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**SENATE BILL 5885**

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**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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