

HB 1207 - S AMD 278
By Senator Sheldon

ADOPTED 04/15/2013

1 Strike everything after the enacting clause and insert the
2 following:

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

5 ~~((For the purpose of forming))~~ (1) To form a cemetery district, a
6 petition designating the boundaries of the proposed district by metes
7 and bounds or describing the lands to be included in the proposed
8 district by government townships, ranges, and legal subdivisions,
9 ~~((signed by not less than ten percent of the registered voters who
10 reside within the boundaries of the proposed district,))~~ setting forth
11 the object of the formation of ~~((such))~~ the proposed district, and
12 stating that the ~~((establishment thereof))~~ formation of the proposed
13 district will be conducive to the public welfare and convenience,
14 ~~((shall))~~ must be filed with the county auditor of the county
15 ~~((within))~~ in which the proposed district is located, accompanied by an
16 obligation signed by two or more petitioners agreeing to pay the cost
17 of publishing the notice ~~((hereinafter provided for.))~~ specified in RCW
18 68.52.120.

19 (2) The petition must be signed by at least ten percent of the
20 registered voters in the proposed district. However, in counties with
21 only one municipality the petition must be signed by at least ten
22 percent of the registered voters in the proposed district, based on the
23 total vote cast in the most recent county general election.

24 (3) The county auditor ~~((shall))~~ must, within thirty days from the
25 date of filing of ~~((such))~~ the petition, examine the signatures and
26 certify ~~((to))~~ the sufficiency or insufficiency ~~((thereof.))~~ of the
27 petition.

28 (4) Notwithstanding subsection (3) of this section, in counties
29 with only one municipality the county auditor must examine the
30 signatures and certify the sufficiency or insufficiency of the petition

1 within fifteen days from the date of filing of the petition. If the
2 county auditor certifies that the petition is insufficient, the county
3 auditor must afford the person who filed the petition ten days from
4 that certification to add additional signatures to the petition. The
5 petition must be refiled by the end of that period. Within fifteen
6 days from the date of refileing, the county auditor must examine the
7 signatures and certify the sufficiency or insufficiency of the
8 petition.

9 (5) The name of any person who signed a petition (~~shall~~) may not
10 be withdrawn from the petition after it has been filed with the county
11 auditor.

12 (6) If the petition is found to contain a sufficient number of
13 valid signatures, the county auditor (~~shall~~) must transmit it, with
14 a certificate of sufficiency attached, to the county legislative
15 authority, which (~~shall~~) must thereupon, by resolution entered upon
16 its minutes, receive the (~~same~~) petition and fix a day and hour when
17 it will publicly hear the petition.

18 (7) For the purposes of this section, "municipality" means a city
19 or town.

20 **Sec. 2.** RCW 68.52.110 and 1947 c 6 s 3 are each amended to read as
21 follows:

22 The (~~hearing on such petition shall be at the office of the board~~
23 ~~of county commissioners and shall be held~~) county legislative
24 authority must conduct a hearing on the petition not less than twenty
25 nor more than forty days from the date of receipt (~~thereof~~) of the
26 petition from the county auditor. The hearing may be completed on the
27 day set (~~therefor~~) for hearing the petition or it may be adjourned
28 from time to time as (~~may be~~) necessary, but (~~such adjournment or~~
29 adjournments shall not extend the time for determining said petition
30 more than sixty days in all from the date of receipt by the board) an
31 adjournment may not extend the time for the county legislative
32 authority's determination pursuant to RCW 68.52.140 more than sixty
33 days from the date of receipt of the petition from the county auditor.

34 **Sec. 3.** RCW 68.52.120 and 2012 c 117 s 319 are each amended to
35 read as follows:

36 (~~A copy of~~) The text of the petition with the names of

1 petitioners omitted(~~(, together with)~~) and a notice signed by the clerk
2 of the (~~(board of county commissioners)~~) county legislative authority
3 stating the day, hour, and place of the hearing(~~(, shall)~~) must be
4 published in three consecutive weekly issues of the official newspaper
5 of the county prior to the date of the hearing. (~~(Said clerk shall)~~)
6 The clerk must also cause a copy of the petition with the names of
7 petitioners omitted, (~~(together)~~) with a copy of the notice attached,
8 to be posted for not less than fifteen days before the date of the
9 hearing in (~~(each of)~~) three public places (~~(within the boundaries of)~~)
10 in the proposed district, to be previously designated by him or her and
11 made a matter of record in the proceedings.

12 **Sec. 4.** RCW 68.52.130 and 1947 c 6 s 5 are each amended to read as
13 follows:

14 At the time and place fixed for the hearing on the petition or at
15 any adjournment thereof, the (~~(board of county commissioners shall hear~~
16 ~~said)~~) county legislative authority must hear the petition and receive
17 such evidence as it may deem material in favor of or opposed to the
18 formation of the proposed cemetery district or to the inclusion
19 (~~(therein)~~) or exclusion (~~(therefrom)~~) of any lands in the proposed
20 district, but no lands not within the boundaries of the proposed
21 district as described in the petition (~~(shall)~~) may be included without
22 a written waiver describing the land, executed by all persons having
23 any interest of record therein, having been filed in the proceedings.
24 No land within the boundaries described in the petition (~~(shall)~~) may
25 be excluded from the proposed district.

26 **Sec. 5.** RCW 68.52.140 and 1996 c 324 s 3 are each amended to read
27 as follows:

28 (~~(The county legislative authority shall have full authority to~~
29 ~~hear and determine the petition, and if it finds that the formation of~~
30 ~~the district will be conducive to the public welfare and convenience,~~
31 ~~it shall by resolution so declare, otherwise it shall deny the~~
32 ~~petition. If the county legislative authority finds in favor of the~~
33 ~~formation of the district, it shall designate the name and number of~~
34 ~~the district, fix the boundaries thereof, and cause an election to be~~
35 ~~held therein for the purpose of determining whether or not the district~~
36 ~~shall be organized under the provisions of this chapter, and for the~~

1 ~~purpose of electing its first cemetery district commissioners. At the~~
2 ~~same election three cemetery district commissioners shall be elected,~~
3 ~~but the election of the commissioners shall be null and void if the~~
4 ~~district is not created. No primary shall be held for the office of~~
5 ~~cemetery district commissioner. A special filing period shall be~~
6 ~~opened as provided in RCW 29.15.170 and 29.15.180. Candidates shall~~
7 ~~run for specific commissioner positions. The person receiving the~~
8 ~~greatest number of votes for each commissioner position shall be~~
9 ~~elected to that commissioner))~~ (1) After conducting the hearing on the
10 petition, if the county legislative authority determines that the
11 formation of the proposed cemetery district will be conducive to the
12 public welfare and convenience, the county legislative authority must
13 by resolution so declare, otherwise the county legislative authority
14 must deny the petition.

15 (2) If the county legislative authority finds in favor of the
16 formation of the proposed district, the county legislative authority
17 must designate the name and number of the proposed district, fix the
18 boundaries of the proposed district, and cause an election to be held
19 in the proposed district to determine whether the proposed district
20 will be formed under the provisions of this chapter, and to elect the
21 first cemetery district commissioners.

22 (3) Three cemetery district commissioners must be elected at the
23 election to determine whether the proposed district will be formed, but
24 the election of the commissioners is null and void if the district is
25 not formed. No primary will be held for the office of cemetery
26 district commissioner. A special filing period must be opened as
27 provided in RCW 29A.24.171 and 29A.24.181. Candidates must run for
28 specific commissioner positions. The person receiving the greatest
29 number of votes for each commissioner position is elected to that
30 position. The terms of office of the initial commissioners ((shall
31 be)) are as provided in RCW 68.52.220.

32 **Sec. 6.** RCW 68.52.150 and 1947 c 6 s 7 are each amended to read as
33 follows:

34 Except as otherwise provided in this chapter, the election
35 ((shall)) must insofar as possible be called, noticed, held, conducted,
36 and canvassed in the same manner and by the same officials as provided
37 by law for special elections in the county. ((For the purpose of such

1 ~~election county voting precincts may be combined or divided and~~
2 ~~redefined, and the territory in the district shall be included in one~~
3 ~~or more election precincts as may be deemed convenient, a polling place~~
4 ~~being designated for each such precinct. The notice of election shall~~
5 ~~state generally and briefly the purpose thereof, shall give the~~
6 ~~boundaries of the proposed district, define the election precinct or~~
7 ~~precincts, designate the polling place for each, mention the names of~~
8 ~~the candidates for first cemetery district commissioners, and name the~~
9 ~~day of the election and the hours during which the polls will be open))~~
10 The notice of election must: State generally and briefly the purpose
11 of the election; describe the boundaries of the proposed cemetery
12 district; list the names of the candidates for first cemetery district
13 commissioners; and specify the election date.

14 **Sec. 7.** RCW 68.52.170 and 1947 c 6 s 9 are each amended to read as
15 follows:

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

1 ~~all proceedings theretofore had shall become~~) (1) The returns of the
2 election must be canvassed following the election, but the canvass may
3 be adjourned from time to time to await the receipt of election
4 returns. Upon conclusion of the canvass, the canvassing officials must
5 certify the results to the county legislative authority.

6 (2) The cemetery district is formed if two-thirds of all votes cast
7 at the election were in favor of the formation of the proposed
8 district. However, in counties with only one municipality the district
9 is formed if a majority of all votes cast at the election were in favor
10 of the formation of the proposed district.

11 (3) If the proposition to form the proposed district received the
12 voter approval required under this section, the county legislative
13 authority must by resolution recorded in the county legislative
14 authority's minutes: Declare the district formed under the name and
15 number previously designated; and declare the three candidates
16 receiving the highest number of votes for cemetery district
17 commissioners as the duly elected first commissioners of the district.
18 The clerk of the county legislative authority must certify a copy of
19 the resolution and cause it to be filed for record in the offices of
20 the county auditor and the county assessor of the county. The
21 certified copy may be recorded without payment of a recording fee.

22 (4) If the proposition to form the proposed district failed to
23 receive the voter approval required under this section, the county
24 legislative authority must record in the county legislative authority's
25 minutes the failed vote, and all proceedings relating to the proposed
26 district are null and void.

27 (5) For the purposes of this section, "municipality" means a city
28 or town.

29 **Sec. 8.** RCW 68.52.180 and 1947 c 6 s 10 are each amended to read
30 as follows:

31 (1) Any person, firm, or corporation having a substantial interest
32 involved, and feeling aggrieved by any finding, determination, or
33 resolution of the (~~board of county commissioners~~) county legislative
34 authority under the provisions of this chapter, may appeal within five
35 days after (~~such~~) the finding, determination, or resolution was made
36 to the superior court of the county in the same manner as provided by

1 law for appeals from orders of (~~said board~~) the county legislative
2 authority.

3 (2) After the expiration of five days from the date of the
4 resolution declaring the district (~~organized~~) formed, and upon filing
5 of certified copies (~~thereof~~) of the resolution in the offices of the
6 county auditor and county assessor, the formation of the cemetery
7 district (~~shall be~~) is complete and its legal existence (~~shall~~) may
8 not thereafter be questioned by any person by reason of any defect in
9 the proceedings (~~had for the creation thereof~~) for the formation of
10 the cemetery district.

11 **Sec. 9.** RCW 68.52.220 and 2011 c 60 s 47 are each amended to read
12 as follows:

13 (1) The affairs of the cemetery district (~~shall~~) must be managed
14 by a board of cemetery district commissioners composed of three
15 members. The board may provide, by resolution passed by the
16 commissioners, for the payment of compensation to each of its
17 commissioners at a rate of up to ninety dollars for each day or portion
18 of a day spent in actual attendance at official meetings of the
19 district commission, or in performance of other official services or
20 duties on behalf of the district. However, the compensation for each
21 commissioner must not exceed eight thousand six hundred forty dollars
22 per year.

23 (2) Any commissioner may waive all or any portion of his or her
24 compensation payable under this section as to any month or months
25 during his or her term of office, by a written waiver filed with the
26 clerk of the board. The waiver, to be effective, must be filed any
27 time after the commissioner's election and prior to the date on which
28 the compensation would otherwise be paid. The waiver (~~shall~~) must
29 specify the month or period of months for which it is made. The board
30 (~~shall~~) must fix the compensation to be paid the secretary and other
31 employees of the district. Cemetery district commissioners and
32 candidates for cemetery district commissioner are exempt from the
33 requirements of chapter 42.17A RCW.

34 (3) The initial cemetery district commissioners (~~shall~~) must
35 assume office immediately upon their election and qualification.
36 Staggering of terms of office (~~shall~~) must be accomplished as
37 follows: (~~(1)~~) (a) The person elected receiving the greatest number

1 of votes (~~shall be~~) is elected to a six-year term of office if the
2 election is held in an odd-numbered year or a five-year term of office
3 if the election is held in an even-numbered year; (~~(+2)~~) (b) the
4 person who is elected receiving the next greatest number of votes
5 (~~shall be~~) is elected to a four-year term of office if the election
6 is held in an odd-numbered year or a three-year term of office if the
7 election is held in an even-numbered year; and (~~(+3)~~) (c) the other
8 person who is elected (~~shall be~~) is elected to a two-year term of
9 office if the election is held in an odd-numbered year or a one-year
10 term of office if the election is held in an even-numbered year. The
11 initial commissioners (~~shall~~) must assume office immediately after
12 they are elected and qualified but their terms of office (~~shall~~) must
13 be calculated from the first day of January after the election.

14 (4) Thereafter, commissioners (~~shall be~~) are elected to six-year
15 terms of office. Commissioners (~~shall~~) must serve until their
16 successors are elected and qualified and assume office as provided in
17 RCW 29A.20.040.

18 (~~The polling places for a cemetery district election may be
19 located inside or outside the boundaries of the district, as determined
20 by the auditor of the county in which the cemetery district is located,
21 and no such election shall be held irregular or void on that account.~~)

22 (5) The dollar thresholds established in this section must be
23 adjusted for inflation by the office of financial management every five
24 years, beginning July 1, 2008, based upon changes in the consumer price
25 index during that time period. "Consumer price index" means, for any
26 calendar year, that year's annual average consumer price index, for
27 Washington state, for wage earners and clerical workers, all items,
28 compiled by the bureau of labor and statistics, United States
29 department of labor. If the bureau of labor and statistics develops
30 more than one consumer price index for areas within the state, the
31 index covering the greatest number of people, covering areas
32 exclusively within the boundaries of the state, and including all items
33 (~~shall~~) must be used for the adjustments for inflation in this
34 section. The office of financial management must calculate the new
35 dollar threshold and transmit it to the office of the code reviser for
36 publication in the Washington State Register at least one month before
37 the new dollar threshold is to take effect.

1 (6) A person holding office as commissioner for two or more special
2 purpose districts (~~shall~~) may receive only that per diem compensation
3 authorized for one of his or her commissioner positions as compensation
4 for attending an official meeting or conducting official services or
5 duties while representing more than one of his or her districts.
6 However, such commissioner may receive additional per diem compensation
7 if approved by resolution of all boards of the affected commissions."

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By Senator Sheldon

ADOPTED 04/15/2013

8 On page 1, line 1 of the title, after "requirements;" strike the
9 remainder of the title and insert "and amending RCW 68.52.100,
10 68.52.110, 68.52.120, 68.52.130, 68.52.140, 68.52.150, 68.52.170,
11 68.52.180, and 68.52.220."

EFFECT: Provisions reducing the number of signatures required on petitions, allowing signatures to be added to petitions after initial filing, and reducing the voter approval requirement from two-thirds to a simple majority of voters are narrowed to apply only to formation of cemetery districts in counties with only one municipality (city or town), currently Ferry, Garfield, Jefferson, Mason, San Juan, and Wahkiakum counties. Technical changes to provisions applying statewide clarify applicability in home rule charter counties and delete outdated election administration language.

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