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HOUSE BILL 1336

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Springer, Goodman, Kagi, Hunter, Rodne, Eddy, Asay, Ryu, Fitzgibbon, Stanford, and Kenney

Read first time 01/19/11. Referred to Committee on Local Government.

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 be  
5 determined by, or under the direction of, the mayor of the city or  
6 town. ((Such population determination shall consist of an actual  
7 enumeration of the population which shall be made in accordance with  
8 practices and policies, and subject to the approval of, the office.))

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

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

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

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

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

28 (d) Whenever an actual enumeration is used, it shall be made in  
29 accordance with the practices and policies, and subject to the approval  
30 of, the office.

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

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

35 Until an annexation certificate is filed and approved as provided  
36 herein, such annexed territory shall not be considered by the office in  
37 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 shall 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 federal decennial census data has  
36 not been released within eighteen months immediately prior to the date

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

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

7 (i) Relevant 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 pursuant to  
10 RCW 43.62.030; and

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

14 However, in any circumstance, the code city may choose to have the  
15 population determination of the entire annexed territory consist of an  
16 actual enumeration.

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

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

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

30 For the purposes of this section, each quarterly period shall  
31 commence on the first day of the months of January, April, July, and  
32 October. Whenever a revised certificate is forwarded by the office of  
33 financial management thirty days or less prior to the commencement of  
34 the next quarterly period, the population of the annexed territory  
35 shall not be considered until the commencement of the following  
36 quarterly period.

37 ~~((The resident population of the annexed territory shall be~~  
38 ~~determined by, or under the direction of, the mayor of the code city.~~

1 ~~Such population determination shall consist of an actual enumeration of~~  
2 ~~the population which shall be made in accordance with practices and~~  
3 ~~policies, and subject to the approval of the office of financial~~  
4 ~~management. The population shall be determined as of the effective~~  
5 ~~date of annexation as specified in the relevant ordinance.))~~

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

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