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HOUSE BILL 1207

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State of Washington                      63rd Legislature                      2013 Regular Session

By Representatives Haigh, Takko, and Ryu

Read first time 01/18/13. Referred to Committee on Local Government.

1            AN ACT Relating to cemetery district formation requirements; and  
2 amending RCW 68.52.100 and 68.52.170.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 68.52.100 and 2008 c 96 s 1 are each amended to read  
5 as follows:

6            For the purpose of forming a cemetery district, a petition  
7 designating the boundaries of the proposed district by metes and bounds  
8 or describing the lands to be included in the proposed district by  
9 government townships, ranges, and legal subdivisions, signed by not  
10 less than ten percent of the registered voters who reside within the  
11 boundaries of the proposed district based on the total vote cast in the  
12 last general county election, setting forth the object of the formation  
13 of such district and stating that the establishment thereof will be  
14 conducive to the public welfare and convenience, (~~shall~~) must be  
15 filed with the county auditor of the county within which the proposed  
16 district is located, accompanied by an obligation signed by two or more  
17 petitioners agreeing to pay the cost of publishing the notice  
18 hereinafter provided for. The county auditor (~~shall~~) must, within  
19 (~~thirty~~) fifteen days from the date of filing of such petition,

1 examine the signatures and certify to the sufficiency or insufficiency  
2 thereof. (~~The name of any person who signed a petition shall not be~~  
3 ~~withdrawn from the petition after it has been filed with the county~~  
4 ~~auditor. If the petition is found to contain a sufficient number of~~  
5 ~~valid signatures)) If the petition is found to be insufficient, it must  
6 be returned to the persons filing it, who may amend or add names  
7 thereto for ten days, when it must be returned to the auditor, who has  
8 an additional fifteen days to examine it and attach the certificate  
9 thereto. No person signing the petition may withdraw his or her name  
10 from the petition after filing. When the petition is certified as  
11 sufficient, the county auditor (~~shall~~) must transmit it, together  
12 with ((a)) the certificate of sufficiency attached, to the county  
13 legislative authority, which (~~shall~~) must thereupon, by resolution  
14 entered upon its minutes, receive the same and fix a day and hour when  
15 it will publicly hear the petition.~~

16 **Sec. 2.** RCW 68.52.170 and 1947 c 6 s 9 are each amended to read as  
17 follows:

18 The returns of such election (~~shall~~) must be canvassed at the  
19 court house (~~on the Monday next following the day of the election, but~~  
20 ~~the canvass)) following the election and may be adjourned from time to  
21 time if necessary to await the receipt of election returns which may be  
22 unavoidably delayed. The canvassing officials, upon conclusion of the  
23 canvass, (~~shall forthwith~~) must certify the results thereof in  
24 writing to the board of county commissioners. If upon examination of  
25 the certificate of the canvassing officials it is found that (~~two-~~  
26 ~~thirds~~) a simple majority of all the votes cast at (~~said~~) the  
27 election were in favor of the formation of the cemetery district, the  
28 board of county commissioners (~~shall~~) must, by resolution entered  
29 upon its minutes, declare such territory duly organized as a cemetery  
30 district under the name theretofore designated and (~~shall~~) must  
31 declare the three candidates receiving the highest number of votes for  
32 cemetery commissioners, the duly elected first cemetery commissioners  
33 of the district. The clerk of the board of county commissioners  
34 (~~shall~~) must certify a copy of the resolution and cause it to be  
35 filed for record in the offices of the county auditor and the county  
36 assessor of the county. The certified copy (~~shall be~~) is entitled to  
37 (~~record~~) be recorded without payment of a recording fee. If the~~

1 certificate of the canvassing officials shows that the proposition to  
2 organize the proposed cemetery district failed to receive ((two-  
3 thirds)) a simple majority of the votes cast at ((said)) the election,  
4 the board of county commissioners ((shall)) must enter a minute to that  
5 effect and all proceedings theretofore ((had shall become)) are null  
6 and void.

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