

# SENATE BILL REPORT

## SB 5177

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As of January 22, 2019

**Title:** An act relating to cemetery district withdrawal of territory.

**Brief Description:** Concerning cemetery district withdrawal of territory.

**Sponsors:** Senators Braun and Takko.

**Brief History:**

**Committee Activity:** Local Government: 1/22/19, 1/22/19.

**Brief Summary of Bill**

- Allows a cemetery district to withdraw territory without a special election if the territory has no qualified voters residing in it.
- Requires the approval of the land owners of the territory, if this withdrawal is initiated by the cemetery district board of commissioners.

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### SENATE COMMITTEE ON LOCAL GOVERNMENT

**Staff:** Greg Vogel (786-7413)

**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. Districts use the same territory withdrawal procedures as those used by water sewer districts. However, districts cannot be withdrawn unless a special election is held and a majority of votes cast by qualified voters residing in the district approve the withdrawal.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.

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a water-sewer district begins when a petition, signed by at least 25 percent of voters residing in the territory to be withdrawn, is submitted to the county auditor. If no voters reside in the territory to be withdrawn, a petition must be signed by the landowners who own a majority of acreage in the territory to be withdrawn.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).

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*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.*

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; and
- 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:** A district is allowed to withdraw territory without a special election if the territory has no qualified voters residing in it. However, if this withdrawal is initiated by the board, then the territory may not be withdrawn unless written approval is attained from the owners of not less than 60 percent of the area of land included in the resolution for withdrawal. The written approval must be attained within 60 days from the date of the final hearing of any county legislative authority on the resolution for withdrawal. Agreement between the board and the county legislative authority will not preclude the written approval requirement.

**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:** PRO: This bill is a slight improvement on the effort spearheaded earlier. It makes the process more logical and helps districts where it is currently cost prohibitive to hold a special election. This bill would also allow landowners to have a say in the withdrawal process for territories with no qualified voters in the area. It would still require board approval in order to do so.

**Persons Testifying:** PRO: Senator John Braun, Prime Sponsor; Melanie Clowe, Lewis County Cemetery District #2.

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