

HOUSE BILL REPORT

HB 1207

As Amended by the Senate

Title: An act relating to cemetery district formation requirements.

Brief Description: Concerning cemetery district formation requirements.

Sponsors: Representatives Haigh, Takko and Ryu.

Brief History:

Committee Activity:

Local Government: 1/25/13, 1/31/13 [DP].

Floor Activity:

Passed House: 3/5/13, 54-42.

Senate Amended.

Passed Senate: 4/15/13, 35-13.

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.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 5 members: Representatives Takko, Chair; Fitzgibbon, Vice Chair; Liias, Springer and Upthegrove.

Minority Report: Do not pass. Signed by 3 members: Representatives Taylor, Ranking Minority Member; Kochmar, Assistant Ranking Minority Member; Buys.

Staff: Ethan Moreno (786-7386).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 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 votes 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.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment:

(1) Limits modifications to the petition-based establishment process for cemetery districts proposed in the underlying bill, including modified petition sufficiency thresholds and allowing insufficient petitions to be returned for the collection of additional signatures, to only counties with a single municipality (city or town).

(2) Modifies election administration provisions relating to the establishment of cemetery districts, including: deleting provisions expressly authorizing the combining or dividing of election precincts in a district establishment election; deleting a provision allowing polling places for cemetery districts to be located outside of the cemetery district and barring elections from being held irregular or void on that account; deleting a provision obligating the canvassing of the district establishment election to begin at the applicable court house on the Monday following the election; and permitting, rather than entitling, the county's district establishment resolution to be recorded free of charge.

(3) Limits amendatory provisions in the underlying bill authorizing the establishment of a cemetery district with a ballot measure approved by simple majority, rather than a two-thirds majority, to counties with a single municipality.

(4) Makes numerous technical changes.

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.

Staff Summary of Public Testimony:

(In support) A cemetery in Shelton is the beneficiary of efforts from many people. Funding to maintain the cemetery has been reduced and local residents are trying to find a way to financially maintain a cemetery. This bill will assist with those efforts and reflects support of a "50 percent majority rule" concept.

The voter approval level needed to establish a cemetery district should not be higher than what is required for other districts. This bill is a request to lower the requirement, to level the playing field, and to prevent a cemetery from becoming defunct.

Cemeteries are places of local history. Cemeteries also help with the grieving process by giving people a place to honor the deceased. Cemeteries can be run by volunteers, but a cemetery district would have elected members and would be responsible to the public. A 3 cents levy would appear to be sufficient to fund the district.

Mason County residents tried to form a cemetery district in 2010. The ballot measure received an approval of 58.78 percent, but failed by 100 votes. Some formation requirements are archaic and inconsistent with those of other districts. The current two-thirds voter approval requirement is excessive, and the proposed changes to the petition requirements will align cemetery district requirements with those of other districts. The proposed changes are common sense.

(Opposed) None.

Persons Testifying: Representative Haigh, prime sponsor; Robert Shaw, Mount Moriah Lodge No. 11; David Pifke, Shelton Memorial Park Board and VFW Post 1694; Douglas D. Coles, VFW Post 1694 and Shelton, Mason County Cemetery Board; and Karen Herr, Washington State Association of County Auditors.

Persons Signed In To Testify But Not Testifying: None.