

SENATE BILL REPORT

SB 5235

As Reported by Senate Committee On:
Local Government, January 31, 2017

Title: An act relating to withdrawing territory from a cemetery district.

Brief Description: Withdrawing territory from a cemetery district.

Sponsors: Senator Takko.

Brief History:

Committee Activity: Local Government: 1/26/17, 1/31/17 [DPS].

Brief Summary of Substitute Bill

- Provides cemetery districts with the same territory withdrawal procedures as those used by water-sewer districts, but requires a special election for all withdrawals.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: That Substitute Senate Bill No. 5235 be substituted therefor, and the substitute bill do pass.

Signed by Senators Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Staff: Alex Fairfortune (786-7416)

Background: Cemetery Districts. A cemetery district (district) is a municipal corporation governed by a board of three elected commissioners that provides cemeteries and conducts cemetery business. Districts are authorized to annex territory, merge, and dissolve. There is currently no process by which a district may withdraw territory from its boundaries.

Water-sewer District Withdrawal Procedure. The process to withdraw territory from a water-sewer district begins when a petition, signed by at least 25 percent of voters residing in the territory to be withdrawn, is submitted to the county auditor. If no voters reside in the territory to be withdrawn, a petition must be signed by the landowners who own a majority of

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acreage in the territory to be withdrawn. Alternatively, a withdrawal of territory may be commenced by a resolution of the district board of commissioners (board).

The board is required to hold a public hearing at which it adopts findings of fact and makes recommendations. It must answer the following questions:

- Would the withdrawal of such territory be of benefit to such territory?
- Would such withdrawal be conducive to the general welfare of the balance of the district?

The county legislative authority must then hold a public hearing at which it adopts findings of fact, answering the same two questions. If both the board and the county legislative authority answer yes to the questions, then the territory is withdrawn by resolution. If the board and the county legislative authority do not agree, or if the county legislative authority answers no to either of the questions, then a special election is held. A majority vote of approval on the proposition by district residents is required for withdrawal.

Summary of Bill (First Substitute): Cemetery districts are provided with the same territory withdrawal procedures as those used by water sewer districts. However, cemetery districts cannot be withdrawn unless a special election is held and a majority of votes cast by qualified voters residing in the district approve the withdrawal. Agreement between the district board of commissioners and the county legislative authority will not preclude this election.

EFFECT OF CHANGES MADE BY LOCAL GOVERNMENT COMMITTEE (First Substitute):

- Prohibits cemetery districts from withdrawing territory unless a special election is held and a majority vote of approval is obtained.
- Specifies that agreement between the district board of commissioners and the county legislative authority does not preclude an election.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill is getting to a very specific issue dealing with isolated properties in a cemetery district. All districts have a way of de-annexing property except cemetery districts. There is a situation in Lewis County where this process may or may not be used.

Persons Testifying: PRO: Senator Dean Takko, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.