

CHAPTER 6.

[S. B. 179, Session of 1945.]

FORMATION OF CEMETERY DISTRICTS.

AN ACT relating to the formation of cemetery districts; prescribing procedure therefor; defining the powers and duties of such districts and their governing officers; prescribing powers and duties of certain county officers in relation thereto, and authorizing the levy of taxes.

Be it enacted by the Legislature of the State of Washington:

May be established in certain counties.

SECTION 1. Cemetery districts may be established in counties of the fifth, sixth, seventh, eighth and ninth classes, as defined in Pierce's Perpetual Code 475-23, chapter 26, Laws of 1941 (4200-1a, Remington's Supp. 1941), as in this act provided.

Petition.

SEC. 2. For the purpose of forming a cemetery district, a petition designating the boundaries of the proposed district by metes and bounds or describing the lands to be included in the proposed district by government townships, ranges and legal subdivisions, signed by not less than fifteen per cent (15%) of the qualified registered electors, who are property owners or are purchasing property under contract and who are resident within the boundaries of the district, setting forth the object of the formation of such district and stating that the establishment thereof will be conducive to the public welfare and convenience, shall be filed with the County Auditor of the county within which the proposed district is located, accompanied by an obligation signed by two (2) or more petitioners agreeing to pay the cost of publishing the notice hereinafter provided for. The County Auditor shall, within thirty (30) days from the date of filing of such petition, examine the signatures and certify to the sufficiency or insufficiency thereof and for such purpose shall have access to registration books and records in possession of the registration officers of the election precincts

Filing.

County auditor to verify.

included in whole or in part within the boundaries of the proposed district and to the tax rolls and other records in the offices of the County Assessor and County Treasurer. No person having signed a petition shall be allowed to withdraw his name therefrom after it has been filed with the County Auditor. If the petition is found to contain a sufficient number of signatures of qualified persons, the County Auditor shall transmit it, with his certificate of sufficiency attached, to the Board of County Commissioners which shall thereupon, by resolution entered upon its minutes, receive the same and fix a day and hour when it will publicly hear said petition.

Transmittal
to county
commiss-
ioners.

SEC. 3. The hearing on such petition shall be at the office of the Board of County Commissioners and shall be held not less than twenty (20) nor more than forty (40) days from the date of receipt thereof from the County Auditor. The hearing may be completed on the day set therefor or it may be adjourned from time to time as may be necessary, but such adjournment or adjournments shall not extend the time for determining [determining] said petition more than sixty (60) days in all from the date of receipt by the board.

Time of
hearing by
county com-
missioners.

SEC. 4. A copy of the petition with the names of petitioners omitted, together with a notice signed by the clerk of the Board of County Commissioners stating the day, hour and place of the hearing, shall be published in three (3) consecutive weekly issues of the official newspaper of the county prior to the date of hearing. Said clerk shall also cause a copy of the petition with the names of petitioners omitted, together with a copy of the notice attached, to be posted for not less than fifteen (15) days before the date of hearing in each of three (3) public places within the boundaries of the proposed district, to be previously designated by him and made a matter of record in the proceedings.

Publication
of petition.

Posting.

SEC. 5. At the time and place fixed for hearing on the petition or at any adjournment thereof, the Board of County Commissioners shall hear said petition and receive such evidence as it may deem material in favor of or opposed to the formation of the district or to the inclusion therein or exclusion therefrom of any lands, but no lands not within the boundaries of the proposed district as described in the petition shall be included without a written waiver describing the land, executed by all persons having any interest of record therein, having been filed in the proceedings. No land within the boundaries described in petition shall be excluded from the district.

Procedure for hearing.

County commissioners may deny petition.

SEC. 6. The Board of County Commissioners shall have full authority to hear and determine the petition, and if it finds that the formation of the district will be conducive to the public welfare and convenience, it shall by resolution so declare, otherwise it shall deny the petition. If the board finds in favor of the formation of the district, it shall designate the name and number of the district, fix the boundaries thereof, and cause an election to be held therein for the purpose of determining whether or not the district shall be organized under the provisions of this act, and for the purpose of electing its first cemetery district commissioners. The Board shall, prior to calling the said election, name three (3) registered resident electors who are property owners or are purchasing property under contract within the boundaries of the district as candidates for election as cemetery district commissioners.

May fix boundaries and call election.

Nomination of district commissioners.

Election.

SEC. 7. Except as otherwise provided in this act, the election shall in so far as possible be called, noticed, held, conducted and canvassed in the same manner and by the same officials as provided by law for special elections in the county. For the purpose of such election county voting precincts may

be combined or divided and redefined, and the territory in the district shall be included in one or more election precincts as may be deemed convenient, a polling place being designated for each such precinct. The notice of election shall state generally and briefly the purpose thereof, shall give the boundaries of the proposed district, define the election precinct or precincts, designate the polling place for each, mention the names of the candidates for first cemetery district commissioners, and name the day of the election and the hours during which the polls will be open.

Notice of election.

SEC. 8. The ballot for said election shall be in such form as may be convenient but shall present the propositions substantially as follows:

Ballot.

..... (insert county name) Cemetery District
 No..... (insert number)
Yes.....
 (insert county name) Cemetery District
 No..... (insert number)
No.....

and shall specify the names of the candidates nominated for election as the first cemetery district commissioners with appropriate space to vote for the same.

SEC. 9. The returns of such election shall be canvassed at the court house on the Monday next following the day of the election, but the canvass may be adjourned from time to time if necessary to await the receipt of election returns which may be unavoidably delayed. The canvassing officials, upon conclusion of the canvass, shall forthwith certify the results thereof in writing to the Board of County Commissioners. If upon examination of the certificate of the canvassing officials it is found that two-thirds ($\frac{2}{3}$ s) of all the votes cast at said election were in favor of the formation of the cemetery district, the Board of County Commissioners shall, by resolution entered upon its minutes, declare such

Election returns.

Resolution of county commissioners.

territory duly organized as a cemetery district under the name theretofore designated and shall declare the three (3) candidates receiving the highest number of votes for cemetery commissioners, the duly elected first cemetery commissioners of the district. The Clerk of the Board of County Commissioners shall certify a copy of the resolution and cause it to be filed for record in the offices of the County Auditor and the County Assessor of the county. The certified copy shall be entitled to record without payment of a recording fee. If the certificate of the canvassing officials shows that the proposition to organize the proposed cemetery district failed to receive two-thirds ($\frac{2}{3}$ s) of the votes cast at said election, the Board of County Commissioners shall enter a minute to that effect and all proceedings theretofore had shall become null and void.

Two-thirds
vote
necessary.

SEC. 10. Any person, firm or corporation having a substantial interest involved, and feeling aggrieved by any finding, determination or resolution of the Board of County Commissioners under the provisions of this act, may appeal within five (5) days after such finding, determination or resolution was made to the Superior Court of the county in the same manner as provided by law for appeals from orders of said board. After the expiration of five (5) days from the date of the resolution declaring the district organized, and upon filing of certified copies thereof in the offices of the County Auditor and County Assessor, the formation of the district shall be complete and its legal existence shall not thereafter be questioned by any person by reason of any defect in the proceedings had for the creation thereof.

Appeal.

SEC. 11. Cemetery districts created under this act shall be deemed to be municipal corporations within the purview of the constitution and laws of the State of Washington. They shall not be liable for the torts of their officers, agents or employees. They shall

constitute bodies corporate and possess all the usual powers of corporations for public purposes. They shall have full authority to carry out the objects of their creation, and to that end are empowered to acquire, hold, lease, manage, occupy and sell real and personal property or any interest therein; to enter into and perform any and all necessary contracts; to appoint and employ necessary officers, agents and employees; to contract indebtedness; to borrow money; to levy and enforce the collection of taxes against the lands within the district, and to do any and all lawful acts to effectuate the purposes of this act.

Powers of cemetery districts.

SEC. 12. The taking and damaging of property or rights therein by any cemetery district to carry out the purposes of its creation, are hereby declared to be for a public use, and any such district shall have and exercise the power of eminent domain to acquire any property or rights therein, either inside or outside the district for the use of such district. In exercising the power of eminent domain, a district shall proceed in the manner provided by law for the appropriation of real property or rights therein by private corporations. It may at its option unite in a single action proceedings to condemn property held by separate owners. Two (2) or more condemnation suits instituted separately may also in the discretion of the court be consolidated upon motion of any interested party into a single action. In such cases the jury shall render separate verdicts for each tract of land in different ownership. No finding of the jury or decree of the court as to damages in any condemnation suit instituted by the district shall be held or construed to destroy the right of the district to levy and collect taxes for any and all district purposes against the uncondemned land situated within the district.

Have power of eminent domain.

Procedure in condemnation proceedings.

SEC. 13. (a) A cemetery district organized under this act shall have power to acquire, establish, maintain, manage, improve and operate cemeteries and conduct any and all of the businesses of a cemetery as defined in the "General Cemetery Act," being chapter 247, Laws of 1943. A cemetery district shall constitute a cemetery authority as defined in said act and shall have and exercise all powers conferred by said act upon a cemetery authority and be subject to the provisions thereof.

District is a cemetery authority.

(b) A cemetery district may include within its boundaries the lands embraced within the corporate limits of fourth class towns and in any such case the district may acquire any cemetery or cemeteries theretofore maintained and operated by the town and proceed to maintain, manage, improve and operate the same under the provisions of this act. In such event the town council, after the transfer takes place, shall levy no cemetery tax. The power of eminent domain heretofore conferred shall not extend to the condemnation of existing cemeteries within the district.

Towns may be included in district.

SEC. 14. The affairs of the district shall be managed by a Board of Cemetery District Commissioners composed of three qualified electors of the district. Members of the board shall receive no compensation for their services, but shall receive expenses necessarily incurred in attending meetings of the Board or when otherwise engaged in district business. The Board shall fix the compensation to be paid the secretary and other employees of the district. The first three Cemetery District Commissioners shall serve only until the next general election, provided such election occurs thirty (30) or more days after the formation of the district, and until their successors have been elected and qualified. At the next general election, provided it occurs thirty (30) or more days after the formation of the district, three

Cemetery district commissioners.

No compensation. Expenses.

Employees.

(3) members of the Board of Cemetery Commissioners shall be chosen. They shall have the same qualifications as required of the first three (3) cemetery commissioners. The candidate receiving the highest number of votes shall serve for a term of six (6) years beginning on the second Monday in January following; the candidate receiving the next higher number of votes shall serve for a term of four (4) years from said date; and the candidate receiving the next higher number of votes shall serve for a term of two (2) years from said date. Upon the expiration of their respective terms, successors shall be chosen for terms of six (6) years to begin on the second Monday in January next succeeding the day of election. Such commissioners shall serve until their successors have been elected and qualified. Elections shall be called, noticed, conducted and canvassed by the same officials as provided for general county elections. The polling places for a cemetery district election shall be those of the county voting precincts which include any of the territory within the cemetery district, and may be located outside the boundaries of the district, and no such election shall be held irregular or void on that account.

Terms of
commiss-
sioners.

Polling
places.

SEC. 15. Not later than fifteen (15) days before the day of election, any qualified registered elector of the district desiring to become a candidate for the office of cemetery district commissioner shall file with the County Auditor of his county a statement of his candidacy in the same manner as provided for candidates for county office. All electors so filing their statements shall be entitled to have their names appear as candidates on the election ballot.

Candidates
for commis-
sioner.

SEC. 16. In case a vacancy occurs in the office of Cemetery Commissioner, it shall be filled by appointment of a qualified registered elector of the district by the Board of County Commissioners, and the per-

Vacancies.

son appointed shall serve until his successor has been elected and qualified. At the next general election, provided there is sufficient time for the nomination of candidates for the office of Cemetery Commissioner after the filling of a vacancy in such office, there shall be elected a Cemetery Commissioner to serve for the remainder of the unexpired term.

Special elections.

SEC. 17. Special elections submitting propositions to the qualified voters of the district may be called at any time by resolution of the Cemetery Commissioners, and shall be called, noticed, held, conducted and canvassed in the same manner and by the same officials as provided for the election to determine whether the district shall be created. The qualifications of electors at all district elections shall be the same as for general state and county elections.

Oath of commissioners.

SEC. 18. Each Cemetery Commissioner, before assuming the duties of his office, shall take and subscribe an official oath to faithfully discharge the duties of his office, which oath shall be filed in the office of the County Clerk.

Chairman.

Secretary.

Office.

Meetings.

SEC. 19. The Board of Cemetery District Commissioners shall organize and elect a chairman from their number and shall appoint a secretary for such term as they may determine. The Secretary shall keep a record of proceedings of the Board and perform such other duties as may be prescribed by law or by the Board, and shall also take and subscribe an oath for the faithful discharge of his duties, which shall be filed with the County Clerk. The office of the Board of Cemetery Commissioners and principal place of business of the district shall be at some place in the district designated by the Board. The Board shall hold regular monthly meetings at its office on such day as it may by resolution determine and may adjourn such meetings as may be required for the

transaction of business. Special meetings of the Board may be called at any time by a majority of the commissioners or by the Secretary and the Chairman of the Board. Any commissioner not joining in the call of a special meeting shall be entitled to three (3) days written notice by mail of such meeting, specifying generally the business to be transacted. All meetings of the Board of Cemetery Commissioners shall be public and a majority shall constitute a quorum. All records of the Board shall be open to the inspection of any elector of the district at any meeting of the Board. The Board shall adopt a seal for the district; manage and conduct the affairs of the district; make and execute all necessary contracts; employ any necessary service, and promulgate reasonable rules and regulations for the government of the district and the performance of its functions and generally perform all acts which may be necessary to carry out the purposes for which the district was formed.

Records.

Seal.

Make regulations.

SEC. 20. It shall be the duty of the County Treasurer of the county in which any cemetery district is situated to receive and disburse all district revenues and collect all taxes authorized and levied under this act. There is hereby created in the office of County Treasurer of each county in which a cemetery district shall be organized for the use of the district, a Cemetery District Fund. All taxes levied for district purposes when collected shall be placed by the County Treasurer in the Cemetery District Fund.

County treasurer is district treasurer.

Cemetery District Fund.

SEC. 21. Annually, after the county board of equalization has equalized assessments for general tax purposes, the secretary of the district shall prepare a budget of the requirements of the Cemetery District Fund, certify the same and deliver it to the Board of County Commissioners in ample time for such board to levy district taxes. At the time of

District budget.

Tax levy.

making general tax levies in each year, the Board of County Commissioners shall levy taxes required for cemetery district purposes against the real and personal property in the district in accordance with the equalized valuation thereof for general tax purposes, and as a part of said general taxes. Such levies shall be part of the general tax roll and be collected as a part of general taxes against the property in the district.

Disbursement of funds.

SEC. 22. The County Treasurer shall disburse the Cemetery District Fund upon warrants issued by the County Auditor on vouchers approved and signed by a majority of the Board of Cemetery Commissioners and the secretary thereof.

Limit on indebtedness.

SEC. 23. The Board of Cemetery Commissioners shall have no authority to contract indebtedness in any year in excess of the aggregate amount of the currently levied taxes, which annual tax levy for cemetery district purposes shall not exceed one-half ($\frac{1}{2}$) mill on the dollar of assessed valuation.

Dissolution.

SEC. 24. Cemetery districts may be dissolved by a majority vote of the electors at an election called for that purpose, which shall be conducted in the same manner as provided for special elections, and no further district obligations shall thereafter be incurred, but such dissolution shall not abridge or cancel any of the outstanding obligations of the district, and the Board of County Commissioners shall have authority to make annual levies against the lands included within the district until the obligations of the district are fully paid. When the obligations are fully paid, any monies remaining in the Cemetery District Fund and all collections of unpaid district taxes shall be transferred to the current expense fund of the county.

Severability clause.

SEC. 25. If any portion of this act shall be adjudged invalid or unconstitutional for any reason,

such adjudication shall not affect, impair or invalidate the remaining portions of the act.

Passed the Senate February 22, 1945.

Passed the House March 5, 1945.

Passed the Senate notwithstanding veto of the Governor January 14, 1947.

Passed the House notwithstanding veto of the Governor January 15, 1947.

CHAPTER 7.

[S. B. 4.]

DEFICIENCY APPROPRIATION TO DEPARTMENT OF SOCIAL SECURITY.

AN ACT making deficiency appropriations to the Department of Social Security for public assistance as provided by law and for medical care and appliances, and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. By reason of deficiencies existing in the appropriations made by the Twenty-Ninth Regular Session of the Legislature, the following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any moneys in the general fund of the state treasury, for the fiscal biennium beginning April 1, 1945, and ending March 31, 1947:

Deficiency appropriation.

- For the Department of Social Security:
 - Division of Old-Age Assistance:
 - Assistance as provided by law \$7,653,700
 - Medical care and appliances for senior citizens and blind persons . . \$1,440,769
 - Division for Children:
 - Assistance as provided by law \$1,691,166
 - Division of Public Assistance:
 - Assistance as provided by law \$1,182,940

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety, Emergency.