

CERTIFICATION OF ENROLLMENT

SENATE BILL 5885

68th Legislature
2024 Regular Session

Passed by the Senate February 8, 2024
Yeas 47 Nays 0

President of the Senate

Passed by the House February 22, 2024
Yeas 94 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5885** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5885

Passed Legislature - 2024 Regular Session

State of Washington

68th Legislature

2024 Regular Session

By Senator Torres; by request of Office of Financial Management

Prefiled 12/20/23.

1 AN ACT Relating to procedures for certificates of annexation
2 submitted to the office of financial management; and amending RCW
3 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 2011 c 342 s 1 are each amended to
6 read as follows:

7 (1) Whenever any territory is annexed to a city or town, a
8 certificate as hereinafter provided (~~shall~~) must be submitted (~~in~~
9 ~~triplicate~~) to the office of financial management, hereinafter in
10 this section referred to as "the office," within thirty days of the
11 effective date of (~~annexation~~) the action specified in the relevant
12 ordinance. After approval of the certificate, the office shall retain
13 the original copy (~~in its files,~~) and (~~transmit the second~~) post
14 a copy to the office of financial management website that is
15 accessible to the public. The office must notify the department of
16 transportation and (~~return the third copy to~~) the city or town that
17 the certificate has been approved and posted, and include a link to
18 the website. (~~Such~~) The certificates (~~shall~~) must be in (~~such~~)
19 a form and contain (~~such~~) information as (~~shall be~~) prescribed by
20 the office. A copy of the complete ordinance containing a legal
21 description and a map showing specifically the boundaries of the

1 annexed territory (~~shall~~) must be (~~attached to each of the three~~
2 ~~copies of~~) included with the certificate. The certificate shall be
3 signed by the mayor and attested by the city clerk. Upon request, the
4 office shall furnish certification forms to any city or town.

5 (2) (a) The resident population of the annexed territory shall be
6 determined by, or under the direction of, the mayor of the city or
7 town.

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

14 (c) In any circumstance, the city or town may choose to have the
15 population determination of the entire annexed territory consist of
16 an actual enumeration. However, if the city or town does not use
17 actual enumeration for determining population, the annexed territory
18 includes or consists of one or more complete federal census blocks,
19 and 2010 federal decennial census data has been released within
20 twelve months immediately prior to the date of annexation, the
21 population determination shall consist of:

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

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

29 (iii) If the office, at least two weeks prior to the date of
30 annexation, confirms the existence of a known census error within a
31 complete federal census block and identifies a structure or complex
32 listed in (c) (iii) (A) through (E) of this subsection (2) as a likely
33 source of the error, an actual enumeration of one or more of the
34 block's identified:

35 (A) Group quarters;

36 (B) Mobile home parks;

37 (C) Apartment buildings that are composed of at least fifty units
38 and are certified for occupancy between January 1, 2010, and April 1,
39 2011;

40 (D) Missing subdivisions; and

1 (E) Closures of any of the categories in (c)(iii)(A) through (D)
2 of this subsection.

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

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

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

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

13 Upon approval of the annexation certificate, the office shall
14 forward to each state official or department responsible for making
15 allocations or payments to cities or towns, a revised certificate
16 reflecting the increase in population due to such annexation. Upon
17 and after the date of the commencement of the next quarterly period,
18 the population determination indicated in such revised certificate
19 shall be used as the basis for the allocation and payment of state
20 funds to such city or town.

21 For the purposes of this section, each quarterly period shall
22 commence on the first day of the months of January, April, July, and
23 October. Whenever a revised certificate is forwarded by the office
24 thirty days or less prior to the commencement of the next quarterly
25 period, the population of the annexed territory shall not be
26 considered until the commencement of the following quarterly period.

27 **Sec. 2.** RCW 35A.14.700 and 2011 c 342 s 2 are each amended to
28 read as follows:

29 (1) Whenever any territory is annexed to a code city, a
30 certificate as hereinafter provided (~~shall~~) must be submitted (~~in~~
31 ~~triplicate~~) to the office of financial management within thirty days
32 of the effective date of (~~annexation~~) the action specified in the
33 relevant ordinance. After approval of the certificate, the office of
34 financial management (~~shall~~) must retain the original copy (~~in its~~
35 ~~files,~~) and (~~transmit the second~~) post a copy to the office of
36 financial management website that is accessible to the public. The
37 office must notify the department of transportation and (~~return the~~
38 third copy to) the code city that the certificate has been approved
39 and posted, and include a link to the website. Such certificates

1 (~~shall~~) must be in such form and contain such information as
2 (~~shall be~~) prescribed by the office of financial management. A copy
3 of the complete ordinance containing a legal description and a map
4 showing specifically the boundaries of the annexed territory
5 (~~shall~~) must be (~~attached to each of the three copies of~~)
6 included with the certificate. The certificate shall be signed by the
7 mayor and attested by the city clerk. Upon request, the office of
8 financial management shall furnish certification forms to any code
9 city.

10 (2) (a) The resident population of the annexed territory shall be
11 determined by, or under the direction of, the mayor of the code city.

12 (b) If the annexing code city has a population of ten thousand or
13 less, the annexed territory consists entirely of one or more partial
14 federal census blocks, or 2010 federal decennial census data has not
15 been released within twelve months immediately prior to the date of
16 annexation, the population determination shall consist of an actual
17 enumeration of the population.

18 (c) In any circumstance, the code city may choose to have the
19 population determination of the entire annexed territory consist of
20 an actual enumeration. However, if the code city does not use actual
21 enumeration for determining population, the annexed territory
22 includes or consists of one or more complete federal census blocks,
23 and 2010 federal decennial census data has been released within
24 twelve months immediately prior to the date of annexation, the
25 population determination shall consist of:

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

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

33 (iii) If the office of financial management, at least two weeks
34 prior to the date of annexation, confirms the existence of a known
35 census error within a complete federal census block and identifies a
36 structure or complex listed in (c)(iii)(A) through (E) of this
37 subsection (2) as a likely source of the error, an actual enumeration
38 of one or more of the block's identified:

39 (A) Group quarters;

40 (B) Mobile home parks;

1 (C) Apartment buildings that are composed of at least fifty units
2 and are certified for occupancy between January 1, 2010, and April 1,
3 2011;

4 (D) Missing subdivisions; and

5 (E) Closures of any of the categories in (c)(iii)(A) through (D)
6 of this subsection.

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

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

12 (3) Upon approval of the annexation certificate, the office of
13 financial management shall forward to each state official or
14 department responsible for making allocations or payments to cities
15 or towns, a revised certificate reflecting the increase in population
16 due to such annexation. Upon and after the date of the commencement
17 of the next quarterly period, the population determination indicated
18 in such revised certificate shall be used as the basis for the
19 allocation and payment of state funds to such city or town.

20 For the purposes of this section, each quarterly period shall
21 commence on the first day of the months of January, April, July, and
22 October. Whenever a revised certificate is forwarded by the office of
23 financial management thirty days or less prior to the commencement of
24 the next quarterly period, the population of the annexed territory
25 shall not be considered until the commencement of the following
26 quarterly period.

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

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