

CHAPTER 23.

[H. B. 15.]

CEMETERIES—CEMETERY DISTRICTS—
HUMAN REMAINS.

AN ACT relating to cemeteries, cemetery districts, and human remains; amending section 2, chapter 123, Laws of 1891, as amended by section 2, chapter 224, Laws of 1953 and RCW 68.08.070; amending section 13, chapter 6, Laws of 1947, as amended by section 1, chapter 39, Laws of 1957 and RCW 68.16.130; repealing section 240, chapter 249, Laws of 1909; repealing sections 4 and 5, page 28, Laws of 1856-57; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

RCW 68.08.070 amended.

SECTION 1. Section 2, chapter 123, Laws of 1891, as amended by section 2, chapter 224, Laws of 1953 and RCW 68.08.070 are each amended to read as follows:

Bodies, when may be used for dissection.

Any sheriff, coroner, keeper or superintendent of a county poorhouse, public hospital, county jail, or state institution shall surrender the dead bodies of persons required to be buried at the public expense, to any physician or surgeon, to be by him used for the advancement of anatomical science, preference being given to medical schools in this state, for their use in the instruction of medical students. If the deceased person during his last sickness requested to be buried, or if within thirty days after his death some person claiming to be a relative or a responsible officer of a church organization with which the deceased at the time of his death was affiliated requires the body to be buried, his body shall be buried.

RCW 68.16.130 amended.

SEC. 2. Section 13, chapter 6, Laws of 1947, as amended by section 1, chapter 39, Laws of 1957 and RCW 68.16.130 are each amended to read as follows:

(1) A cemetery district organized under this chapter shall have power to acquire, establish, maintain, manage, improve and operate cemeteries and

conduct any and all of the businesses of a cemetery as defined in this title. A cemetery district shall constitute a cemetery authority as defined in this title and shall have and exercise all powers conferred thereby upon a cemetery authority and be subject to the provisions thereof.

Powers—
District may
embrace
certain cities
and towns.

(2) A cemetery district may include within its boundaries the lands embraced within the corporate limits of third class cities in counties of the fourth class, or within the corporate limits of fourth class towns in the classes of counties enumerated in RCW 68.16.010, and in any such cases the district may acquire any cemetery or cemeteries theretofore maintained and operated by any such city or town and proceed to maintain, manage, improve and operate the same under the provisions hereof. In such event the governing body of the city or town, after the transfer takes place, shall levy no cemetery tax. The power of eminent domain heretofore conferred shall not extend to the condemnation of existing cemeteries within the district.

SEC. 3. The following acts or parts of acts are each repealed: Repeal.

- (1) Section 240, chapter 249, Laws of 1909, and
- (2) Sections 4 and 5, page 28, Laws of 1856-57.

SEC. 4. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the House January 20, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.)

Explanatory
note.

Section 1. The underscored new matter is inserted to correct a manifest clerical error by way of omission. 1891 c 123 §2 contained such language as did prior compilations and the Revised Code of Washington. This section was amended by 1953 Senate Bill No. 439 which

Explanatory note.

inadvertently omitted the underscored language. This proposal restores such language since the sentence appears meaningless without it.

Section 2. The underscored matter in this section originally appeared in 1947 c 6 § 13 but such underscored language was combined by the 1941 Code Committee with 1947 c 6 § 12 to make up RCW 68.16.120, the remainder of 1947 c 6 § 13 being codified by such code committee as RCW 68.16.130. Based upon this codification, the 1957 legislature (1957 c 39) amended 1947 c 6 § 13 and RCW 68.16.130 but neither the original nor the printed bill (House Bill No. 119) contained the sentence in question nor indicated its deletion by enclosing it within deletion marks. The proposal restores such language as originally enacted thereby curing the inadvertent omission.

Section 3. (1) 1909 c 249 § 240 the section herein repealed in subdivision (1) reads as follows:

“Every person who shall arrest or attach the dead body of a human being upon a debt or demand, or shall detain or claim to detain it for any debt or demand, or upon any pretended lien or charge; or who, without authority of law, shall obstruct or detain a person engaged in carrying or accompanying the dead body of a human being to a place of burial or cremation, shall be guilty of a misdemeanor.”

The subject matter of such section appears to be covered and superseded by subsequent enactments. See 1943 c 247 § 27 (RCW 68.08.120), 1943 c 247 § 25 (RCW 68.08.145), and 1943 c 247 § 36 (RCW 68.48.010).

(2) 1856-57 p 28 §§ 4 and 5 the sections herein repealed in subdivision (2) read as follows:

Sec. 4. “Every person who shall wilfully and maliciously destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure, placed within any cemetery, grave yard, or place of public burial, or any fences, railing, or other work for the protection or ornament of any tomb, monument, grave stone, or other structure aforesaid, or shall wilfully and maliciously destroy, remove, cut, break or injure any tree, shrub, or plant, within any cemetery or grave yard, shall be punished by fine, in any sum not exceeding one hundred dollars.”

Sec. 5. “Justices of the peace and judges of probate shall have cognizance of all offenses violating the provisions of this act.”

The subject matter of these sections appear to be covered and superseded by subsequent enactments. See 1943 c 247 §§ 36 and 37 (RCW 68.48.010 and 68.48.020).

The proposed repeals eliminates duplicitous statutes superseded by subsequent enactments.