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**SUBSTITUTE SENATE BILL 5505**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Government Operations, Tribal Relations & Elections  
(originally sponsored by Senators Hill, Chase, Fain, Pridemore,  
Stevens, Nelson, Litzow, Swecker, Honeyford, and Schoesler)

READ FIRST TIME 02/21/11.

1       AN ACT Relating to allowing the use of federal census data to  
2 determine the resident population of annexed territory; and amending  
3 RCW 35.13.260 and 35A.14.700.

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

5       **Sec. 1.** RCW 35.13.260 and 1979 c 151 s 25 are each amended to read  
6 as follows:

7       (1) Whenever any territory is annexed to a city or town, a  
8 certificate as hereinafter provided shall be submitted in triplicate to  
9 the office of financial management, hereinafter in this section  
10 referred to as "the office", within thirty days of the effective date  
11 of annexation specified in the relevant ordinance. After approval of  
12 the certificate, the office shall retain the original copy in its  
13 files, and transmit the second copy to the department of transportation  
14 and return the third copy to the city or town. Such certificates shall  
15 be in such form and contain such information as shall be prescribed by  
16 the office. A copy of the complete ordinance containing a legal  
17 description and a map showing specifically the boundaries of the  
18 annexed territory shall be attached to each of the three copies of the

1 certificate. The certificate shall be signed by the mayor and attested  
2 by the city clerk. Upon request, the office shall furnish  
3 certification forms to any city or town.

4 (2)(a) The resident population of the annexed territory (~~shall~~)  
5 may be determined by, or under the direction of, the mayor of the city  
6 or town. Such population determination shall consist of an actual  
7 enumeration or estimate of the population (~~which~~) as outlined by this  
8 act and shall be made in accordance with practices and policies, and  
9 subject to the approval of, the office.

10 (b) If the annexed territory consists entirely of one or more  
11 partial federal census blocks, or if 2010 federal decennial census data  
12 has not been released within twelve months immediately prior to the  
13 date of annexation, the population determination shall consist of an  
14 actual enumeration of the population.

15 (c) If the annexed territory includes or consists of one or more  
16 complete federal census blocks, and if 2010 federal decennial census  
17 data has been released within twelve months immediately prior to the  
18 date of annexation, the population determination shall consist of:

19 (i) Relevant 2010 federal decennial census data pertaining to the  
20 complete block or blocks, as such data has been updated by the most  
21 recent official population estimate released by the office pursuant to  
22 RCW 43.62.030;

23 (ii) An actual enumeration of any population located within the  
24 annexed territory but outside the complete federal census block or  
25 blocks; and

26 (iii) The office may require the enumeration of whole census blocks  
27 within the annexed territory when the office confirms the existence of  
28 known census errors in those blocks.

29 However, in any circumstance, the city or town may choose to have  
30 the population determination of the entire annexed territory consist of  
31 an actual enumeration.

32 (d) The city or town shall be responsible for the full cost of the  
33 population determination.

34 (3) The population shall be determined as of the effective date of  
35 annexation as specified in the relevant ordinance.

36 Until an annexation certificate is filed and approved as provided  
37 herein, such annexed territory shall not be considered by the office in  
38 determining the population of such city or town.

1       (4) Upon approval of the annexation certificate, the office shall  
2 forward to each state official or department responsible for making  
3 allocations or payments to cities or towns, a revised certificate  
4 reflecting the increase in population due to such annexation. Upon and  
5 after the date of the commencement of the next quarterly period, the  
6 population determination indicated in such revised certificate shall be  
7 used as the basis for the allocation and payment of state funds to such  
8 city or town.

9       For the purposes of this section, each quarterly period shall  
10 commence on the first day of the months of January, April, July, and  
11 October. Whenever a revised certificate is forwarded by the office  
12 thirty days or less prior to the commencement of the next quarterly  
13 period, the population of the annexed territory shall not be considered  
14 until the commencement of the following quarterly period.

15       **Sec. 2.** RCW 35A.14.700 and 1979 ex.s. c 18 s 28 are each amended  
16 to read as follows:

17       (1) Whenever any territory is annexed to a code city, a certificate  
18 as hereinafter provided shall be submitted in triplicate to the office  
19 of financial management within thirty days of the effective date of  
20 annexation specified in the relevant ordinance. After approval of the  
21 certificate, the office of financial management shall retain the  
22 original copy in its files, and transmit the second copy to the  
23 department of transportation and return the third copy to the code  
24 city. Such certificates shall be in such form and contain such  
25 information as shall be prescribed by the office of financial  
26 management. A copy of the complete ordinance containing a legal  
27 description and a map showing specifically the boundaries of the  
28 annexed territory shall be attached to each of the three copies of the  
29 certificate. The certificate shall be signed by the mayor and attested  
30 by the city clerk. Upon request, the office of financial management  
31 shall furnish certification forms to any code city.

32       (2)(a) The resident population of the annexed territory may be  
33 determined by, or under the direction of, the mayor of the code city.

34       (b) If the annexed territory consists entirely of one or more  
35 partial federal census blocks, or if 2010 federal decennial census data  
36 has not been released within twelve months immediately prior to the

1 date of annexation, the population determination shall consist of an  
2 actual enumeration of the population.

3 (c) If the annexed territory includes or consists of one or more  
4 complete federal census blocks, and if 2010 federal decennial census  
5 data has been released within twelve months immediately prior to the  
6 date of annexation, the population determination shall consist of:

7 (i) Relevant 2010 federal decennial census data pertaining to the  
8 complete block or blocks, as such data has been updated by the most  
9 recent official population estimate released by the office of financial  
10 management pursuant to RCW 43.62.030;

11 (ii) An actual enumeration of any population located within the  
12 annexed territory but outside the complete federal census block or  
13 blocks; and

14 (iii) The office of financial management may require the  
15 enumeration of whole census blocks within the annexed territory when  
16 the office confirms the existence of known census errors in those  
17 blocks.

18 However, in any circumstance, the code city may choose to have the  
19 population determination of the entire annexed territory consist of an  
20 actual enumeration.

21 (d) Whenever an actual enumeration is used, it shall be made in  
22 accordance with the practices and policies of, and subject to the  
23 approval of, the office of financial management.

24 (e) The code city shall be responsible for the full cost of the  
25 population determination.

26 (3) Upon approval of the annexation certificate, the office of  
27 financial management shall forward to each state official or department  
28 responsible for making allocations or payments to cities or towns, a  
29 revised certificate reflecting the increase in population due to such  
30 annexation. Upon and after the date of the commencement of the next  
31 quarterly period, the population determination indicated in such  
32 revised certificate shall be used as the basis for the allocation and  
33 payment of state funds to such city or town.

34 For the purposes of this section, each quarterly period shall  
35 commence on the first day of the months of January, April, July, and  
36 October. Whenever a revised certificate is forwarded by the office of  
37 financial management thirty days or less prior to the commencement of

1 the next quarterly period, the population of the annexed territory  
2 shall not be considered until the commencement of the following  
3 quarterly period.

4 ~~((The resident population of the annexed territory shall be  
5 determined by, or under the direction of, the mayor of the code city.  
6 Such population determination shall consist of an actual enumeration of  
7 the population which shall be made in accordance with practices and  
8 policies, and subject to the approval of the office of financial  
9 management. The population shall be determined as of the effective  
10 date of annexation as specified in the relevant ordinance.))~~

11 (4) Until an annexation certificate is filed and approved as  
12 provided herein, such annexed territory shall not be considered by the  
13 office of financial management in determining the population of such  
14 code city.

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