

# FINAL BILL REPORT

## SSB 5235

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C 62 L 17  
Synopsis as Enacted

**Brief Description:** Withdrawing territory from a cemetery district.

**Sponsors:** Senate Committee on Local Government (originally sponsored by Senator Takko).

**Senate Committee on Local Government**  
**House Committee on Local Government**

**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a water-sewer district begins when a petition, signed by at least 25 percent of voters residing in the territory to be withdrawn, is submitted to the county auditor. If no voters reside in the territory to be withdrawn, a petition must be signed by the landowners who own a majority of acreage in the territory to be withdrawn.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 If both the board and the county legislative authority answer yes to the questions, then the territory is withdrawn by resolution.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:** 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 However, cemetery districts cannot be withdrawn unless a special election is held and a majority of votes cast by qualified voters residing in the

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district approve the withdrawal. Agreement between the district board of commissioners and the county legislative authority will not preclude this election.

**Votes on Final Passage:**

Senate	47	0
House	96	0

**Effective:** July 23, 2017