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**SUBSTITUTE HOUSE BILL 1336**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** House Local Government (originally sponsored by Representatives Springer, Goodman, Kagi, Hunter, Rodne, Eddy, Asay, Ryu, Fitzgibbon, Stanford, and Kenney)

READ FIRST TIME 02/17/11.

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 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 2010 federal decennial census data  
11 has not been released within eighteen 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 an  
16 actual enumeration. However, if the annexed territory includes or  
17 consists of one or more complete federal census blocks, and if 2010  
18 federal decennial census data has been released within eighteen months  
19 immediately prior to the date of annexation, the population  
20 determination may consist of:

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

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

28 (iii) If the office confirms the existence of a known census error  
29 within a complete federal census block and identifies a structure or  
30 complex listed in (c)(iii)(A) through (C) of this subsection (2) as a  
31 likely source of the error, an actual enumeration of one or more of the  
32 block's identified:

33 (A) Group quarters;

34 (B) Mobile home parks; and

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

1 (d) Whenever an actual enumeration is used, it shall be made in  
2 accordance with the practices and policies of the office.

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

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

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

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

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

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

26 (1) Whenever any territory is annexed to a code city, a certificate  
27 as hereinafter provided shall be submitted in triplicate to the office  
28 of financial management within thirty days of the effective date of  
29 annexation specified in the relevant ordinance. After approval of the  
30 certificate, the office of financial management shall retain the  
31 original copy in its files, and transmit the second copy to the  
32 department of transportation and return the third copy to the code  
33 city. Such certificates shall be in such form and contain such  
34 information as shall be prescribed by the office of financial  
35 management. A copy of the complete ordinance containing a legal  
36 description and a map showing specifically the boundaries of the  
37 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 of financial management  
3 shall furnish certification forms to any code city.

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

6 (b) If the annexed territory consists entirely of one or more  
7 partial federal census blocks, or if 2010 federal census data has not  
8 been released within eighteen months immediately prior to the date of  
9 annexation, the population determination shall consist of an actual  
10 enumeration of the population.

11 (c) In any circumstance, the city or town may choose to have the  
12 population determination of the entire annexed territory consist of an  
13 actual enumeration. However, if the annexed territory includes or  
14 consists of one or more complete federal census blocks, and if 2010  
15 federal census data has been released within eighteen months  
16 immediately prior to the date of annexation, the population  
17 determination may consist of:

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

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

25 (iii) If the office confirms the existence of a known census error  
26 within a complete federal census block and identifies a structure or  
27 complex listed in (c)(iii)(A) through (C) of this subsection (2) as a  
28 likely source of the error, an actual enumeration of one or more of the  
29 block's identified:

30 (A) Group quarters;

31 (B) Mobile home parks; and

32 (C) Apartment buildings that are composed of at least fifty units  
33 and are certified for occupancy between January 1, 2010, and April 1,  
34 2011.

35 (d) Whenever an actual enumeration is used, it shall be made in  
36 accordance with the practices and policies of the office of financial  
37 management.

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

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

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

18       ~~((The resident population of the annexed territory shall be~~  
19 ~~determined by, or under the direction of, the mayor of the code city.~~  
20 ~~Such population determination shall consist of an actual enumeration of~~  
21 ~~the population which shall be made in accordance with practices and~~  
22 ~~policies, and subject to the approval of the office of financial~~  
23 ~~management. The population shall be determined as of the effective~~  
24 ~~date of annexation as specified in the relevant ordinance.))~~

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

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