:1.780 --> 0:35:6.660

Lagerberg, Elizabeth E (ATG)

And I think you're gonna run into some land use issues with respect to.

0:35:8.120 --> 0:35:13.810

Lagerberg, Elizabeth E (ATG)

Both land use and legal description issues with respect to that type of.

0:35:15.540 --> 0:35:39.140

Lagerberg, Elizabeth E (ATG)

Designation. For example, if you are going to call it a cemetery, then it's in a sense it creates a some kind of restriction on use of the property in the future. So if the property sold, you know, it does that mean that there's some kind of, you know, easement or for people to go visit the burial site or you know.

What what is it creating in terms of the, the?

0:35:39.990 --> 0:35:51.440

Lagerberg, Elizabeth E (ATG)

Bundle of sticks that elements of the property legally? I think it's that's makes it very complicated, but that's just from a. There's a lot of elements there in terms of land use and property ownership.

0:35:52.90 --> 0:35:52.830

Sloane, Stephanie

Definitely.

0:35:51.910 --> 0:35:55.770

Sloane, Larry

Yeah, and and all those, all those issues exist today.

0:35:56.770 --> 0:36:27.110

Sloane, Larry

So for the person who buried their grandparents on their family lot before on their house near their house before 1947, all of those issues you've decided are what we have to look at in terms of public access, which is one of the agenda items that we have. So. So that's what we're trying to craft here is, going forward, if you have a contract or you paid money and have a promise, then we're going to think you that that you're expecting that to be retrievable. You're expecting that to be somehow protected and.

0:36:27.410 --> 0:36:41.760

Sloane, Larry

You know, in a pet cemetery today, if you bury the human remains, there is no protection that that pet cemetery can be plowed over tomorrow and turned into a shopping center there. There's, there's no, there's no protection. There's no registration. There's no one knows it. And then.

0:36:41.40 --> 0:36:43.50

Lagerberg, Elizabeth E (ATG)

Right. That's correct. Yeah.

0:36:43.650 --> 0:36:44.800

Little, Rick (Chair)

You have a hand up here.

0:36:46.690 --> 0:36:47.710

Little, Rick (Chair)

I don't know.

0:36:48.470 --> 0:36:49.500

Little, Rick (Chair)

Allison Brooks.

0:36:50.850 --> 0:36:52.150

Little, Rick (Chair)

Is there any more information?

0:36:55.60 --> 0:37:26.350

Brooks, Allyson (DAHP)

Yeah, I just wanna note to Elizabeth that if you find two people buried on a ranch or farm, they come under our protection. So actually they are protected. The property owner is notified. We let them know that they can't touch those burials without a permit from our agency. And if, obviously, if it was more for than two, they would absolutely need to go it. So if you find 5 burials like that, that are historic where there was no contractual obligation, you still have to go.

0:37:26.790 --> 0:37:48.720

Brooks, Allyson (DAHP)

To Superior Court and get a court order to be able to remove those burials. But if there's only two, you would still have to get a permit from our agency. So it becomes a historic cemetery. So remember Elizabeth, we have we have multiple definitions of cemeteries in this state, and that's what's so confusing. And they're all under different protections.

0:37:50.980 --> 0:37:58.40

Lagerberg, Elizabeth E (ATG)

Right. I was just, you know, I it sounds like you're going to address some of the land use issues and and property ownership issues, so.

0:37:58.740 --> 0:38:4.600

Lagerberg, Elizabeth E (ATG)

I was just making, you know, making sure that those are considered other other areas of law, yeah.

0:38:1.500 --> 0:38:7.370

Brooks, Allyson (DAHP)

Oh, that's fine. I just didn't want you to think that. Yeah, that there was no protections now and there are.

0:38:8.510 --> 0:38:14.440

Lagerberg, Elizabeth E (ATG)

No, I was just just trying to bring in some of the other elements to consider besides just the cemetery law.

0:38:16.70 --> 0:38:41.960

Sloane, Stephanie

And we really appreciate that and and please keep those coming. But I think that we're we're acutely aware of the potential ripples of every change and that's why we wanna take our time and go through the appropriate stakeholders. So we don't create more complexity. The the goal of this is simplification

and clarity. And if we're not achieving that, we don't wanna make this record, make a recommendation that doesn't achieve those goals.

0:38:44.20 --> 0:39:13.510

Sloane, Stephanie

So you know, again, I I know this is kind of a meaty place to start in terms of what a cemetery is, but but really to take a step back. Our goal here is to protect consumers as there are more creative approaches to this in the near term and people are figuring out what to do with natural organic reduction and more and more forms of disposition come up is to make sure those consumers are protected.

0:39:14.660 --> 0:39:45.880

Sloane, Stephanie

For the Funeral Home industry, you know, if you're working with families and they're choosing those alternate forms to make sure you have confidence in saying, you know, these are protected areas, the state is paying attention and it's more than just the proprietors word that this is going to be operated properly where there isn't a state statute currently. And to make sure that again your business is protected from that risk in the future. And then also for cemetery operators.

0:39:47.480 --> 0:39:48.410

Sloane, Stephanie

You know, to to.

0:39:49.100 --> 0:39:52.750

Sloane, Stephanie

Make sure that the industry doesn't get a bad rap, right?

0:39:54.140 --> 0:40:3.490

Sloane, Stephanie

The the first time a a small columbaria that's not on a permanent property, that business goes under or changes hands.

0:40:4.560 --> 0:40:17.630

Sloane, Stephanie

Making sure those families are protected and that there's a plan and that the state knows that existed and that contractual obligation existed. So there are zoning and land use issues that ultimately erase that history.

0:40:18.390 --> 0:40:22.670

Sloane, Stephanie

And so that's really the goal of clarifying this language.

0:40:23.650 --> 0:40:31.340

Sloane, Stephanie

So I'll pause there and just see if there's any other input on this subject before we move on to some of the other areas as well.

0:40:37.870 --> 0:40:39.360

Little, Rick (Chair)

Anybody have anything to add?

0:40:42.720 --> 0:40:43.670

Cameron, Pete (Board Member)

Yeah, this is Pete.

0:40:45.670 --> 0:40:57.160

Cameron, Pete (Board Member)

From what I'm hearing, it sounds like a lot of this is meant to be protective retroactively for, you know, when you find those remains on existing land.

0:40:57.800 --> 0:41:9.930

Cameron, Pete (Board Member)

I've been doing this for 30 plus years and I've only taken inquiries from a couple of families on currently burying newly deceased on private property.

0:41:11.600 --> 0:41:12.400

Cameron, Pete (Board Member)

And I'm.

0:41:13.180 --> 0:41:21.910

Cameron, Pete (Board Member)

Just wondering if that is even really a thing anymore. Maybe some of the other Board members have experienced with that too, but.

0:41:23.250 --> 0:41:33.560

Cameron, Pete (Board Member)

I've been doing this a long time, but I've never heard of anybody going through the process to do a current full body burial on private property.

0:41:35.650 --> 0:41:50.680

Sloane, Stephanie

Yeah, I think you you you summarize that well, which is this is a combination of of retroactive protection and making sure there's clarity. So everyone. So the statute reflects what DAHP is currently doing and that it's very clear.

0:41:52.0 --> 0:42:22.830

Sloane, Stephanie

For those historic burials. And then I think this is more, more a change impacting the the new alternate forms of dispositions and the new forms of cemetery, for lack of a better term, like a columbaria that's on a non permanent residence. What's gonna happen when there are trees that are grown from humans and human compost, you know, are there obligations around that and making sure there's just.

0:42:23.30 --> 0:42:24.600

Sloane, Stephanie

Clear there's clarity.

0:42:26.140 --> 0:42:39.630

Sloane, Stephanie

For those forward-looking operations. And we do want you know if if a church or a synagogue is is contemplating doing this, we want them to know it's a permanent endeavor that needs a plan.

0:42:41.90 --> 0:42:43.720

Sloane, Stephanie

And similarly, if there is a a green burial.

0:42:44.840 --> 0:42:54.90

Sloane, Stephanie

Option out there. We want the proprietor to know that's a permanent operation and that there's legal requirements that preclude future uses of that land.

0:42:54.790 --> 0:43:0.630

Sloane, Stephanie

Which right now I I think in the statute is is less clear than it could be.

0:43:1.660 --> 0:43:6.270

Sloane, Stephanie

Because again, these these forms of disposition just didn't exist when the cemetery definition was written.

0:43:10.250 --> 0:43:11.620

Cameron, Pete (Board Member)

Alright. OK. Thanks.

0:43:12.510 --> 0:43:14.90

Sloane, Stephanie

Yeah. Thank you for the question.

0:43:19.770 --> 0:43:20.620

Little, Rick (Chair)

Anyone else?

0:43:28.450 --> 0:43:28.680

Little, Rick (Chair)

OK.

0:43:27.680 --> 0:43:34.190

Sloane, Stephanie

Great. Well, we'll move on to the next subject unless anyone jumps in here. Sydney, would you mind going in the next slide please?

0:43:34.730 --> 0:43:36.90

Sloane, Larry

It's actually two, I think so.

0:43:36.410 --> 0:43:39.150

Sloane, Stephanie

Ohh, perfect. Yep, one more would be great.

0:43:41.900 --> 0:43:42.670

Sloane, Stephanie

Thank you.

0:43:43.970 --> 0:43:46.140

Sloane, Stephanie

So this is a really interesting subject.

0:43:46.640 --> 0:43:48.100

Sloane, Stephanie

Umm and.

0:43:49.130 --> 0:43:55.460

Sloane, Stephanie

Something that that again we approach from the it would be good to have statutory clarity.

0:43:56.80 --> 0:44:0.580

Sloane, Stephanie

Because within the the actual written law in Washington state.

0:44:1.500 --> 0:44:4.400

Sloane, Stephanie

Pet burial is not technically illegal.

0:44:5.620 --> 0:44:8.710

Sloane, Stephanie

Nor is burying human remains on the pet cemetery.

0:44:10.240 --> 0:44:15.560

Sloane, Stephanie

But the the state gives the guidance that it's an industry best practice not to do that.

0:44:16.200 --> 0:44:28.50

Sloane, Stephanie

There are a number of states in the last five 6-7 years who have started re-contemplating that and New York State is actually really our model.

0:44:29.430 --> 0:44:33.950

Sloane, Stephanie

For how we looked at this in a what we think is potentially a successful program.

0:44:34.710 --> 0:44:38.190

Sloane, Stephanie

Umm. And we're very aware that.

0:44:38.960 --> 0:44:52.990

Sloane, Stephanie

That there may be religious objections to the idea of having pets and humans buried in the same location, and so that's where we want to make this purely an opt-in relationship for the proprietor.

0:44:53.810 --> 0:45:2.830

Sloane, Stephanie

So for example, if a Jewish cemetery operator didn't wanna allow pets in their cemetery, they have that right.

0:45:4.270 --> 0:45:11.640

Sloane, Stephanie

However, you know a nonsectarian cemetery could make the decision that they do wanna allow pet burial.

0:45:13.120 --> 0:45:18.370

Sloane, Stephanie

And hopefully that's one of the ways we avoid a bit of a powder keg of.

0:45:18.930 --> 0:45:24.60

Sloane, Stephanie

The the religious institutions objecting to this in the long term.

0:45:24.790 --> 0:45:38.660

Sloane, Stephanie

I again, I I think Larry and I can speak to the number of times someone has walked in and really wanted to do this. And it seems to be a practice and a preference that is growing.

0:45:39.940 --> 0:45:58.260

Sloane, Stephanie

And quite frankly, we, we know it happens without cemetery operators, knowledge. People come on, come into the cemetery after hours or on the weekend, and suddenly there's a little hole and you know, a beloved dog or cat is now buried with with their owner.

0:45:59.30 --> 0:46:2.900

Sloane, Stephanie

And so we thought there's an opportunity.

0:46:4.120 --> 0:46:10.220

Sloane, Stephanie

To to clarify what that obligation would be, and if we want to allow this and how we would allow it.

0:46:11.190 --> 0:46:33.240

Sloane, Stephanie

And you know we've had some preliminary conversations with a couple cemetery operators who who seemed to generally be in favor of this. One, it's a way to say yes to families if if they want to, or to say no because we don't have that program here at this cemetery. And just have that clarity of if you can say yes or no.

0:46:33.900 --> 0:46:49.930

Sloane, Stephanie

But again, also making sure that there are some protections here and that it's done in a sensible manner. And so we're recommending that only lot owners can enter pets.

0:46:50.730 --> 0:46:57.170

Sloane, Stephanie

In a cemetery. So in other words, it wouldn't just be a standalone Fido grave, it would have to be with their owner.

0:46:57.890 --> 0:47:6.300

Sloane, Stephanie

And that the pet would be required to be cremated and that way we have we prevent some of the health and safety issues.

0:47:8.20 --> 0:47:12.300

Sloane, Stephanie

Of doing a full pet burial for lack of a better term.

0:47:14.330 --> 0:47:24.950

Sloane, Stephanie

And that again, we encourage cemeteries to have rules and regulations around access marker and monument limitations and any other contractual requirements they wanna put in there.

0:47:25.810 --> 0:47:36.40

Sloane, Stephanie

And that your body could have oversight over that operation and know who's opting in and out of this.

0:47:38.270 --> 0:47:45.290

Sloane, Stephanie

You know, right now we're not making any recommendations on the use of funds and the potential tax implications.

0:47:46.530 --> 0:47:53.430

Sloane, Stephanie

Again, this tends to be more of a nonprofit and property use tax question.

0:47:54.540 --> 0:47:57.720

Sloane, Stephanie

So if you're a nonprofit cemetery that allows this.

0:47:59.120 --> 0:48:5.640

Sloane, Stephanie

The burial activity of humans would be a nontaxable enterprise versus the burial of pets would be taxable.

0:48:6.920 --> 0:48:18.340

Sloane, Stephanie

New York State solution to this is they requirement require all funds collected for pets to go to the long term maintenance and endowment care fund.

0:48:18.970 --> 0:48:23.780

Sloane, Stephanie

We were leaning towards not having that prescription in this.

0:48:24.360 --> 0:48:54.50

Sloane, Stephanie

But rather, just make sure there's education and guidance along around what the tax impact of this is on a business. And New York State of course has many more nonprofits, cemeteries because of how their general cemetery laws require ownership structures. So it should be less of an impact in the state of Washington. So I paused there. I know this is a pretty intriguing issue that probably has some strong feelings on both sides and would love to get.

0:48:54.360 --> 0:49:2.590

Sloane, Stephanie

Get get, especially the cemetery operators feedback on if you think this would be a beneficial policy and if there's enough clarity in what we just outlined.

0:49:15.480 --> 0:49:15.800

Little, Rick (Chair)

Yeah.

0:49:12.980 --> 0:49:16.630

Sloane, Stephanie

Constance, I I think I see your hand up.

0:49:17.90 --> 0:49:17.400

Little, Rick (Chair)

Connie.

0:49:18.520 --> 0:49:18.840

Sloane, Stephanie

Yes.

0:49:16.930 --> 0:49:21.560

LeSourd, Constance (Board Member)

Yes, thank you. This is Constance LeSourd this far as.

0:49:22.640 --> 0:49:34.60

LeSourd, Constance (Board Member)

Pet, you know, cremated pets, dogs and cats is what I'm referring to, to be buried with their owners in a human cemetery. My feeling.

0:49:35.110 --> 0:49:40.360

LeSourd, Constance (Board Member)

Since I've been in this business for 33 years, would be and I have a cemetery would be.

0:49:41.680 --> 0:49:53.430

LeSourd, Constance (Board Member)

A good option for the families that we serve because we've been asked hundreds of times if the if, if if a family, you know from hundreds of families that they could do this and I I would.

0:49:54.960 --> 0:50:0.790

LeSourd, Constance (Board Member)

I would feel so much. I mean, I'd feel so much good for them to give them the answer, yes.

0:50:1.450 --> 0:50:1.860

LeSourd, Constance (Board Member)

So.

0:50:2.830 --> 0:50:4.800

Sloane, Stephanie

Thank you. Appreciate that feedback.

0:50:13.400 --> 0:50:24.690

Sloane, Larry

Yeah, we we feel the same way you do that. It's always better to be able to serve the family that you're serving and and if you can allow the pet to be buried there and they don't have to sneak it in the casket, that's a better approach and.

0:50:25.300 --> 0:50:33.400

Sloane, Larry

You know, transparency this to us, this is this is a no harm, no foul, because if you don't want to do it, you don't have to. It's an opt in.

0:50:34.830 --> 0:50:37.730

Sloane, Stephanie

David that please.

0:50:38.830 --> 0:50:46.980

Ittner, David (Vice Chair)

Yeah. Thank you. So couple couple of points or questions. The the first one would be if you could expand on your comment on.

0:50:48.330 --> 0:50:52.920

Ittner, David (Vice Chair)

You would, it would be that the pet would have to go in with a lot owner, for example, as opposed to.

0:50:54.80 --> 0:51:9.990

Ittner, David (Vice Chair)

You know, if there was a pet human section in the cemetery and somebody just wanted to place their pet in there, if if if that, you know, just maybe provide some commentary on that. And then have as far as consideration for the opt in.

0:51:11.470 --> 0:51:32.840

Ittner, David (Vice Chair)

I I I have some concerns about existing, you know, dedicated cemetery property where you know people have been placed and and interred for 100 years, their family is still around and now that they're now there's pets being interred in adjacent grave spaces or similar sections. So if you could comment on that, I would appreciate it.

0:51:35.740 --> 0:51:37.230

Sloane, Stephanie

Sure. Larry. Do you mind taking that one?

0:51:38.60 --> 0:51:44.750

Sloane, Larry

I'd be happy to. In terms of the the concept is that that that you would not be soliciting.

0:51:44.830 --> 0:52:15.960

Sloane, Larry

As a cemetery, you would not be soliciting the veterinarians to bring you cremated remains to be buried in a in a grave in your cemetery. That that this would be a service that you would add to your your repertoire of activities to families that own lots in the cemetery. Now we're we're, we're. We would try to define it with you, but I I don't see it where you would have to have X pet buried in X grave with X owner because it's not really working that way. It's a family pet and but at the same time.

0:52:16.40 --> 0:52:45.440

Sloane, Larry

We we wanna somehow restrict the idea that you're a pet cemetery within a human cemetery that that we want you to have it be as a as a supplemental service to your existing lot owners and to new lot owners and motivation for me to buy a lot and you're cemetery because I can also have my pet buried there and and not to be just a pet cemetery which you can do now by creating an area within the cemetery and and making it a separate a separate company.

0:52:47.820 --> 0:52:51.690

Sloane, Larry

Does that sort of clarify it? I mean, I know it's not defining it precisely.

0:52:55.400 --> 0:52:58.850

Ittner, David (Vice Chair)

Yeah, it it helps me understand where where you're coming from. Yeah. Thank you.

0:52:59.430 --> 0:53:0.340

Sloane, Larry

And then.

0:53:2.960 --> 0:53:4.950

Sloane, Larry

Your second question is that.

0:53:7.470 --> 0:53:10.440

Sloane, Larry

I'm sorry I've lost your second question in my pea brain.

0:53:12.470 --> 0:53:16.380

Ittner, David (Vice Chair)

Uh, gosh what was? Oh, in terms of consideration for.

0:53:19.600 --> 0:53:22.920

Ittner, David (Vice Chair)

You know, dedicated cemeteries where they're, you know, yeah.

0:53:21.750 --> 0:53:26.870

Sloane, Larry

Ohh yes, with exists you have an existing lot owner who objects to. The idea that now pads can be buried in the cemetery.

0:53:27.520 --> 0:53:29.100

Sloane, Larry

Yeah, this is a. This is a tough one.

0:53:30.500 --> 0:54:0.350

Sloane, Larry

You know, things change in life and and you know your Country Club rules change. You have pickle balls that have just tennis. I mean, you know, life progresses and it's just hard to to say that because this is always been, it's always going to be. And I know I know what you're saying about the concern for those lot owners that are gonna be upset by this fact. There's gonna be some. I mean, some cemeteries that were historically bronze only memorial parks started selling benches and monuments and.

0:54:0.430 --> 0:54:12.420

Sloane, Larry

And granite markers. And some people, I'm sure, objected to, they had to buy a bronze marker. How come he can buy a granite marker? And it is something, I think as management, you have to decide if you're gonna have tolerance for that and overcome it and deal with it.

0:54:14.210 --> 0:54:15.790

Little, Rick (Chair)

Cameron has a question.

0:54:18.810 --> 0:54:20.340

Smock, Cameron (Board Member)

Yeah. Thank you.

0:54:22.160 --> 0:54:32.810

Smock, Cameron (Board Member)

Similar to Connie's comment, obviously I've been in the profession for 37 38 years and have too received hundreds of requests from.

0:54:33.590 --> 0:54:39.290

Smock, Cameron (Board Member)

Families who are burying a loved one in our cemetery, can they also place a pet there?

0:54:40.870 --> 0:54:44.290

Smock, Cameron (Board Member)

I'm fully supportive of the direction you're going in with this.

0:54:44.990 --> 0:54:48.200

Smock, Cameron (Board Member)

Uh, although what I would say is.

0:54:48.980 --> 0:54:53.460

Smock, Cameron (Board Member)

Wearing my human cemetery hat, I would support.

0:54:54.160 --> 0:54:57.10

Smock, Cameron (Board Member)

The allowance of pets to be placed with.

0:54:57.980 --> 0:55:1.640

Smock, Cameron (Board Member)

Their loved ones with limitations, as you outline.

0:55:4.340 --> 0:55:12.500

Smock, Cameron (Board Member)

Because in my view, my experience, that's really what the request is, is someone has a beloved pet that they would like to be able to be.

0:55:13.270 --> 0:55:20.980

Smock, Cameron (Board Member)

Buried with them, or placed with them. And I think that's the direction we should go in, in terms of regulation.

0:55:23.20 --> 0:55:27.790

Smock, Cameron (Board Member)

Specific to your 4th bullet point, the marker monument limitation.

0:55:29.500 --> 0:55:32.220

Smock, Cameron (Board Member)

My recommendation would be that.

0:55:33.250 --> 0:55:49.720

Smock, Cameron (Board Member)

Any marker or monument limitations specific to the pet would be consistent with what the rules and regulations of the cemetery are specific to human remains. If we have two different sets of regulations for memorialization.

0:55:50.780 --> 0:55:57.660

Smock, Cameron (Board Member)

From an aesthetic quality, I think in the cemetery it it could create problems so.

0:55:58.320 --> 0:56:6.630

Smock, Cameron (Board Member)

My recommendation would be that the same rules and regulations apply, whether it's memorializing a pet or a human.

0:56:8.350 --> 0:56:15.550

Sloane, Stephanie

That's great feedback and I think from a state statutory point, we wanna just make sure.

0:56:16.310 --> 0:56:33.720

Sloane, Stephanie

That the the state puts out there, that's cemetery operators need to define these items. So when you have a contract selling the internment of your dog that it spells out what your what, what the cemetery is allowing you and not allowing you to do.

0:56:35.530 --> 0:56:56.940

Sloane, Stephanie

And so I think exactly my aesthetic is the same as yours, Cameron, where I, I certainly would want that uniformity. But but we would just wanna make sure again that the the protections for the consumer are clear from a state perspective of what a cemetery operator has to spell out in their contract to sell that right to that pet.

0:57:1.290 --> 0:57:1.950

Sloane, Stephanie

Excellent.

0:57:4.210 --> 0:57:4.440

Sloane, Larry

And.

0:57:3.790 --> 0:57:5.960

Sloane, Stephanie

So the the other half of the ohh sorry Larry.

0:57:6.290 --> 0:57:37.350

Sloane, Larry

I was going to say the same thing. So I mean, one reason for doing this for the human cemeteries is so we can at least get the pet cemeteries that are allowing human remains in their properties to register with the state and and to disclose certain things about their their business because I don't think people that use a pet cemetery necessarily know that it's just a for profit business and it's like a CVS drug store. And in 20 years, that building could well be torn down. And and I don't think, I don't think most consumers of pet cemeteries, probably have that feeling about what it is.

0:57:37.790 --> 0:57:44.320

Sloane, Larry

Yeah. And so we wanna use this opportunity to to create a balance here of of also regulating the pet cemeteries.

0:57:45.610 --> 0:57:46.10

Sloane, Stephanie

And.

0:57:46.150 --> 0:57:47.730

Sloane, Stephanie

And we see the opportunity.

0:57:48.830 --> 0:57:53.80

Sloane, Stephanie

Not necessarily. If you are a pure pet cemetery to, force regulation.

0:57:54.310 --> 0:58:21.90

Sloane, Stephanie

But where the the the schism becomes is, if you are a pet cemetery that is allowing human burial, and again the contractual obligation it is being created where you're explicitly allowing a human to be buried in your pet cemetery that that's where it would create the protections of a full cemetery. So again, the pet cemetery could choose to sell plots to a human.

0:58:21.830 --> 0:58:25.260

Sloane, Stephanie

But that would trigger them becoming a cemetery.

0:58:26.500 --> 0:58:39.750

Sloane, Stephanie

So they would register with you with the, with the, the state and DAHP. And I apologize, I I my second bullet point here is wrong that should be registered with DAHP, so I do apologize for that oversight.

0:58:39.830 --> 0:58:42.210

Sloane, Stephanie

And that.

0:58:43.590 --> 0:58:55.0

Sloane, Stephanie

Again, that would trigger those protections of right of access, land use, etcetera. And you know, we know there's the recent scenario of the Seattle pet cemetery.

0:58:56.220 --> 0:59:0.850

Sloane, Stephanie

Where effectively the state and county weren't aware that there were human burials there.

0:59:2.270 --> 0:59:16.260

Sloane, Stephanie

And so that's where we wanna create a clear statute that creates the obligation on the operator, the the Seattle pet cemetery to have informed the state to create the land use restrictions, etcetera, etcetera.

0:59:17.810 --> 0:59:24.190

Sloane, Stephanie

And so we think in totality, these two laws or two, two subjects would.

0:59:25.160 --> 0:59:56.150

Sloane, Stephanie

Be beneficial to the consumer because there's clarity about what their consumer rights are, what a pet cemetery is, what a human cemetery is, and it opens up more, more options. I mean I was. I was stunned to read that over 65% of households in the US as of 2018 owned pets. And I'm sure during the pandemic that number only increased. So it really is a majority of citizens that that are pet owners.

0:59:56.230 --> 0:59:56.550

Sloane, Stephanie

And.

0:59:56.630 --> 1:0:5.330

Sloane, Stephanie

And you know, as as Cameron and Elizabeth said, it's something that that proprietors hear all the time of. Can you help me with this?

1:0:7.70 --> 1:0:9.340

Sloane, Stephanie

Pete, I think you have a question.

1:0:11.200 --> 1:0:21.870

Cameron, Pete (Board Member)

Yeah. And just I'm listening to what you were saying. And for pet cemeteries as an opt in relationship and you want everybody to register with DAHP.

1:0:22.830 --> 1:0:25.180

Cameron, Pete (Board Member)

You know, currently.

1:0:26.400 --> 1:0:30.390

Cameron, Pete (Board Member)

There's no enforcement on pet cemeteries, so if they don't register.

1:0:32.890 --> 1:0:45.240

Cameron, Pete (Board Member)

Who's responsibility is that? If there are issues or problems that come up since they don't fall under the Funeral Cemetery Board, is that up to DAHP to come up with new rules and regulations?

1:0:46.900 --> 1:0:57.60

Cameron, Pete (Board Member)

For this pet cemeteries? I'm just wondering about jurisdictions and boundaries and how deep into the weeds of this could get.

1:0:58.440 --> 1:1:13.230

Sloane, Stephanie

Yeah, this could get pretty awkward from a state perspective. And and this is particularly an item that we see kind of that future central funding funnel point for all cemetery issues to go to the right party potentially being advantageous.

1:1:14.580 --> 1:1:31.60

Sloane, Stephanie

But really, the intent of this is it puts squarely under DAHP's perspective of making sure it's on the GIS map, which would trigger the land use protections. And so as development or the transportation authority is looking at changing the use or.

1:1:32.260 --> 1:1:36.920

Sloane, Stephanie

Of those properties that the land is protected, I think that's that's goal #1.

1:1:38.120 --> 1:1:41.170

Sloane, Stephanie

But again, we know not everyone is gonna be a.

1:1:43.20 --> 1:2:12.440

Sloane, Stephanie

A good actor in this and there is gonna be mistakes and failure to register. But ideally what this does is it creates clear obligations for the proprietor that when this is discovered, ultimately it's gonna be adjudicated in the courts right now that there's clear guidance of who has what rights and then it will be up to the Court to assess those penalties in the short term because again, we don't think in the short term.

1:2:12.520 --> 1:2:13.220

Sloane, Stephanie

We can create.

1:2:13.950 --> 1:2:16.580

Sloane, Stephanie

Really a a we we don't think we want to create.

1:2:16.810 --> 1:2:32.380

Sloane, Stephanie

Onerous penalties within the statute, but rather let it be a case by case basis because there are certainly different harm if a lot is paved over and becomes a highway versus if a cell phone tower is erected.

1:2:33.440 --> 1:2:37.970

Sloane, Stephanie

And so I think it'd be tricky to establish what those those specific penalties are.

1:2:38.830 --> 1:2:42.880

Cameron, Pete (Board Member)

So I guess so as a follow up question then I guess that's that.

1:2:43.610 --> 1:2:48.590

Cameron, Pete (Board Member)

That's a follow up to who has jurisdiction to investigate.

1:2:51.200 --> 1:2:52.470

Cameron, Pete (Board Member)

You know it's.

1:2:54.70 --> 1:3:4.840

Cameron, Pete (Board Member)

It's hard enough on this as a cemetery operator too. It's hard enough sometimes to go through, you know, especially prior owners and and the way things were done in the past.

1:3:6.0 --> 1:3:17.50

Cameron, Pete (Board Member)

As if I owned an independent pet cemetery, I don't know that I would see the benefit of me registering for this program and all of a sudden.

1:3:17.910 --> 1:3:26.680

Cameron, Pete (Board Member)

Now I'm hit with, you know, potential liabilities and responsibilities that I wouldn't have if I didn't register.

1:3:28.90 --> 1:3:29.280

Sloane, Stephanie

Yeah.

1:3:27.760 --> 1:3:57.410

Brooks, Allyson (DAHP)

So so DAHP is supposed to register all cemeteries and now in a sense. It's in the law. So. So let me just back up and say the reason that the legislature had asked DAHP to find all cemeteries and not necessarily pet cemeteries is for environmental review purposes. So that DOT didn't plan a road through a cemetery. So we have, I think, 3,400 cemeteries. And I'm gonna put in quotes "registered." Which means we might.

1:3:57.730 --> 1:4:29.570

Brooks, Allyson (DAHP)

The word really is identified. It's not registered, and the idea here is rather than DAHP having to go out and find all these cemeteries, cemeteries would let us know they exist and it goes on our GIS map, the local government and transportation and land use planners use to make sure that they know where something is before planning a project. So it's not a registration in terms of like something will happen to them. It's more of a, it's an identification that something's there.

1:4:31.700 --> 1:4:53.380

Sloane, Stephanie

Yeah, and that that's probably where the the shift in this, this idea potentially becomes is actually having that trigger rights and responsibilities and quite frankly, most of these we're we're pretty confident that courts are adjudicating on behalf of the decedent and the ancestors.

1:4:54.960 --> 1:5:14.460

Sloane, Stephanie

But it's it's just not clear from a statutory perspective. And there would also be the ability for

consumers. So if I'm a, if I know my mom is in a pet cemetery, I have the option to reach out to DAHP and let them know, hey, we think this exists. Can we investigate it?

1:5:15.330 --> 1:5:22.100

Sloane, Stephanie

And so that's really what we're trying to create. And I think there needs to be a public awareness campaign with this of.

1:5:22.850 --> 1:5:36.650

Sloane, Stephanie

You know what what does this all mean? What what are your rights and obligations? And as the pet cemeteries become more and more of a hot button issue as more people have pets and wanna memorialize them that there's clarity.

1:5:38.150 --> 1:6:8.900

Lagerberg, Elizabeth E (ATG)

I think another and I'm again, this is the lawyer chiming in, another area of law to consider then is if either DOL, DOL Board, Cemetery board or DAHP makes decisions about whether a piece of property or an area of property is a cemetery and whether there are penalties involved. That is a administrative decision on behalf of either, you know, DAHP or the Board, which could which would lead to.

1:6:23.180 --> 1:6:23.520

Sloane, Stephanie

Mhm.

1:6:9.40 --> 1:6:26.990

Lagerberg, Elizabeth E (ATG)

That decision, following falling under our Administrative Procedures Act and then there would be all of those processes that would be you know that would need to happen before it could ever be appealed to like Superior Court. So just another area of law that's impacted that keep in mind.

1:6:27.660 --> 1:6:36.830

Sloane, Stephanie

That's a great point and I think we're we're once we get a recommendation hammered out, we're gonna work very hard with Doctor Brooks and Beau.

1:6:37.300 --> 1:6:41.110

Sloane, Stephanie

To make sure we're we're crafting the language correctly.

1:6:42.730 --> 1:6:51.530

Sloane, Stephanie

And certainly I think we'll we'll need some lawyers to look at this and give us some feedback and make sure that we're works crafting this properly.

1:6:54.740 --> 1:7:0.760

Sloane, Stephanie

Pete, I, I see your hands still up. Just wanna make sure. Were you did you have more questions on this, or did we respond?

1:7:1.650 --> 1:7:3.60

Cameron, Pete (Board Member)

Oh, no, sorry. Thank you.

1:7:3.280 --> 1:7:7.310

Sloane, Stephanie

Nopr, just just making sure what we we close the loop on that. And I saw some other hands up.

1:7:8.910 --> 1:7:9.850

Sloane, Stephanie

Constance.

1:7:11.960 --> 1:7:21.550

LeSourd, Constance (Board Member)

Yes, this is Constance LeSourd and I don't want to sound naive, but the cemetery that I own goes back to 1885 and.

1:7:22.490 --> 1:7:32.120

LeSourd, Constance (Board Member)

I don't know for sure. I mean, it's always been licensed, but I don't know if it's registered with DAHP. How do I find that out? And how do you do that?

1:7:40.0 --> 1:7:40.340

LeSourd, Constance (Board Member)

Ohh.

1:7:33.150 --> 1:7:41.340

Brooks, Allyson (DAHP)

It's on our database. You can go on our website and look DAHP.wa.gov. I'm sure it is. I can look it up right now. What's the name of your cemetery?

1:7:41.830 --> 1:7:44.660

LeSourd, Constance (Board Member)

Mount Vernon Cemetery and then.

1:7:55.310 --> 1:7:55.760

Lagerberg, Elizabeth E (ATG)

So.

1:8:4.730 --> 1:8:5.30

Lagerberg, Elizabeth E (ATG)

Right.

1:7:44.110 --> 1:8:15.60

Brooks, Allyson (DAHP)

Yeah, I'm pretty sure it is. Let me look. Just a reminder. So we were tasked by the legislature to do this.

It's not like we decided on our own we were just gonna go record every cemetery. They set us out to find to find every cemetery. And it was because DOT went through 300 burials and they said never again. So that's why they said, alright, dad, you're gonna go find every cemetery you can in the state. And we've been doing working on it for years, which is why we have 3,000 over 3,000 and the word registered.

1:8:19.620 --> 1:8:20.10

LeSourd, Constance (Board Member)

Oh.

1:8:15.130 --> 1:8:23.50

Brooks, Allyson (DAHP)

Is really not great. It's really identified 3,000 identified secretaries.

1:8:22.670 --> 1:8:33.610

Lagerberg, Elizabeth E (ATG)

Right. I just want to make that clarification that you don't have Constance. You don't have the obligation to register. It's the DAHP is identifying cemeteries.

1:8:33.570 --> 1:8:34.500

LeSourd, Constance (Board Member)

No. OK.

1:8:32.830 --> 1:8:39.260

Brooks, Allyson (DAHP)

Yes, it's us, it's on us and all we're trying to do is flip it and say, well, maybe it would be better if.

1:8:39.850 --> 1:8:45.940

Brooks, Allyson (DAHP)

People just told us about their cemeteries instead of DAHP always having to go find everybody.

1:8:47.300 --> 1:8:50.770

LeSourd, Constance (Board Member)

True. Uh huh, OK. And you're looking Allison?

1:8:52.690 --> 1:8:54.440

LeSourd, Constance (Board Member)

OK. OK. Thank you.

1:8:51.840 --> 1:8:55.570

Brooks, Allyson (DAHP)

Yeah, hang on. Let me see if it comes up. You said it's Mount Vernon?

1:8:55.920 --> 1:9:3.0

LeSourd, Constance (Board Member)

Yeah, Mount Vernon Cemetery and then it's Inc. and the the full name is, OK, Mount Vernon Cemetery, Inc. doing business as.

1:9:2.510 --> 1:9:3.960

Brooks, Allyson (DAHP)
In in Mount Vernon.

1:9:4.290 --> 1:9:5.220

LeSourd, Constance (Board Member)
Yes, Mount Vernon.

1:9:6.210 --> 1:9:8.140

Brooks, Allyson (DAHP)
Let's see give me a couple of minutes here.

1:9:8.540 --> 1:9:9.950

Tasa, Guy (DAHP)
It's it's in there, Allyson.

1:9:16.720 --> 1:9:18.970

Brooks, Allyson (DAHP)
It it was, but it it still.

1:9:8.970 --> 1:9:20.810

Lagerberg, Elizabeth E (ATG)
And and I I think DOT you know their mistake was going through tribal burial ground. So I assume that part of, yeah, so part of DAHP is identifying.

1:9:19.700 --> 1:9:22.870

Brooks, Allyson (DAHP)
They still said go go find all of them, yeah.

1:9:22.200 --> 1:9:28.240

Lagerberg, Elizabeth E (ATG)
Right. Yeah, I I was. I was part of that helping with that fix that disaster, but.

1:9:29.460 --> 1:9:33.960

Lagerberg, Elizabeth E (ATG)
So yeah, I was just gonna say there's probably a lot of what you guys do is finding those.

1:9:32.350 --> 1:9:37.60

Brooks, Allyson (DAHP)
Yeah, I have it. Mount Vernon Cemetery, 1200 E 1st St, Mount Vernon.

1:9:37.520 --> 1:9:39.400

LeSourd, Constance (Board Member)
That's it. OK. Thank you, Allison.

1:9:40.930 --> 1:9:43.540

LeSourd, Constance (Board Member)
And that answers my question. Thank you.

1:9:44.120 --> 1:9:48.90

Brooks, Allyson (DAHP)

And it's mapped, so we have it, it's mapped.

1:9:49.120 --> 1:9:49.390

LeSourd, Constance (Board Member)

Oh.

1:9:48.910 --> 1:9:56.430

Brooks, Allyson (DAHP)

And that again, the idea is so land use and transportation planners don't accidentally go running through your cemetery.

1:9:57.110 --> 1:9:59.300

LeSourd, Constance (Board Member)

Wonderful. Thank you. Thank you.

1:10:1.440 --> 1:10:7.340

Sloane, Stephanie

So I'm gonna. I'm gonna move away from the the pet subject unless there are any other final comments on this.

1:10:11.260 --> 1:10:14.480

Sloane, Stephanie

Great. Uh, Sydney, do you mind going to the? Ohh. Sorry. Is that someone?

1:10:18.940 --> 1:10:21.20

Sloane, Stephanie

I think we're good. Sydney, do you mind going next slide?

1:10:22.900 --> 1:10:23.510

Sloane, Stephanie

Thanks.

1:10:25.10 --> 1:10:44.40

Sloane, Stephanie

So again, the the leasing or selling of land, cemetery land in particular, and I hope you can see how we're we're building this, if we if we know what a cemetery is, then we can decide what the land protections are and if there are exceptions to that and kind of go subject by subject.

1:10:45.720 --> 1:11:9.50

Sloane, Stephanie

But again, what what we see for the the leasing or selling of cemetery land is again there's kind of some prescriptions that that exist out there where a cemetery to use undeveloped land would have to de-dedicate it through a court process then to lease to agricultural develop solar farms wind farms etcetera, etcetera.

1:11:10.290 --> 1:11:15.200

Sloane, Stephanie

And so, you know, one of the things we were we were thinking about is.

1:11:16.910 --> 1:11:36.360

Sloane, Stephanie

You know, cemeteries today are looking for alternate forms of revenue as the full body burials decrease, cremation increases, there's less revenue opportunity. And quite frankly, cemeteries are using less land than they previously had planned because a cremated burial takes up so much less space.

1:11:54.90 --> 1:11:54.230

Smock, Cameron (Board Member)

Yeah.

1:11:37.0 --> 1:12:7.750

Sloane, Stephanie

And so one of the things we want to look at, it was balancing kind of the the the cemetery proprietor use of that land with the the rights of the of the land and lot holders and trying to figure out if there is a way to facilitate some of the less obtrusive uses of of cemetery land. You know we were talking to to Dave Ittnor about a cemetery where they had a farmer.

1:12:8.380 --> 1:12:21.350

Sloane, Stephanie

Maintaining a portion of the land and you know when, but it was found out that was happening when they acquired it it it became onerous to continue that relationship in a proper way with based on the statutory guidance.

1:12:22.790 --> 1:12:50.220

Sloane, Stephanie

However, that that's probably an ideal community use. If you have 60 undeveloped acres you wanna maintain it, and if we can have a community partner like a farmer, utilize it and maintain it, even if it's just, you know, goats running free as the lawn care maintenance, that that's a better environmental use than maintaining that as sod or letting it go into a state of kind of pioneer, if you will.

1:12:51.950 --> 1:12:58.830

Sloane, Stephanie

And so we were contemplating the idea of crafting a statute and a process.

1:13:0.190 --> 1:13:6.180

Sloane, Stephanie

That would first go to the Cemetery Board and again, I'm apologize that new is in.

1:13:7.840 --> 1:13:10.550

Sloane, Stephanie

Parentheses there. That's that's not correct.

1:13:12.30 --> 1:13:22.810

Sloane, Stephanie

But to go to the Cemetery Board, to look at some of those leases and opportunities to see if they're non obtrusive and a good fit for the community.

1:13:23.710 --> 1:13:34.670

Sloane, Stephanie

And again, perhaps even allow some items like, the the farming of undeveloped land to be explicitly permitted.

1:13:36.100 --> 1:13:39.200

Sloane, Stephanie

Again, trying to balance those community needs.

1:13:39.890 --> 1:13:51.540

Sloane, Stephanie

And where are there's something more obtrusive like a cell cell phone tower or solar farm going in that the state would want to create some.

1:13:53.370 --> 1:13:59.500

Sloane, Stephanie

Some guidance around that, so notice for public comment, maximum time period for lease.

1:14:0.920 --> 1:14:6.640

Sloane, Stephanie

You know, what is the provision to return the lands to suitable burial conditions?

1:14:8.320 --> 1:14:13.550

Sloane, Stephanie

And are there any items we wanna restrict the lease of the use of the lands for?

1:14:15.270 --> 1:14:33.400

Sloane, Stephanie

So again I I know this is kind of a a potentially big swing topic and it's one of the ones we are contemplating if we need to move into long term recommendations versus something that could be implemented in 23. But we do think this is a really important discussion as cemeteries take different form. Cameron?

1:14:33.530 --> 1:14:34.340

Little, Rick (Chair)

Yeah, Cameron.

1:14:36.0 --> 1:14:36.690

Smock, Cameron (Board Member)

Thank you.

1:14:48.910 --> 1:14:49.580

Sloane, Stephanie

Ah.

1:14:39.510 --> 1:14:57.730

Smock, Cameron (Board Member)

I have a lot of experience with this specific part of the topic. My cemetery is adjacent to SeaTac International Airport and we had 6 1/2 acres of fallow land that has been fallow since 1931. So we entered into a 40.

1:14:58.550 --> 1:14:59.670

Smock, Cameron (Board Member)

40 year lease.

1:15:1.270 --> 1:15:24.170

Smock, Cameron (Board Member)

And we went through the process of undedicating, that portion of the cemetery, changing the zoning and our lease covers a lot of things that you have listed here. I guess my question is, I don't see any reference to dedication. So have you given that any consideration in terms of how dedicated property would or would not be?

1:15:25.250 --> 1:15:27.910

Smock, Cameron (Board Member)

Impacted by a potential lease?

1:15:28.990 --> 1:15:34.280

Sloane, Stephanie

Yeah, and that's that's one of the tricky pieces that, quite frankly, Larry and I are still working through.

1:15:35.890 --> 1:15:45.940

Sloane, Stephanie

Because the idea is, or at least where we were leaning, is if it's an unobtrusive land use again example farmer maintaining land.

1:15:47.550 --> 1:15:51.570

Sloane, Stephanie

We we're leaning towards not requiring the cemetery to de-dedicate that.

1:15:55.40 --> 1:15:55.270

Little, Rick (Chair)

Yeah.

1:15:53.10 --> 1:15:56.810

Sloane, Stephanie

Because really the the reason for the de-dedication is the tax impact.

1:15:57.860 --> 1:15:58.700

Sloane, Stephanie

And so.

1:15:59.390 --> 1:16:4.650

Sloane, Stephanie

That land as cemetery land doesn't have the, the proprietor doesn't have to pay property tax.

1:16:5.410 --> 1:16:10.440

Sloane, Stephanie

Uh, an unobtrusive land use again, farmer maintaining that.

1:16:11.510 --> 1:16:18.780

Sloane, Stephanie

It's not a massive financial windfall, but rather it's a good decision for both parties.

1:16:20.0 --> 1:16:31.420

Sloane, Stephanie

And so that's where we're thinking of trying to create a line between activities that require de-dedication and activities that can happen on dedicated land.

1:16:32.270 --> 1:16:36.510

Sloane, Stephanie

Just again to make it a smoother process.

1:16:37.670 --> 1:16:45.390

Sloane, Stephanie

And I think Larry and I viewpoint, and Elizabeth prior won't like this, so anytime the courts get involved, it's messy, right?

1:16:45.750 --> 1:17:8.220

Sloane, Stephanie

So there there are places where we can have clarity and clear processes for a cemetery proprietor to follow, to do something that is a community good and unobtrusive to their cemetery because it's undeveloped land. It's not a major consumer activity to try and create a path to allow that.

1:17:8.850 --> 1:17:33.890

Sloane, Stephanie

And then conversely, if it is a major project, solar farm, cell phone tower, etcetera to have a body of industry professionals look at that like the Cemetery Board and say, you know, is this something we we even wanna grant conditional approval to for them to trigger the de-dedication approval, excuse me, the de-dedication process.

1:17:35.70 --> 1:17:47.70

Sloane, Stephanie

Or is this you know, again protecting those consumer rights? It is this obtrusive enough or infringing on the rights of of the the existing lot holders and decedents?

1:17:48.100 --> 1:17:49.190

Sloane, Stephanie

Does that make sense, Cameron?

1:17:55.860 --> 1:17:56.240

Sloane, Stephanie

Mm-hmm.

1:17:50.0 --> 1:18:1.550

Smock, Cameron (Board Member)

Yeah, it does. Thank you very much. And and like I said this this hits very close to home for me in a process I went through several years ago. So your response is helpful.

1:18:2.390 --> 1:18:2.620

Sloane, Larry

Great.

1:18:2.260 --> 1:18:4.470

Sloane, Stephanie

Great. Thank you. David?

1:18:5.960 --> 1:18:15.350

Ittner, David (Vice Chair)

Yeah. Just just to clarify, this is referencing only dedicated undeveloped dedicated cemetery property, not not undedicated.

1:18:16.570 --> 1:18:20.80

Ittner, David (Vice Chair)

Cemetery property, essentially that's undeveloped is that is that fair to say?

1:18:20.580 --> 1:18:22.680

Sloane, Stephanie

That is correct. Thank you for that clarification.

1:18:21.620 --> 1:18:23.950

Ittner, David (Vice Chair)

OK, OK. And then.

1:18:25.630 --> 1:18:29.740

Ittner, David (Vice Chair)

In my situation, it was the Department of Revenue that actually came in and and.

1:18:30.780 --> 1:18:39.610

Ittner, David (Vice Chair)

Made made the call that the farming activity was, you know, kind of crossed the lines in terms of becoming taxable.

1:18:40.670 --> 1:18:45.180

Ittner, David (Vice Chair)

The the parcel would become taxable and and that's the reason we had to.

1:18:46.490 --> 1:18:53.680

Ittner, David (Vice Chair)

Part ways with the farmer in that in that situation. So how do you how do you plan to work through that as the statute change?

1:18:55.460 --> 1:19:0.400

Ittner, David (Vice Chair)

That would that, would that negate that, or would it have to be some sort of agreement with Department of Revenue?

1:19:1.970 --> 1:19:2.680

Sloane, Stephanie

I.

1:19:1.370 --> 1:19:27.780

Sloane, Larry

Yeah, I think I think staff, if I could step in I just want to say that one test would be what are what are you doing on the site, if it if it's, you're gonna grow sod and and harvest the sod that can be easily returned to cemetery land instantaneously, quickly. If you're gonna build a condominium project and you're getting a 35 year lease, you know that's a whole different thing. I mean I so I think.

1:19:28.20 --> 1:19:42.670

Sloane, Larry

We wanna try to establish those rules where where the agency could allow you to to make a little money for the cemetery and not have that become taxable and and allow that farmer to grow something for the community. I. So I think there's a balance there that we could find.

1:19:43.850 --> 1:19:49.770

Sloane, Stephanie

Yeah. And as Larry said, I think the key part there is we still got some work to do with the Department of Revenue.

1:19:50.960 --> 1:20:6.990

Sloane, Stephanie

And quite frankly, that's that's one of the reasons we we see this potentially becoming a long term recommendation. So not part of this phase one implementation, but something that the state could continue to study because I as you identified the the key piece here is the taxability.

1:20:8.220 --> 1:20:16.480

Sloane, Stephanie

And so we want the statute to solve the taxability issue, to make it a easier issue for the proprietor to decide.

1:20:17.160 --> 1:20:26.750

Sloane, Stephanie

And we what we don't have is what those thresholds have are. So is it predicated on the activity, the revenue generated, etcetera?

1:20:28.70 --> 1:20:31.660

Sloane, Stephanie

And that's where we've still got some work to do with the Department of Revenue.

1:20:32.200 --> 1:20:37.310

Sloane, Stephanie

But as Larry elucidated, we've we've got the the thought of how we want this to operate.

1:20:38.170 --> 1:20:41.140

Sloane, Stephanie

For the cemetery proprietors and from.

1:20:42.20 --> 1:20:49.530

Sloane, Stephanie

DAHP, DOL, Cemetery Board and tax and revenue are the the the piece we still have to clarify.

1:20:50.280 --> 1:20:52.340

Perschbacher, Beau (DOL)

And Stephanie, can I jump in for just one second?

1:20:53.70 --> 1:20:53.430

Sloane, Stephanie

Sure.

1:20:53.930 --> 1:21:11.260

Perschbacher, Beau (DOL)

And so, David, what I would add to is you know, if we got to that point of there was a recommendation and a bill draft, you know we have good connections with the Department of Revenue, right? So we would send it to our colleagues over there for their review and feedback and and sort of work all that out. If there was gonna be statutory clarification.

1:21:14.130 --> 1:21:14.990

Ittner, David (Vice Chair)

Perfect. Thank you.

1:21:18.570 --> 1:21:25.700

Sloane, Stephanie

Excellent. Well I know we've got about 40 minutes left on this call, so if there are no other comments on this, I'll move to the next subject.

1:21:27.350 --> 1:21:27.800

Little, Rick (Chair)

Thank you.

1:21:28.780 --> 1:21:43.100

Sloane, Stephanie

And this is again kind of our our last short term recommendation and I I think one of the most important ones as we view this. And Elizabeth I know you brought this up earlier of the the ramifications of defining things as cemeteries.

1:21:44.460 --> 1:21:59.170

Sloane, Stephanie

And really, the the purpose of that is the consumer rights and the long term protections. And one of the most important ones is access to cemeteries on private property. And what that looks like.

1:22:1.530 --> 1:22:8.240

Sloane, Stephanie

And again, we we modeled this after a couple different states that that have recently adopted.

1:22:9.560 --> 1:22:11.380

Sloane, Stephanie

Private property legislation.

1:22:12.90 --> 1:22:19.770

Sloane, Stephanie

And there are. There's actually a Supreme Court case going on right now in Maryland that's adjudicating on this issue.

1:22:20.930 --> 1:22:30.130

Sloane, Stephanie

But but we see a real benefit to the state of Washington confirming conferring a proactive right of access.

1:22:30.750 --> 1:22:46.210

Sloane, Stephanie

Historically, many of these cemeteries impacted are homesteads and the family cemeteries that were built on them, as well as the tribal cemeteries that have been ensconced over time by private property.

1:22:47.230 --> 1:22:49.440

Sloane, Stephanie

Umm. And so.

1:22:50.180 --> 1:22:52.890

Sloane, Stephanie

You know, we we believe there's a duty.

1:22:54.650 --> 1:23:25.810

Sloane, Stephanie

As the property owner to provide ingress and egress. I think the the the trick in the statute is gonna make sure all of this is reasonable. So I can't show up at midnight and wanna get on the property. But but reasonable accommodations do need to be made if I am at decedent or relative. If I'm conducting genealogical research, or if Doctor Brooks and her team from DAHP wanna go out and see it. Those are the groups that need to be accommodated and allowed, have ingress and egress.

1:23:27.510 --> 1:23:30.510

Sloane, Stephanie

And then the activities can be restricted of what.

1:23:31.310 --> 1:23:33.980

Sloane, Stephanie

Would happen once that grave is accessed.

1:23:35.110 --> 1:23:55.770

Sloane, Stephanie

So I you know, if it's it's my ancestor, I should have the right to be able to maintain that grave area, prune back trees and bushes, etcetera. But I should be able to wreck the fence and some pieces like that that are more permanent hardscape elements. So keeping those accommodations reasonable again.

1:23:56.410 --> 1:24:7.410

Sloane, Stephanie

And I do think it's very important that you know the property owner is immune from liability. So if I'm walking on the property and, you know, break my ankle.

1:24:8.490 --> 1:24:10.660

Sloane, Stephanie

But that shouldn't be an opportunity for.

1:24:11.510 --> 1:24:17.960

Sloane, Stephanie

A civil claim, unless there was gross negligence on behalf of the property owner in some fashion.

1:24:19.670 --> 1:24:26.50

Sloane, Stephanie

And then, of course, we do wanna make clear if there is a written instrument, so a contract or deed.

1:24:27.140 --> 1:24:27.520

Sloane, Stephanie

That.

1:24:28.360 --> 1:24:36.830

Sloane, Stephanie

Confer specific rights that would supersede the statute. So in other words, if you know when when my grandparents sold their homestead.

1:24:37.540 --> 1:24:42.380

Sloane, Stephanie

They contractually gave up the right of access, that that would supersede this.

1:24:43.300 --> 1:24:44.400

Brooks, Allyson (DAHP)

So so can I.

1:24:43.640 --> 1:24:44.590

Sloane, Stephanie

Elizabeth, I see your head.

1:24:46.10 --> 1:24:46.880

Sloane, Stephanie

Oh, I'm sorry.

1:24:47.850 --> 1:24:48.740

Sloane, Stephanie

Yeah, please.

1:24:45.150 --> 1:25:16.300

Brooks, Allyson (DAHP)

So, wait, wait. Stephanie, could I just give the background of this? Because you didn't really give the background. So this piece of it really came from the tribes. I I know. I know. Stephanie talked about, you know, homesteading, but this is not about homesteading. This came about because there are too many tribes right now that do not have access to historic tribal cemeteries. And some of the property owners have been kind and some property owners have not. And so the tribes very much want some right of access to their.

1:25:16.480 --> 1:25:45.430

Brooks, Allyson (DAHP)

Historic cemeteries on private property, and that's what precipitated this piece of the study. So we've done all the travel consultation. We sent letters out to all the tribes. We've had interviews with tribal members. We've had interviews with tribal chairs, and I know, particularly from the Samish perspective, Upper Skagit and Yakima, Squaxin. This is their big piece of this whole study. So I just wanted to give that background thanks.

1:25:45.450 --> 1:25:47.440

Sloane, Stephanie

Thank you, Doctor Brooks. I appreciate that.

1:25:48.310 --> 1:25:49.680

Sloane, Stephanie

Elizabeth?

1:25:51.880 --> 1:25:53.530

Lagerberg, Elizabeth E (ATG)

So were you considering?

1:25:54.110 --> 1:26:24.0

Lagerberg, Elizabeth E (ATG)

You know, making this applicable to tribes? Or would this then apply to every scenario where a person is buried, or one or two people are buried? I'm thinking again of of so, for example, somebody has built a deck on top of a burial ground and didn't know there was a what you consider a cemetery didn't know there was a cemetery there or you know. Do we have to have a, is it important to have a a land surveyor come out and?

1:26:24.80 --> 1:26:29.920

Lagerberg, Elizabeth E (ATG)

And define where that cemetery is located, where the corners and you know what?

1:26:29.330 --> 1:27:1.320

Brooks, Allyson (DAHP)

Yeah, we've done that before, Elizabeth. That's. And you might wanna meet with Sandra Adrex. We've

actually had those scenarios where we found somebody starting to build. We find a cemetery and then they have to get a permit from our agency to keep going. The tribes come out, we determine whether it's tribal or non tribal. A lot of times, even if it's non tribal, you still have to have a permit to keep going or you'd have to pay to have the burials removed. The other piece that you may not know about Elizabeth is we have a skeletal remains account that was given to us by the legislature.

1:27:1.480 --> 1:27:15.70

Brooks, Allyson (DAHP)

So your your exact example of a deck. We actually have the right to give out grants to property owners to help remove and rebury inadvertent what we call inadvertent finds.

1:27:16.860 --> 1:27:23.940

Sloane, Stephanie

Exactly. And Doctor Brooks, thank you so much for that color. I know, I know. You get to live with this every day and have those specific examples.

1:27:25.290 --> 1:27:30.480

Sloane, Stephanie

So I do think this is another example of of trying to codify existing practice.

1:27:31.620 --> 1:27:37.360

Sloane, Stephanie

And just make it clearer what what the obligations and expectations are.

1:27:38.980 --> 1:27:53.400

Sloane, Stephanie

Because again, you know I've had the privilege of reading all the Washington State Cemetery and funeral law, and I think something operates one way. And then I have a conversation with Beau or Doctor Brooks and I learned, nope, that's not actually how the state handles it.

1:27:54.600 --> 1:28:7.770

Sloane, Stephanie

And so that's that's really the goal here is to have clarity from the statutory language perspective that then mirrors the authority that DAHP has. So it's just really clear what's occurring.

1:28:9.90 --> 1:28:23.0

Sloane, Stephanie

But to be very clear, yes, we we we do think this would apply to all cemeteries ultimately deemed a cemetery. And again I I wish I had a better way of saying this example, if a natural organic reduction.

1:28:24.240 --> 1:28:28.770

Sloane, Stephanie

But if there was a contractual obligation that someone chose to sell.

1:28:29.460 --> 1:28:36.290

Sloane, Stephanie

For grandma's tree to grow long term. That that's the type of issue that at some point.

1:28:37.70 --> 1:28:43.700

Sloane, Stephanie

Could happen 30 years from now where I think because I had this contract that I have a right to visit Grandma.

1:28:44.370 --> 1:28:59.140

Sloane, Stephanie

Or if a botanical garden creates a scattering garden, and again there's a contractual obligation there. Those are the scenarios we see mirroring what's happening with the tribes and what potentially is happening with homesteads.

1:29:0.220 --> 1:29:8.620

Sloane, Stephanie

And just privately and in the long term, and why we think this is actually an issue that that in 30 years could be much bigger than it is today.

1:29:10.160 --> 1:29:20.530

Sloane, Stephanie

And to again just be very clear and with anyone starting an enterprise of what their obligations are gonna be and what their land use restrictions are potentially.

1:29:24.590 --> 1:29:36.50

Sloane, Stephanie

And I do know for the the funeral and cemetery operators, this is less applicable and germane to you because generally you have pretty established boundaries off of roads and whatnot.

1:29:37.920 --> 1:29:44.40

Sloane, Stephanie

But did wanna share this concept with you because we do think it's a really important one of enshrining that right of access.

1:29:44.260 --> 1:29:58.630

Brooks, Allyson (DAHP)

This is really applicable to to our work. And like I said this one if it if this one doesn't come out of this study, I've already heard from tribal lobbyists. They'll run at this separately because they wanna see this this session. They want access. The tribes want access. Period.

1:30:1.70 --> 1:30:2.630

Sloane, Stephanie

Pete, I think your hand is up.

1:30:3.700 --> 1:30:5.310

Cameron, Pete (Board Member)

Yeah. I just.

1:30:5.590 --> 1:30:13.700

Cameron, Pete (Board Member)

I I can understand why the tribes are very interested in this and pushing for this.

1:30:15.440 --> 1:30:25.530

Cameron, Pete (Board Member)

As a property owner, if I didn't know there was a cemetery, quote, un-quote on my property and that gets discovered.

1:30:26.440 --> 1:30:38.930

Cameron, Pete (Board Member)

And, now I am basically told that I have to allow people on my property within reason. You know, there's that's a huge gray area of definition.

1:30:40.730 --> 1:30:58.20

Cameron, Pete (Board Member)

You know it is. That means seven day a week. Access does that, you know, include celebrations or holidays or you know, there's as a private property owner I can understand why they wouldn't want.

1:30:59.250 --> 1:31:1.530

Cameron, Pete (Board Member)

You know, potentially nobody coming.

1:31:2.850 --> 1:31:3.420

Cameron, Pete (Board Member)

But.

1:31:4.740 --> 1:31:12.110

Cameron, Pete (Board Member)

You know, for some of those tribes, they have a lot of important folks out there and and that they, you know, want to celebrate their heritage.

1:31:13.300 --> 1:31:14.70

Cameron, Pete (Board Member)

So.

1:31:15.390 --> 1:31:17.80

Cameron, Pete (Board Member)

To me, this gets a little.

1:31:17.820 --> 1:31:20.0

Cameron, Pete (Board Member)

Scary from a regulatory.

1:31:21.300 --> 1:31:28.460

Cameron, Pete (Board Member)

Perspective is so what's reasonable. If this landed on my desk is a is a case manager on a complaint case.

1:31:30.260 --> 1:31:33.130

Cameron, Pete (Board Member)

You know, this is a this is a huge gray area.

1:31:34.970 --> 1:31:37.980

Cameron, Pete (Board Member)

I think this is something the Board needs to talk about and see if we have the.

1:31:39.100 --> 1:31:42.870

Cameron, Pete (Board Member)

The authority to do that, if it's located on private property.

1:31:44.860 --> 1:31:45.880

Sloane, Stephanie

Yeah, and I I.

1:31:45.110 --> 1:31:58.680

Brooks, Allyson (DAHP)

The authority would come from the legislature. It, I mean, if the legislature decides to pass the bill like this, they they could pass a bill like this. That's why they're there. But the it's not just that the tribes wanna have.

1:31:59.860 --> 1:32:12.200

Brooks, Allyson (DAHP)

Cultural events or visit their ancestors. What's happening, too, is these these historic cemeteries and graves are not being cared for, and the tribes wanna go out and be able to care for their ancestors. And I can kind of understand that.

1:32:13.610 --> 1:32:14.30

Sloane, Stephanie

Yeah.

1:32:13.70 --> 1:32:14.910

Brooks, Allyson (DAHP)

You know these overgrown places.

1:32:16.10 --> 1:32:29.130

Sloane, Stephanie

Yeah. And and Pete, I think that's a great point. And and I think I was remiss in making this clear, but we would see the the right of access for private property being something that primarily sits under DAHP.

1:32:30.450 --> 1:32:32.440

Sloane, Stephanie

Versus the Cemetery Board.

1:32:33.460 --> 1:32:43.870

Sloane, Stephanie

And ultimately, you know what we're trying to do is have a place for mediation before it goes to the courts. And I know Doctor Brooks is shared a couple of different scenarios.

1:32:41.310 --> 1:33:14.320

Brooks, Allyson (DAHP)

Yeah, yeah. And I I should probably add that we're in court now. We, like right now, there's a case that's

not us, really, where a property owner has a historic cemetery on their property. A another organization got a care and maintenance certificate from us. There's an existing easement. The property owner has obviously allowed this group through the easement. However, this group is complaining that the easement, and it's true is only a foot easement, not a vehicular access to the cemetery.

1:33:14.440 --> 1:33:45.210

Brooks, Allyson (DAHP)

And of course, because nobody can work together, they are now in the county court in Spokane, where the care and maintenance organization is arguing that the property owner must give them right of vehicular access and the property owner saying "nope, there's an existing foot easement. That's all I have to give you." We're actually more on the side of the property owner and the law has never said that a property owner has to give vehicular access. This is actually being heard in January.

1:33:45.430 --> 1:34:9.670

Brooks, Allyson (DAHP)

So I'm guessing that the result of this, Pete, will give us a lot. So if this legislation goes forward, that court case is really going to give us a parameter on what a property owner is really required to do or not required to do an. And I'm guessing he's not gonna require vehicular access. He's gonna say as long as you have some right of access with notification to the owner, that's all you're going to get.

1:34:11.70 --> 1:34:41.870

Sloane, Larry

And Pete, if if you look at the stay at statutes in other states, the the sightings on the statute show you how many times it's been amended and you look at public access amendments that are existing in Virginia, North Carolina, South Carolina, Alabama, Texas, they've all been amended two or three times because some circumstance came up that they needed just to to paint a gray area. And what Steph and I decided to do in our initial draft is to not try to get as specific as these other statutes.

1:34:41.950 --> 1:34:49.40

Sloane, Larry

Are and to not be draconian with the property owner. This is really a requirement to open the door to have a conversation.

1:34:51.170 --> 1:34:51.660

Sloane, Stephanie

Yeah.

1:34:58.940 --> 1:34:59.530

Sloane, Stephanie

Correct.

1:34:50.620 --> 1:35:14.140

Lagerberg, Elizabeth E (ATG)

So just to just to clarify, so this is not going to is not limited to tribal burials, but correct and then. But in terms of of private burials that are non tribal, it would apply when somebody discovers skeletal remains on the property. Is that correct? Is that how?

1:35:13.490 --> 1:35:18.470

Brooks, Allyson (DAHP)

So it's it's, it's for, it's for what's now called historic cemeteries.

1:35:19.320 --> 1:35:30.650

Lagerberg, Elizabeth E (ATG)

Right. Well, right now I know we have the burials of five or more people, right? But you're talking about in the future declaring maybe declaring cemetery where there's 1 1 burial.

1:35:29.220 --> 1:35:59.30

Brooks, Allyson (DAHP)

Yeah. I mean technically, right, you could. You could find the Smith family or Grandpa and Grandma Smith. And the question is, do the descendants have the right to visit? Or maybe the right is they can pay to have, you know, Grandma and Grandpa moved where they can actually access them. It's a tough question. I don't think, Elizabeth, you're the attorney. I haven't gone to law school. I don't know if we could actually write a historic cemetery access for just tribes. Is doesn't that sort of violate the equal protection clause?

1:36:6.410 --> 1:36:6.880

Lagerberg, Elizabeth E (ATG)

Well.

1:35:59.190 --> 1:36:12.650

Brooks, Allyson (DAHP)

And I think that would be really awkward to have a law that says tribal tribes only because a lot of these cemeteries, these historic cemeteries, have tribal and nontribal members mixed in.

1:36:13.150 --> 1:36:35.660

Lagerberg, Elizabeth E (ATG)

That right? Yeah. I mean, it depends on how you define it depends on if you're using burial grounds and cemetery or cemetery. And there's there's a lot of, you know, gray area in between. But you know, you can do, like, the fishing rights, for example, are the natural now, I can't remember the term it's been so long since I used it. But there.

1:36:50.800 --> 1:36:52.310

Brooks, Allyson (DAHP)

Right. But they had the.

1:36:38.490 --> 1:36:54.810

Lagerberg, Elizabeth E (ATG)

Basically what it means is there long ago established fishing rights in an area does means that that area is, you know, tribal fishing has, that tribe is able to establish their fishing, right. So it might be the same with, you know, burial grounds that were.

1:37:9.160 --> 1:37:9.460

Lagerberg, Elizabeth E (ATG)

Right.

1:37:12.90 --> 1:37:12.430

Lagerberg, Elizabeth E (ATG)

Right.

1:36:53.490 --> 1:37:17.850

Brooks, Allyson (DAHP)

Except that the problem here is tribes had treaty rights for fish where they didn't. When the tribes negotiated their treaties, they never thought they would not have access to their ancestors because there was no roads, no airplanes, right. And there was a couple of homesteaders in 1855. I mean, what tribe ever could see an interstate system and suburbs so.

1:37:18.690 --> 1:37:20.60

Brooks, Allyson (DAHP)

Yeah, I know, but what I'm.

1:37:16.700 --> 1:37:39.740

Lagerberg, Elizabeth E (ATG)

Well, I was just using that as an example of of how you know. But, but I guess I'm just clarifying, you know, if this is if this would apply to say, you know, decedent descendants coming in and saying well this, I know that my grandparents were buried somewhere on on this property, on your property and let's say it's.

1:37:40.690 --> 1:37:41.230

Lagerberg, Elizabeth E (ATG)

Yeah.

1:37:38.650 --> 1:37:47.820

Brooks, Allyson (DAHP)

Well, it wouldn't be somewhere. It would have to be an identified property, but this is where the Spokane case is gonna be really interesting cause the Spokane case is nontribal.

1:37:48.330 --> 1:37:48.720

Lagerberg, Elizabeth E (ATG)

Mm-hmm.

1:38:0.450 --> 1:38:1.70

Sloane, Larry

Southeast.

1:37:49.690 --> 1:38:7.620

Sloane, Stephanie

Yeah. And you know what? We will again, our approach is Larry, elucidated was really to look at States and predominantly states in the Southwest have been most, excuse me, Southeast. I've getting my, my, my poles of the country wrong in the southeast have been most.

1:38:9.290 --> 1:38:15.710

Sloane, Stephanie

Forward-looking in terms of establishing these these laws and and viewpoint on this.

1:38:16.90 --> 1:38:43.300

Sloane, Stephanie

And I think at the end of the day, you know, Pete, elucidated that this well, you have conflicting rights here. You have property ownership versus right of decedents. And ultimately you know I think we wanna make a recommendation because we believe the the superseding right is the right of the decedents and the sanctity of that burial site and that there is a right to visit that.

1:38:44.970 --> 1:38:57.700

Sloane, Stephanie

But as Doctor Brooks elucidated earlier, also what we wanna create is a mechanism for having a discussion before it goes to the courts. That way there is a.

1:38:58.800 --> 1:39:3.0

Sloane, Stephanie

A more standardized viewpoint and response to these issues.

1:39:4.600 --> 1:39:12.250

Sloane, Stephanie

And if we have a state agency facilitating those discussions, then ideally we can come up with a compromise.

1:39:13.510 --> 1:39:14.120

Sloane, Stephanie

You know.

1:39:12.940 --> 1:39:14.390

Lagerberg, Elizabeth E (ATG)

And again I I.

1:39:15.390 --> 1:39:16.40

Lagerberg, Elizabeth E (ATG)

Sorry, go ahead.

1:39:16.630 --> 1:39:18.980

Sloane, Stephanie

No, I just said to finish that thought, you know.

1:39:19.700 --> 1:39:36.250

Sloane, Stephanie

It may be best that grandma and grandpa are disinterred and put in a proper cemetery to achieve what the ancestors want. Or it may be that there's a simple walking path and they're visiting once a year, and there's understanding there.

1:39:37.710 --> 1:39:49.710

Sloane, Stephanie

And I think the the trick with this is having the appropriate state agency that can be that intermediary step and having a basic framework for facilitating those discussions.

1:39:50.520 --> 1:39:51.620

Lagerberg, Elizabeth E (ATG)

Yeah, now would it?

1:39:52.760 --> 1:40:22.850

Lagerberg, Elizabeth E (ATG)

What I was going to say is that totally makes sense to me, and when I was talking about the Administrative Procedures Act at, it does provide a really nice preliminary step. So let's say DAHP is the one that makes some determination in this in this area. Then they would make the determination and you know that might, depending on how how you decide it would work. But it does give a person an opportunity to appeal to you know, go back and you'd have a a.

1:40:41.350 --> 1:40:41.630

Sloane, Larry

Yeah.

1:40:24.10 --> 1:40:41.710

Lagerberg, Elizabeth E (ATG)

Hearing possibly and decision by administrative agency a right to appeal within the agency and then it would go up to Superior Court. So it would establish a process that is an agency, interagency process. It sounds like that's kind of what you're maybe looking for something.

1:40:41.690 --> 1:40:44.270

Sloane, Stephanie

Exactly that that's eloquently stated.

1:40:42.830 --> 1:41:13.580

Sloane, Larry

And I would I would carry it at a step further, Elizabeth, that that we have new methods of disposition and we're gonna include those in the definition of cemetery in some form, usually where there's a contract and money exchanging hands and then they have to register or be identified with with the archaeology and Historic Preservation group. And then that's on a map. And now if you're going to be buying some property, you're going to be able to find that there's a cemetery there. And then you're also gonna know that there's right of public access.

1:41:14.390 --> 1:41:14.890

Lagerberg, Elizabeth E (ATG)

So I.

1:41:18.830 --> 1:41:19.460

Lagerberg, Elizabeth E (ATG)

I yeah.

1:41:14.50 --> 1:41:24.80

Sloane, Larry

And so that'll be. That'll have an impact on whether you buy that property and and when you do buy it, your eyes will be open. You know, there's burials on the property and that someone may have, right, a public access.

1:41:24.760 --> 1:41:55.790

Lagerberg, Elizabeth E (ATG)

So the red flag that that brings up for me as I'm I'm also a stockholder and shareholder in a company that is a title company. So that's that company's job is to record to report easements on property and other types of property restrictions. So I guess then I'm just thinking of the title companies then is it their responsibility to also check that map? And as part of the title report you know say there's a designated area here that is I don't I don't.

1:41:55.870 --> 1:42:2.160

Lagerberg, Elizabeth E (ATG)

Think that would be their responsibility, but I'm not sure. I I don't know how that would work if a title will look.

1:42:0.710 --> 1:42:3.50

Sloane, Larry

Yeah, I don't know either, but maybe it should be.

1:42:3.450 --> 1:42:4.670

Lagerberg, Elizabeth E (ATG)

Yeah. I don't know. Yeah.

1:42:6.650 --> 1:42:23.110

Sloane, Stephanie

A great great subject. I I have a note scribbled down here to to figure out how we would adjudicate that. I'm quite frankly, not even sure who I would ask in the state about that question, I would obviously start with Doctor Brooks and but you know I I think that's hopefully what you what.

1:42:24.110 --> 1:42:32.220

Sloane, Stephanie

You all are hearing today is some attempts to have clarity and common sense and a.

1:42:33.140 --> 1:42:39.650

Sloane, Stephanie

And clarify who has authority to help adjudicate these issues so they're not all going to the courts.

1:42:41.90 --> 1:42:59.780

Sloane, Stephanie

Because everything's just becoming more complex and will continue to become more complex because you don't need 100 acre cemetery to to handle 40 years of burial anymore. That could be achieved in five acres with with the increase of cremation and they're gonna be more alternative methods.

1:43:0.570 --> 1:43:7.680

Sloane, Stephanie

So I'm gonna go to the next slide quickly just cause I, I know we're down to 17 minutes and I wanna be respectful of everyone's time.

1:43:9.320 --> 1:43:22.220

Sloane, Stephanie

You know, we have this listed as a long term solution and but it's something we certainly wanna make a recommendation about which is these these nonpermanent barrel facilities and what the requirement is for these.

1:43:22.730 --> 1:43:39.0

Sloane, Stephanie

And I think the most important thing is, is making sure that they're registered. And again, I've I've I'm gonna use that language software so you can push. We'll have to talk about if it's identified, registered what the proactive process, what the right word for that is.

1:43:39.600 --> 1:43:44.610

Sloane, Stephanie

But ultimately we also think one of the requirements should be.

1:43:45.290 --> 1:44:4.770

Sloane, Stephanie

To file a relocation plan. So, so what is the plan for these non permanent structures? If a church was to close, a synagogue was to remodel, a botanical garden changed hands of ownership, what happens to those remains that are on the site?

1:44:6.250 --> 1:44:16.490

Sloane, Stephanie

And you know, we think it's really important that there is a a viewpoint and that the owners who are initiating these activities have a plan for that.

1:44:18.50 --> 1:44:47.580

Sloane, Stephanie

And we think that's beneficial to the cemetery industry at large, again because it's similar to that pet cemetery issue of you know, consumers probably have some false confidence in some of these new activities because they view them as a cemetery just like, you know, Mount Vernon and the Paramount Group, are cemeteries, they, they view them as having those same protections and perpetual nature. When the structure of them may not actually entail that.

1:44:48.140 --> 1:44:54.960

Sloane, Stephanie

You know, two items that we have listed there as other items that we we wanna contemplate is.

1:44:55.720 --> 1:45:10.310

Sloane, Stephanie

You know, should an entity be required to have funds for relocation? And I think this is particularly complex, given the the number of exempt religious organizations who are entering this space.

1:45:11.80 --> 1:45:17.10

Sloane, Stephanie

But again if that if that synagogue that church closes.

1:45:17.970 --> 1:45:31.470

Sloane, Stephanie

How are those remains being moved? What are the funds available for it? And again, making sure those protections exist. And that's where we think this is complex and we need a lot of feedback from a lot of different stakeholders to know how objectionable this is.

1:45:33.100 --> 1:45:44.30

Sloane, Stephanie

But we see it as operators and consumers as being a beneficial piece to ensure that there's a clear process to know someone's starting one of these businesses.

1:45:44.860 --> 1:45:52.550

Sloane, Stephanie

That there's a plan. What's going to happen to close and that there's funds to to move those remains at the point of closure?

1:45:54.140 --> 1:45:58.290

Sloane, Stephanie

So I'll pause there. I know this again is a very meaty subject and.

1:45:59.660 --> 1:46:8.660

Sloane, Stephanie

That's that's why we're we're not proposing adopting any new legislation around this in 2023, but but identifying as an area for potential study.

1:46:14.910 --> 1:46:15.920

Little, Rick (Chair)

Any other comments?

1:46:18.950 --> 1:46:20.380

Smock, Cameron (Board Member)

I I applaud your.

1:46:21.510 --> 1:46:25.620

Smock, Cameron (Board Member)

Efforts putting it on the on the agenda as a long term issue.

1:46:26.900 --> 1:46:31.990

Smock, Cameron (Board Member)

I think it definitely needs to be addressed to to some degree or another.

1:46:33.440 --> 1:46:42.940

Smock, Cameron (Board Member)

I had, you know, a professional colleague of mine who was very involved with his church reached out to me about a year ago and said that.

1:46:44.270 --> 1:46:58.620

Smock, Cameron (Board Member)

The one church was closing. They were merging with another and they had a columbaria in the church that was closing and he sought my advice on what steps they should take to the relocate that but.

1:47:0.40 --> 1:47:14.230

Smock, Cameron (Board Member)

This is becoming, I think, more prevalent. And so I do support having some sort of language that addresses how these sorts of issues should ultimately be handled in the event that.

1:47:16.940 --> 1:47:22.930

Smock, Cameron (Board Member)

The the entity that has the memorial garden or columbaria or whatever.

1:47:23.920 --> 1:47:26.890

Smock, Cameron (Board Member)

Is no longer going to operate that.

1:47:28.830 --> 1:47:44.200

Sloane, Stephanie

Exactly. And I'm. I'm. I'm sad to hear it's already happening. We we know that's the reality in other states. And when you think these are many of these enterprises are only 10 or 20 years old and already facing this it's a problem that's gonna continue to be exacerbated.

1:47:44.780 --> 1:47:46.280

Sloane, Stephanie

Elizabeth.

1:47:47.10 --> 1:48:3.500

Lagerberg, Elizabeth E (ATG)

Yeah, one just one more clarification. Is, is it your proposal that the State Cemetery Board have responsibility over these organizations from, you know from the point of their legislation going forward and the preexisting?

1:48:4.400 --> 1:48:15.540

Lagerberg, Elizabeth E (ATG)

Cemeteries or places with human remains would be under the DAHP? I I'm just kind of trying to figure out the desig- the distinction between who would have what authority, or what your proposal is.

1:48:15.900 --> 1:48:16.280

Sloane, Stephanie

Yes.

1:48:16.360 --> 1:48:22.230

Sloane, Stephanie

Yeah, this is a tricky one and I I'm gonna try and explain this well.

1:48:23.810 --> 1:48:33.860

Sloane, Stephanie

And we're working on a graphic that hopefully spells this out a little better, and I apologize. We don't have it ready today. We're still wrestling with who should own some pieces of it.

1:48:35.180 --> 1:48:39.580

Sloane, Stephanie

But but ultimately I think something like this hinges on the question of.

1:48:40.350 --> 1:48:45.220

Sloane, Stephanie

Are there new contractual obligations being entered?

1:48:46.10 --> 1:48:52.870

Sloane, Stephanie

If so, it is a licensing question. If those cemeteries can continue to operate.

1:48:53.690 --> 1:49:6.660

Sloane, Stephanie

And the the complexity and nuance here is that there are certain organizations, like religious organizations that are carved out from oversight of the Cemetery Board currently.

1:49:7.590 --> 1:49:9.220

Sloane, Stephanie

Umm but.

1:49:10.350 --> 1:49:26.550

Sloane, Stephanie

What we wanna think about, and again I I'm not sure we're gonna go so far as making recommendations as a list of things to think about, because we know there are a lot of stakeholders who are very loud voices and we really need to get more feedback on an issue like this.

1:49:27.220 --> 1:49:45.250

Sloane, Stephanie

But we would think that by nature of being a nonpermanent burial facility, again the the specific example being a church columbaria, a columbaria at a synagogue, etcetera, that that activity would actually then.

1:49:47.50 --> 1:50:4.790

Sloane, Stephanie

Could still be exempt for the purposes of like preneed funding and perpetual care, but would have different regulations like this relocation report that has to be filed that would be under the purview of the Board.

1:50:5.650 --> 1:50:13.310

Sloane, Stephanie

And again, I I think you've hit the hardest part of this is who overseas it and how do we carve out those exemptions and new components.

1:50:14.0 --> 1:50:24.0

Sloane, Stephanie

But but that's that. That's kind of an in in essence what we're thinking. If the answer to are you a nonpermanent operation in general?

1:50:24.730 --> 1:50:33.310

Sloane, Stephanie

So a botanical garden, a parish, etcetera, then that would trigger oversight by the Cemetery Board and the Department of Licensing.

1:50:35.610 --> 1:50:51.840

Lagerberg, Elizabeth E (ATG)

So in essence. Once they register, they they they will be required to register and once they register, they'll register with the Department of Licensing and once they register, they're under the jurisdiction of the Board in terms of if they, you know, they have to follow the regulations and if they don't, XYZ can happen.

1:50:53.400 --> 1:50:54.380

Sloane, Stephanie

Exactly.

1:50:55.860 --> 1:51:6.890

Sloane, Stephanie

And so that's where I I I'm hoping we can draw this graphic right, which is kind of the decision tree. And you know, if you sell preneed.

1:51:8.310 --> 1:51:30.440

Sloane, Stephanie

Cemetery items are you regulated or not? And there's actually a subtree of that of are you an exempt organization or not? And then there are questions like perpetual care this relocation concept which we knew et cetera et cetera. And so there would be a clear decision tree of are you under the auspices of the board and the Department of Licensing for those activities.

1:51:33.380 --> 1:51:56.540

Lagerberg, Elizabeth E (ATG)

And then it would seem to me that once the registered the temporary registered person goes away. Let's say they go out of business and they have followed the relocation or they haven't and the property is still a cemetery. But there is no longer an operational business then does that fall move over to the?

1:51:57.470 --> 1:52:7.30

Lagerberg, Elizabeth E (ATG)

Because there's no longer any jurisdiction necessarily right now, since they're not, there's no longer a registered licensee type person. Would it go under DAHP, I guess?

1:52:7.630 --> 1:52:8.840

Sloane, Stephanie

Yeah, and that's.

1:52:7.800 --> 1:52:8.900

Lagerberg, Elizabeth E (ATG)

The property itself.

1:52:9.690 --> 1:52:18.370

Sloane, Stephanie

And ideally, what would happen is that there would be a trigger as that business is closing or changing hands to resolve.

1:52:19.110 --> 1:52:32.220

Sloane, Stephanie

The the remaining issue, and the remaining issue being that there are remains present. So for example, you know kind of going off of, you know, Cameron's example.

1:52:34.110 --> 1:52:35.930

Sloane, Stephanie

When that church closed.

1:52:36.840 --> 1:52:56.890

Sloane, Stephanie

Let's say they didn't have a plan of what to do and and the church just went out of business and had no larger parental organization. Then the Board would work with the stakeholders and to follow the relocation plan because there would be funds available to trigger that activity.

1:52:58.950 --> 1:53:4.290

Sloane, Stephanie

And ideally that relocation plan is going to an established permanent cemetery.

1:53:4.910 --> 1:53:34.770

Sloane, Stephanie

And therefore that land that was the church would be de-dedicated a cemetery, because there's no human remains, anymore. The decedents were made aware during the contractual obligation when they when they entered into the contract, that this was a non-permanent establishment and remains could be transferred to location X and that that chain of custody occurred and it's either initiated by the organization going out of business or by the state on behalf of the.

1:53:34.930 --> 1:53:35.510

Sloane, Stephanie

Decedents.

1:53:36.570 --> 1:54:6.260

Lagerberg, Elizabeth E (ATG)

So it's my thought that this would be more effective even it it might not work at all unless you have the organization put money into the a cemetery or some kind of funding funding account that would be available once the company goes, because the frequently companies go bankrupt or they just simply go out of business and you can't find them. So if you had a, if you had a fund set aside.

1:54:19.150 --> 1:54:19.480

Sloane, Stephanie

Mhm.

1:54:6.360 --> 1:54:23.890

Lagerberg, Elizabeth E (ATG)

That's that's handled by the state, you know. Then the state could go in and do that work or find have somebody that does that type of work. I I just think that there's so many businesses like this that are just going to go out of business that you and you won't be able to find a person anywhere to follow through with the relocation.

1:54:24.380 --> 1:54:32.950

Sloane, Stephanie

Exactly. And I I think probably y'all could hear why we were leaning towards making this a long term recommendation that needs more studying.

1:54:34.130 --> 1:54:37.210

Sloane, Stephanie

Because it potentially has a fund requirement tied to it.

1:54:37.810 --> 1:55:7.630

Sloane, Stephanie

And there are gonna be some stakeholders that are gonna be very loud in this process that that we need to make sure are on board and get feedback from. And this is the type of piece that could sync the some of the more more straightforward implementations that are just clarifying existing practice. So that's why we wanna kind of dovetail what's, and I'm gonna call it simple to implement, but I everyone on this call will know it's not that simple versus what are the the meatier subjects.

1:55:9.870 --> 1:55:10.610

Sloane, Stephanie

Sydney.

1:55:13.540 --> 1:55:27.210

Muhle, Sydney (DOL)

Sorry, I don't mean to interrupt. I just wanted to remind the Board that we also have an agenda item for public comment after the presentation. So if the board is OK with staying on a few extra minutes in case the public does want to comment.

1:55:29.60 --> 1:55:29.440

Sloane, Stephanie

Great.

1:55:30.510 --> 1:55:41.370

Sloane, Stephanie

And I will, in the interest of time just, our last slide was kind of a a, if you don't mind Sydney going to last one. Perfect. It's just thinking long term.

1:55:42.890 --> 1:55:47.940

Sloane, Stephanie

What is the right big picture thinking around the state's regulatory environment?

1:55:48.570 --> 1:56:2.910

Sloane, Stephanie

And again, Larry and I's perspective is that cemeteries are really going to get more complex and more difficult to define and they're going to be more of these issues that are gray area between DAHP the DOL and the Board.

1:56:4.390 --> 1:56:18.480

Sloane, Stephanie

And so, you know, ultimately, should there be some type of funnel point, whether it's a board that has additional your board with additional members, a, a cemetery and funeral division?

1:56:19.90 --> 1:56:26.550

Sloane, Stephanie

Is there also going back to the old structure of segmenting the cemetery and funeral boards?

1:56:27.960 --> 1:56:48.230

Sloane, Stephanie

You know, I I think there's a lot of things like that that are worthy of consideration to to simplify for the operators and the consumers of who to go to when there's a question. And then those experts can help funnel to the right state agency, county process etcetera.

1:56:50.200 --> 1:56:52.910

Sloane, Stephanie

So you know again.

1:56:53.800 --> 1:57:2.430

Sloane, Stephanie

I I've given the amount of time I don't think we're gonna have a real, real meaty discussion on this and I apologize. We are trailing over our allotted time.

1:57:4.220 --> 1:57:18.650

Sloane, Stephanie

But but Larry and I do think it's important to put some recommendations in the the our report of just if we had no no cemetery laws in the state of Washington and we're starting over today.

1:57:19.910 --> 1:57:38.910

Sloane, Stephanie

Are there ways to simplify and clarify that, and is that something that needs additional study, whether it's a work group of this board, a combination of the state agencies, etcetera, because there are a lot of very complex conversations that, that, that will continue to manifest and continue to occur.

1:57:40.90 --> 1:57:49.520

Sloane, Stephanie

So with that, I I apologize for the three minutes of kind of open comment for the board, but is there anything that Larry and I can answer or clarify from our discussion today?

1:57:52.630 --> 1:57:55.600

Little, Rick (Chair)

I think they're soaking in quite a bit of information, but.

1:57:58.310 --> 1:57:59.600

Little, Rick (Chair)

But I would like to.

1:58:1.60 --> 1:58:12.350

Little, Rick (Chair)

Just go to item three of that's OK with the rest of the Board so we can get public comments if they so choose. Are we, does the Board have any other questions at all?

1:58:14.920 --> 1:58:27.140

Smock, Cameron (Board Member)

Stephanie and Larry, thank you very much for this. You've put a lot of effort and research and insight into this and it's it's very helpful for us in terms of knowing next steps and and how and why.

1:58:28.560 --> 1:58:30.50

Smock, Cameron (Board Member)

We move forward, so thank you.

1:58:31.20 --> 1:58:31.430

Little, Rick (Chair)

And.

1:58:31.50 --> 1:58:31.720

Sloane, Larry

Our pleasure.

1:58:30.980 --> 1:58:32.350

Sloane, Stephanie

Thank you for your feedback today.

1:58:33.50 --> 1:58:35.430

Little, Rick (Chair)

We do appreciate this so.

1:58:35.170 --> 1:58:37.340

LeSourd, Constance (Board Member)

And I second that. Thank you.

1:58:38.80 --> 1:58:40.670

Sloane, Stephanie

Thank you, Constance. Appreciate your comments today as well.

1:58:39.220 --> 1:58:59.100

Brooks, Allyson (DAHP)

And feel free to reach out for any of you to reach out to our agency or me as the Director of DAHP. If

you have any other questions or want to, you know, you're concerned about this study or have any other ideas that we need to consider in the future. I mean, I'm happy to also listen to any comments or concerns or questions that you may have.

1:59:1.670 --> 1:59:26.330

Little, Rick (Chair)

And I know, we're kind of stressed for time, but the but I'd like to do is go ahead and go to item 3 which, which is the public comment because this is so important because I know there's quite a few people on listening to this conversation, but this is an opportunity for the Board to receive comments from the public, including on to this cemetery law study.

1:59:27.30 --> 1:59:41.380

Little, Rick (Chair)

The Board may only listen to the comments and direct staff to study the matter further or reschedule the matter for discussion and consideration at a later time. Individual comments will be limited to 3 minutes each.

1:59:42.70 --> 1:59:55.840

Little, Rick (Chair)

If you would like to make a comment, please unmute your line, state your name for the record and share your comments with the Board. As a reminder, please mute your line once you have finished.

2:0:20.800 --> 2:0:21.730

Little, Rick (Chair)

Is that John?

2:0:21.480 --> 2:0:36.640

Panesko, John (Public)

I'm yes, I'm unfamiliar with the procedures. This is my first meeting. I'm a 30 year cemetery owner and I don't wanna go over the time limit. Is there a place we can make comments or send comments about this rather than take up the time of everyone's right now?

2:0:38.70 --> 2:0:42.90

Little, Rick (Chair)

So this is your opportunity where we're gonna extend it a little bit. So just go ahead.

2:0:41.110 --> 2:1:9.640

Panesko, John (Public)

OK, OK, I've let me do take 3 minutes. There's something I'm doing. It's not what this is happening. I'm doing something that's I think is gonna change the life of all cemetery owners. And I apologize for going about this myself, but I'm. I'm a sole operator. I mow the grass. I do the paperwork, and I'm bothered by the fact that four different times in the year we have to make reports to four different government agencies, Department of Licensing, January 31st. Department of, what is it, Revenue.

2:1:10.10 --> 2:1:10.970

Panesko, John (Public)

March 31st.

2:1:11.870 --> 2:1:42.110

Panesko, John (Public)

Income tax and then a floating day to the Department of Security, Secretary of State. Mine's October 31st. Yours is the anniversary date of your corporation founding. But all these reports scattered through the year. I'm thinking, why can't we just from a consumer point of view and operator point of view consolidate these reports on one day. So I am pushing through the legislature a bill that would say let's bring everything to March 31st. So your Department of Licensing annual renewal, move it couple of days forward.

2:1:42.170 --> 2:2:1.710

Panesko, John (Public)

March 31st is close enough to the IRS April 15th that we can do both of those at the same time. And then also the Secretary of State filing, which is floating throughout the year. Let's bring that up to March 31st. So for those of us who don't have staff, don't have people to do the paperwork, we only have to haul our paperwork out once a year.

2:2:2.500 --> 2:2:8.750

Panesko, John (Public)

Write our checks, fill out a report, send it all into the state and be done with it and not have to forget.

2:2:9.450 --> 2:2:15.280

Panesko, John (Public)

Deadlines that pass in the night, so that's all I've got. That's something I'm doing separately. If you have comments.

2:2:15.380 --> 2:2:19.370

Panesko, John (Public)

I'm I don't know if my names on the picture, but it's John.

2:2:20.440 --> 2:2:28.200

Panesko, John (Public)

Panesko P-A-N-E-S-K-O and that john@penasco.com is my e-mail, so that's what I'm up to.

2:2:29.930 --> 2:2:30.620

Little, Rick (Chair)

Thank you, John.

2:2:33.350 --> 2:2:34.660

Little, Rick (Chair)

Do you have any other comments?

2:2:53.370 --> 2:2:59.780

Muhle, Sydney (DOL)

Board member Cameron it was included in your packet that I emailed out to you and I can forward it again if you need it.

2:3:13.200 --> 2:3:13.580

Little, Rick (Chair)

OK.

2:3:17.680 --> 2:3:19.250

Little, Rick (Chair)

There there's no other comments.

2:3:20.490 --> 2:3:26.660

Little, Rick (Chair)

At this time it's 12:03. I'd like to adjourn this meeting.

2:3:33.630 --> 2:3:34.550

Sloane, Stephanie

Thank you very much.

2:3:34.630 --> 2:3:36.20

Cameron, Pete (Board Member)

Alright, thanks everybody.

2:3:36.440 --> 2:3:36.920

Little, Rick (Chair)

Thank you.

2:3:36.680 --> 2:3:37.230

Ittner, David (Vice Chair)

Thank you.

2:3:36.610 --> 2:3:37.300

Gutierrez-Zamora, Dante (Board Member)

Thank you, Rick.