

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5767

64th Legislature
2016 Regular Session

Passed by the Senate February 11, 2016
Yeas 49 Nays 0

President of the Senate

Passed by the House March 2, 2016
Yeas 97 Nays 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5767** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5767

Passed Legislature - 2016 Regular Session

State of Washington

64th Legislature

2015 Regular Session

By Senate Government Operations & Security (originally sponsored by Senators Cleveland, Benton, Honeyford, and Fraser)

READ FIRST TIME 02/13/15.

1 AN ACT Relating to local government treasury practices and
2 procedures; and amending RCW 36.29.190 and 39.72.010.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 36.29.190 and 2003 c 23 s 8 are each amended to read
5 as follows:

6 ~~((County treasurers are authorized to accept credit cards, charge
7 cards, debit cards, smart cards, stored value cards, federal wire,
8 and automatic clearinghouse system transactions, or other electronic
9 communication, for any payment of any kind including, but not limited
10 to, taxes, fines, interest, penalties, special assessments, fees,
11 rates, charges, or moneys due counties. A payer desiring to pay by a
12 credit card, charge card, debit card, smart card, stored value card,
13 federal wire, automatic clearinghouse system, or other electronic
14 communication shall bear the cost of processing the transaction in an
15 amount determined by the treasurer, unless the county legislative
16 authority or the legislative authority of a district where the county
17 treasurer serves as ex officio treasurer finds that it is in the best
18 interests of the county or district to not charge transaction
19 processing costs for all payment transactions made for a specific
20 category of nontax payments received by the county treasurer,
21 including, but not limited to, fines, interest not associated with~~

1 ~~taxes, penalties not associated with taxes, special assessments,~~
2 ~~fees, rates, and charges. The treasurer's cost determination shall be~~
3 ~~based upon costs incurred by the treasurer and may not, in any event,~~
4 ~~exceed the additional direct costs incurred by the county to accept~~
5 ~~the specific form of payment utilized by the payer.))~~

6 (1) County treasurers are authorized to accept electronic
7 payments for payment of any kind including, but not limited to,
8 payment for taxes, fines, interest, penalties, special assessments,
9 fees, rates, charges, or moneys due counties.

10 (a) The county treasurer must determine the amount of the
11 transaction processing cost for electronic payments. The county
12 treasurer's determination must be based upon costs incurred by the
13 treasurer and may not, in any event, exceed the additional direct
14 costs incurred by the county to accept the specific form of payment
15 utilized by the payer.

16 (b) A payer using electronic payment must pay the transaction
17 processing cost, except as otherwise provided in this section.

18 (2) For payments for taxes, interest associated with taxes, and
19 penalties associated with taxes that are made by automatic
20 clearinghouse system, federal wire, or other electronic
21 communication, any fee associated with the transaction may be
22 absorbed within the county treasurer's banking services budget.

23 (3) A county treasurer may elect to not charge transaction
24 processing costs for all payments made for a specific category of
25 nontax payments if the county legislative authority, or the
26 legislative authority of a district where the county treasurer serves
27 as ex officio treasurer, finds that not charging such transaction
28 processing costs is in the best interests of the county or district.
29 Interest and penalties associated with such transaction processing
30 costs may be absorbed by the county department or taxing district
31 assessing the payment transactions.

32 (4) For purposes of this section, the following definitions
33 apply:

34 (a) "Electronic payment" means a payment made using the
35 following: Credit cards, charge cards, debit cards, smart cards,
36 stored value cards, federal wire, automatic clearinghouse system
37 transactions, or other electronic communication;

38 (b) "Nontax payments" means payments received by the county
39 treasurer that include payments for fines, interest not associated

1 with taxes, penalties not associated with taxes, special assessments,
2 fees, rates, charges, or moneys due counties; and

3 (c) "Transaction processing cost" means the cost of processing an
4 electronic payment as determined by the county treasurer. This cost
5 is based on costs incurred by the county treasurer and may not exceed
6 the additional direct costs incurred by the county to accept a
7 specific form of electronic payment utilized by the payer.

8 **Sec. 2.** RCW 39.72.010 and 1975-'76 2nd ex.s. c 77 s 1 are each
9 amended to read as follows:

10 (1) In case of the loss or destruction of a warrant for the
11 payment of money, or any bond or other instrument or evidence of
12 indebtedness, issued by ((any county, city or town, district or other
13 political subdivision or municipal corporation of the state of
14 Washington, hereinafter referred to as a municipal corporation, or by
15 any department or agency of such municipal corporation, such
16 municipal corporation may cause a duplicate to be issued in lieu
17 thereof, subject to the same requirements and conditions, and
18 according to the same procedure, as prescribed for the issuance of
19 duplicate state instruments in RCW 43.08.064 and 43.08.066 as now or
20 hereafter amended: PROVIDED, That the requirements of RCW
21 43.08.066(2) shall not be applicable to instruments received by
22 employees of the above issuers for the payment of salary or wages or
23 as other compensation for work performed nor shall those requirements
24 be applicable to instruments received by former employees or their
25 beneficiaries for the payment of pension benefits)) a municipality,
26 the municipality may issue or cause to be issued a duplicate in lieu
27 thereof, bearing the same designation and for the same amount as the
28 original. The duplicate instrument is subject in all other respects
29 to the same provisions of law as the original instrument.

30 (a) Before a duplicate instrument is issued in accordance with
31 this section, the issuing officer shall require the person making
32 application for issuance of the duplicate to file a written affidavit
33 specifically alleging on oath:

34 (i) That the applicant is the proper owner, payee, or legal
35 representative of the owner or payee of the original instrument;

36 (ii) The date of issue, number, amount, and for what services,
37 claim, or purpose the original instrument or series of instruments of
38 which it is a part was issued;

1 (iii) That the original instrument has been lost or destroyed;
2 and
3 (iv) That the original instrument has not been paid or has not
4 been received by the applicant.
5 (b) In the event that an original instrument and its duplicate
6 instrument are both presented for payment as a result of forgery or
7 fraud, the agency, department, or officer that issues a duplicate
8 under this section is responsible for endeavoring to recover any
9 losses suffered by the municipality.
10 (2) For purposes of this section, "municipality" means any
11 county, city, town, district, or other political subdivision or
12 municipal corporation of the state of Washington, or an agency,
13 department, or officer of the municipality.

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