

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1207

Chapter 167, Laws of 2013

63rd Legislature
2013 Regular Session

CEMETERY DISTRICTS--FORMATION REQUIREMENTS

EFFECTIVE DATE: 07/28/13

Passed by the House April 22, 2013
Yeas 60 Nays 35

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 15, 2013
Yeas 35 Nays 13

BRAD OWEN

President of the Senate

Approved May 8, 2013, 2:11 p.m.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1207** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 8, 2013

**Secretary of State
State of Washington**

HOUSE BILL 1207

AS AMENDED BY THE SENATE

Passed Legislature - 2013 Regular Session

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, 68.52.110, 68.52.120, 68.52.130, 68.52.140,
3 68.52.150, 68.52.170, 68.52.180, and 68.52.220.

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

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

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

1 of publishing the notice (~~((hereinafter provided for.))~~) specified in RCW
2 68.52.120.

3 (2) The petition must be signed by at least ten percent of the
4 registered voters in the proposed district. However, in counties with
5 only one municipality the petition must be signed by at least ten
6 percent of the registered voters in the proposed district, based on the
7 total vote cast in the most recent county general election.

8 (3) The county auditor (~~((shall))~~) must, within thirty days from the
9 date of filing of (~~((such))~~) the petition, examine the signatures and
10 certify (~~((to))~~) the sufficiency or insufficiency (~~((thereof.))~~) of the
11 petition.

12 (4) Notwithstanding subsection (3) of this section, in counties
13 with only one municipality the county auditor must examine the
14 signatures and certify the sufficiency or insufficiency of the petition
15 within fifteen days from the date of filing of the petition. If the
16 county auditor certifies that the petition is insufficient, the county
17 auditor must afford the person who filed the petition ten days from
18 that certification to add additional signatures to the petition. The
19 petition must be refiled by the end of that period. Within fifteen
20 days from the date of refileing, the county auditor must examine the
21 signatures and certify the sufficiency or insufficiency of the
22 petition.

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

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

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

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

36 The (~~((hearing on such petition shall be at the office of the board~~
37 ~~of county commissioners and shall be held))~~) county legislative

1 authority must conduct a hearing on the petition not less than twenty
2 nor more than forty days from the date of receipt (~~((thereof))~~) of the
3 petition from the county auditor. The hearing may be completed on the
4 day set (~~((therefor))~~) for hearing the petition or it may be adjourned
5 from time to time as (~~((may be))~~) necessary, but (~~((such adjournment or~~
6 ~~adjournments shall not extend the time for determining said petition~~
7 ~~more than sixty days in all from the date of receipt by the board))~~) an
8 adjournment may not extend the time for the county legislative
9 authority's determination pursuant to RCW 68.52.140 more than sixty
10 days from the date of receipt of the petition from the county auditor.

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

13 (~~((A copy of))~~) The text of the petition with the names of
14 petitioners omitted(~~((, together with))~~) and a notice signed by the clerk
15 of the (~~((board of county commissioners))~~) county legislative authority
16 stating the day, hour, and place of the hearing(~~((, shall))~~) must be
17 published in three consecutive weekly issues of the official newspaper
18 of the county prior to the date of the hearing. (~~((Said clerk shall))~~)
19 The clerk must also cause a copy of the petition with the names of
20 petitioners omitted, (~~((together))~~) with a copy of the notice attached,
21 to be posted for not less than fifteen days before the date of the
22 hearing in (~~((each of))~~) three public places (~~((within the boundaries of))~~)
23 in the proposed district, to be previously designated by him or her and
24 made a matter of record in the proceedings.

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

27 At the time and place fixed for the hearing on the petition or at
28 any adjournment thereof, the (~~((board of county commissioners shall hear~~
29 ~~said))~~) county legislative authority must hear the petition and receive
30 such evidence as it may deem material in favor of or opposed to the
31 formation of the proposed cemetery district or to the inclusion
32 (~~((therein))~~) or exclusion (~~((therefrom))~~) of any lands in the proposed
33 district, but no lands not within the boundaries of the proposed
34 district as described in the petition (~~((shall))~~) may be included without
35 a written waiver describing the land, executed by all persons having

1 any interest of record therein, having been filed in the proceedings.
2 No land within the boundaries described in the petition (~~(shall)~~) may
3 be excluded from the proposed district.

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

6 ~~((The county legislative authority shall have full authority to
7 hear and determine the petition, and if it finds that the formation of
8 the district will be conducive to the public welfare and convenience,
9 it shall by resolution so declare, otherwise it shall deny the
10 petition. If the county legislative authority finds in favor of the
11 formation of the district, it shall designate the name and number of
12 the district, fix the boundaries thereof, and cause an election to be
13 held therein for the purpose of determining whether or not the district
14 shall be organized under the provisions of this chapter, and for the
15 purpose of electing its first cemetery district commissioners. At the
16 same election three cemetery district commissioners shall be elected,
17 but the election of the commissioners shall be null and void if the
18 district is not created. No primary shall be held for the office of
19 cemetery district commissioner. A special filing period shall be
20 opened as provided in RCW 29.15.170 and 29.15.180. Candidates shall
21 run for specific commissioner positions. The person receiving the
22 greatest number of votes for each commissioner position shall be
23 elected to that commissioner))~~ (1) After conducting the hearing on the
24 petition, if the county legislative authority determines that the
25 formation of the proposed cemetery district will be conducive to the
26 public welfare and convenience, the county legislative authority must
27 by resolution so declare, otherwise the county legislative authority
28 must deny the petition.

29 (2) If the county legislative authority finds in favor of the
30 formation of the proposed district, the county legislative authority
31 must designate the name and number of the proposed district, fix the
32 boundaries of the proposed district, and cause an election to be held
33 in the proposed district to determine whether the proposed district
34 will be formed under the provisions of this chapter, and to elect the
35 first cemetery district commissioners.

36 (3) Three cemetery district commissioners must be elected at the
37 election to determine whether the proposed district will be formed, but

1 the election of the commissioners is null and void if the district is
2 not formed. No primary will be held for the office of cemetery
3 district commissioner. A special filing period must be opened as
4 provided in RCW 29A.24.171 and 29A.24.181. Candidates must run for
5 specific commissioner positions. The person receiving the greatest
6 number of votes for each commissioner position is elected to that
7 position. The terms of office of the initial commissioners ((shall
8 be)) are as provided in RCW 68.52.220.

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

11 Except as otherwise provided in this chapter, the election
12 ((shall)) must insofar as possible be called, noticed, held, conducted,
13 and canvassed in the same manner and by the same officials as provided
14 by law for special elections in the county. ((For the purpose of such
15 election—county—voting—precincts—may—be—combined—or—divided—and
16 redefined, and the territory in the district shall be included in one
17 or more election precincts as may be deemed convenient, a polling place
18 being designated for each such precinct. The notice of election shall
19 state—generally—and—briefly—the—purpose—thereof,—shall—give—the
20 boundaries of the proposed district, define the election precinct or
21 precincts, designate the polling place for each, mention the names of
22 the candidates for first cemetery district commissioners, and name the
23 day of the election and the hours during which the polls will be open))
24 The notice of election must: State generally and briefly the purpose
25 of the election; describe the boundaries of the proposed cemetery
26 district; list the names of the candidates for first cemetery district
27 commissioners; and specify the election date.

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

30 ((The—returns—of—such—election—shall—be—canvassed—at—the—court
31 house on the Monday next following the day of the election, but the
32 canvass may be adjourned from time to time if necessary to await the
33 receipt of election returns which may be unavoidably delayed. The
34 canvassing officials, upon conclusion of the canvass, shall forthwith
35 certify—the—results—thereof—in—writing—to—the—board—of—county
36 commissioners.—If—upon—examination—of—the—certificate—of—the

1 canvassing officials it is found that two-thirds of all the votes cast
2 at said election were in favor of the formation of the cemetery
3 district, the board of county commissioners shall, by resolution
4 entered upon its minutes, declare such territory duly organized as a
5 cemetery district under the name theretofore designated and shall
6 declare the three candidates receiving the highest number of votes for
7 cemetery commissioners, the duly elected first cemetery commissioners
8 of the district. The clerk of the board of county commissioners shall
9 certify a copy of the resolution and cause it to be filed for record in
10 the offices of the county auditor and the county assessor of the
11 county. The certified copy shall be entitled to record without payment
12 of a recording fee. If the certificate of the canvassing officials
13 shows that the proposition to organize the proposed cemetery district
14 failed to receive two-thirds of the votes cast at said election, the
15 board of county commissioners shall enter a minute to that effect and
16 all proceedings theretofore had shall become) (1) The returns of the
17 election must be canvassed following the election, but the canvass may
18 be adjourned from time to time to await the receipt of election
19 returns. Upon conclusion of the canvass, the canvassing officials must
20 certify the results to the county legislative authority.

21 (2) The cemetery district is formed if two-thirds of all votes cast
22 at the election were in favor of the formation of the proposed
23 district. However, in counties with only one municipality the district
24 is formed if a majority of all votes cast at the election were in favor
25 of the formation of the proposed district.

26 (3) If the proposition to form the proposed district received the
27 voter approval required under this section, the county legislative
28 authority must by resolution recorded in the county legislative
29 authority's minutes: Declare the district formed under the name and
30 number previously designated; and declare the three candidates
31 receiving the highest number of votes for cemetery district
32 commissioners as the duly elected first commissioners of the district.
33 The clerk of the county legislative authority must certify a copy of
34 the resolution and cause it to be filed for record in the offices of
35 the county auditor and the county assessor of the county. The
36 certified copy may be recorded without payment of a recording fee.

37 (4) If the proposition to form the proposed district failed to
38 receive the voter approval required under this section, the county

1 legislative authority must record in the county legislative authority's
2 minutes the failed vote, and all proceedings relating to the proposed
3 district are null and void.

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

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

8 (1) Any person, firm, or corporation having a substantial interest
9 involved, and feeling aggrieved by any finding, determination, or
10 resolution of the ((board of county commissioners)) county legislative
11 authority under the provisions of this chapter, may appeal within five
12 days after ((such)) the finding, determination, or resolution was made
13 to the superior court of the county in the same manner as provided by
14 law for appeals from orders of ((said board)) the county legislative
15 authority.

16 (2) After the expiration of five days from the date of the
17 resolution declaring the district ((organized)) formed, and upon filing
18 of certified copies ((thereof)) of the resolution in the offices of the
19 county auditor and county assessor, the formation of the cemetery
20 district ((shall be)) is complete and its legal existence ((shall)) may
21 not thereafter be questioned by any person by reason of any defect in
22 the proceedings ((had for the creation thereof)) for the formation of
23 the cemetery district.

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

26 (1) The affairs of the cemetery district ((shall)) must be managed
27 by a board of cemetery district commissioners composed of three
28 members. The board may provide, by resolution passed by the
29 commissioners, for the payment of compensation to each of its
30 commissioners at a rate of up to ninety dollars for each day or portion
31 of a day spent in actual attendance at official meetings of the
32 district commission, or in performance of other official services or
33 duties on behalf of the district. However, the compensation for each
34 commissioner must not exceed eight thousand six hundred forty dollars
35 per year.

1 (2) Any commissioner may waive all or any portion of his or her
2 compensation payable under this section as to any month or months
3 during his or her term of office, by a written waiver filed with the
4 clerk of the board. The waiver, to be effective, must be filed any
5 time after the commissioner's election and prior to the date on which
6 the compensation would otherwise be paid. The waiver (~~(shall)~~) must
7 specify the month or period of months for which it is made. The board
8 (~~(shall)~~) must fix the compensation to be paid the secretary and other
9 employees of the district. Cemetery district commissioners and
10 candidates for cemetery district commissioner are exempt from the
11 requirements of chapter 42.17A RCW.

12 (3) The initial cemetery district commissioners (~~(shall)~~) must
13 assume office immediately upon their election and qualification.
14 Staggering of terms of office (~~(shall)~~) must be accomplished as
15 follows: (~~(1)~~) (a) The person elected receiving the greatest number
16 of votes (~~(shall be)~~) is elected to a six-year term of office if the
17 election is held in an odd-numbered year or a five-year term of office
18 if the election is held in an even-numbered year; (~~(2)~~) (b) the
19 person who is elected receiving the next greatest number of votes
20 (~~(shall be)~~) is elected to a four-year term of office if the election
21 is held in an odd-numbered year or a three-year term of office if the
22 election is held in an even-numbered year; and (~~(3)~~) (c) the other
23 person who is elected (~~(shall be)~~) is elected to a two-year term of
24 office if the election is held in an odd-numbered year or a one-year
25 term of office if the election is held in an even-numbered year. The
26 initial commissioners (~~(shall)~~) must assume office immediately after
27 they are elected and qualified but their terms of office (~~(shall)~~) must
28 be calculated from the first day of January after the election.

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

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

37 (5) The dollar thresholds established in this section must be
38 adjusted for inflation by the office of financial management every five

1 years, beginning July 1, 2008, based upon changes in the consumer price
2 index during that time period. "Consumer price index" means, for any
3 calendar year, that year's annual average consumer price index, for
4 Washington state, for wage earners and clerical workers, all items,
5 compiled by the bureau of labor and statistics, United States
6 department of labor. If the bureau of labor and statistics develops
7 more than one consumer price index for areas within the state, the
8 index covering the greatest number of people, covering areas
9 exclusively within the boundaries of the state, and including all items
10 (~~shall~~) must be used for the adjustments for inflation in this
11 section. The office of financial management must calculate the new
12 dollar threshold and transmit it to the office of the code reviser for
13 publication in the Washington State Register at least one month before
14 the new dollar threshold is to take effect.

15 (6) A person holding office as commissioner for two or more special
16 purpose districts (~~shall~~) may receive only that per diem compensation
17 authorized for one of his or her commissioner positions as compensation
18 for attending an official meeting or conducting official services or
19 duties while representing more than one of his or her districts.
20 However, such commissioner may receive additional per diem compensation
21 if approved by resolution of all boards of the affected commissions.

Passed by the House April 22, 2013.

Passed by the Senate April 15, 2013.

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