

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5505

Chapter 342, Laws of 2011

62nd Legislature
2011 Regular Session

ANNEXED TERRITORY--POPULATION--CENSUS DATA

EFFECTIVE DATE: 05/12/11

Passed by the Senate April 18, 2011
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 1, 2011
YEAS 92 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 12, 2011, 2:31 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5505** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 13, 2011

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5505

AS AMENDED BY THE HOUSE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By Senators Hill, Chase, Fain, Pridemore, Stevens, Nelson, Litzow, Swecker, Honeyford, and Schoesler

Read first time 01/27/11. Referred to Committee on Government Operations, Tribal Relations & Elections.

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

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

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

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

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

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

36 (A) Group quarters;

37 (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) of
6 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.

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

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

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

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

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

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

33 (1) Whenever any territory is annexed to a code city, a certificate
34 as hereinafter provided shall be submitted in triplicate to the office
35 of financial management within thirty days of the effective date of
36 annexation specified in the relevant ordinance. After approval of the
37 certificate, the office of financial management shall retain the

1 original copy in its files, and transmit the second copy to the
2 department of transportation and return the third copy to the code
3 city. Such certificates shall be in such form and contain such
4 information as shall be prescribed by the office of financial
5 management. A copy of the complete ordinance containing a legal
6 description and a map showing specifically the boundaries of the
7 annexed territory shall be attached to each of the three copies of the
8 certificate. The certificate shall be signed by the mayor and attested
9 by the city clerk. Upon request, the office of financial management
10 shall furnish certification forms to any code city.

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

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

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

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

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

34 (iii) If the office of financial management, at least two weeks
35 prior to the date of annexation, confirms the existence of a known
36 census error within a complete federal census block and identifies a
37 structure or complex listed in (c)(iii)(A) through (E) of this

1 subsection (2) as a likely source of the error, an actual enumeration
2 of one or more of the block's identified:

3 (A) Group quarters;

4 (B) Mobile home parks;

5 (C) Apartment buildings that are composed of at least fifty units
6 and are certified for occupancy between January 1, 2010, and April 1,
7 2011;

8 (D) Missing subdivisions; and

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

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

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

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

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

31 ~~((The resident population of the annexed territory shall be~~
32 ~~determined by, or under the direction of, the mayor of the code city.~~
33 ~~Such population determination shall consist of an actual enumeration of~~
34 ~~the population which shall be made in accordance with practices and~~
35 ~~policies, and subject to the approval of the office of financial~~
36 ~~management. The population shall be determined as of the effective~~
37 ~~date of annexation as specified in the relevant ordinance.))~~

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

5 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and takes effect
8 immediately.

Passed by the Senate April 18, 2011.

Passed by the House April 1, 2011.

Approved by the Governor May 12, 2011.

Filed in Office of Secretary of State May 13, 2011.