
Local Government Committee

HB 1207

Brief Description: Concerning cemetery district formation requirements.

Sponsors: Representatives Haigh, Takko and Ryu.

Brief Summary of Bill

- Authorizes the establishment of cemetery districts when a ballot question of whether to form a cemetery district is approved by a simple majority of the voters rather than two-thirds of the voters.
- Modifies the petition-based establishment process for cemetery districts, including by requiring petitions calling for the creation of a cemetery district that are insufficient to be returned for 10 days to the person filing the petition for purposes of amendment or adding additional signers.

Hearing Date: 1/25/13

Staff: Ethan Moreno (786-7386).

Background:

Cemetery districts may be established in any county to acquire, maintain, manage, improve, and operate cemeteries and conduct any of the businesses of a cemetery. Cemetery districts are separate taxing districts and are authorized to contract indebtedness, borrow money, issue bonds, and levy taxes. The affairs of cemetery districts are managed by independently elected three-member boards of commissioners.

Cemetery districts may be established through a petition-based process. A petition to create a cemetery district must be signed by no less than 10 percent of the registered voters residing within the boundaries of the proposed district. The petition, which must be filed with the county auditor, must designate the proposed boundaries or describe the lands to be included in the proposed district in accordance with prescribed requirements. Persons signing the petition may not withdraw their names from the petition after it has been filed with the auditor. The auditor

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has 30 days to verify the signatures and determine whether the petition is sufficient. If the petition is found to contain a sufficient number of valid signatures, the county legislative authority must set a date and time for a public hearing on the proposal. If the board of county commissioners subsequently finds the creation of a district to be conducive to public welfare and convenience, it must designate the name and number of the proposed district, establish the boundaries, and call for an election within the boundaries of the proposed district. Establishment of the district requires an affirmative vote by two-thirds of the voters participating in election, and the election returns must be canvassed at the court house on the Monday following the election.

As an alternative to the petition-based process, a county legislative authority may, by ordinance or resolution, provide for a ballot proposition to create a cemetery district. The ballot proposition must designate the proposed boundaries or describe the lands to be included in the proposed district. The ballot approval and canvassing requirements are identical to those required for ballot measures initiated through the petition-based process.

Summary of Bill:

A ballot proposition to establish a cemetery district must be approved by a simple majority of the voters participating in the election rather than two-thirds of the participating voters. Election returns must be canvassed at the court house following the election rather than on the Monday following the election.

Requirements governing the petition-based establishment process for cemetery districts are modified. A petition to create a cemetery district must be signed by no less than 10 percent of the registered voters residing within the boundaries of the proposed district based on the total vote cast in the last general county election. Once a petition is filed the county auditor has 15 days, rather than 30, to verify the signatures and determine whether the petition is sufficient. The auditor is obligated to return insufficient petitions to the filer for a 10-day period during which the filer may amend the petition or add additional signers. After the petition is resubmitted to the auditor, he or she has an additional 15 days to examine the petition and to attach a certificate of sufficiency to the petition. No person signing the petition may withdraw his or her name from the petition after filing.

Appropriation: None.

Fiscal Note: Not requested.

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