

FINAL BILL REPORT

HB 1207

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Synopsis as Enacted

Brief Description: Concerning cemetery district formation requirements.

Sponsors: Representatives Haigh, Takko and Ryu.

House Committee on Local Government
Senate Committee on Governmental Operations

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.

Formation of Cemetery Districts.

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.

Once the petition has been filed, the auditor 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 and provide notice for 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 on the establishment and for the initial district commissioners.

An election on the establishment of a cemetery district must generally be held and conducted in the same manner as a special election in the county and in accordance with specific precinct administration requirements and provisions. Establishment of the district requires an

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affirmative vote by two-thirds of the voters participating in the election. The election returns must be canvassed at the court house on the Monday following the election, and if there are sufficient votes in favor of the cemetery district, the board of county commissioners must declare by resolution that the cemetery district is duly organized. A copy of the resolution must be filed with the county auditor and county assessor without requiring payment of a recording fee.

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.

Cemetery District Commissioners.

The affairs of cemetery districts are managed by independently elected three-member boards of commissioners. Commissioners may be compensated for actual attendance at official meetings of the cemetery district at a rate of up to \$90.00 per day, not to exceed \$8,640.00 per year. These dollar thresholds are adjusted for inflation by the Office of Financial Management every five years. Commissioners may waive compensation by written waiver.

To achieve staggered terms of office, the initial three commissioners of a cemetery district, which are elected at the time of the district's formation, serve terms that vary in length between one and six years. Subsequent commissioners elected thereafter serve six-year terms of office. The polling places for a cemetery district election may be located inside or outside the boundaries of the cemetery district, and an election may not be held irregular or void on that account.

Summary:

Requirements governing the petition-based establishment process for cemetery districts are modified and generally divided into two classifications based upon the number of municipalities in the county within which the district would be formed.

A petition to establish a cemetery district in a county with only one city or town must be signed by 10 or more percent of the registered voters in the proposed district, based on the total votes cast in the most recent county general election. A petition to establish a cemetery district in a county with more than one city or town must be signed by 10 or more percent of the registered voters in the proposed district.

If the petition is filed in a county with only one city or town, the auditor has 15 days from the date of filing to determine the sufficiency of the petition. If, after the conclusion of this 15-day period, the county auditor determines the petition to be insufficient, he or she must return the petition to the filer for a 10-day period during which the filer may add additional signatures. After the petition is resubmitted, the county auditor has an additional 15 days to examine the petition and determine its sufficiency. If the petition is filed in a county with more than one city or town, the county auditor has 30 days from the date of filing to determine its sufficiency.

A ballot proposition to establish a cemetery district in a county with only one city or town must be approved by a majority of all votes cast at the election. Establishment propositions in all other counties must be approved by two-thirds of all votes cast at the election.

Election administration provisions related to cemetery districts have also been deleted or modified. Counties, when conducting a cemetery district establishment election, are no longer authorized to combine or divide and redefine county voting precincts. These counties are also no longer expressly required to canvass the returns of an establishment election at the county court house on the Monday following the election. Additionally, a provision expressly permitting polling places for cemetery districts to be located outside of the district, and barring these elections from being held irregular or void on that account, is deleted.

Votes on Final Passage:

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| House | 54 | 42 | |
| Senate | 35 | 13 | (Senate amended) |
| House | 60 | 35 | (House concurred) |

Effective: July 28, 2013