

SB 6114 - H COMM AMD
By Committee on Local Government

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

1 (a) The county treasurer must determine the amount of the
2 transaction processing cost for electronic payments. The county
3 treasurer's determination must be based upon costs incurred by the
4 treasurer and may not, in any event, exceed the additional direct costs
5 incurred by the county to accept the specific form of payment utilized
6 by the payer.

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

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

14 (3) A county treasurer may elect to not charge transaction
15 processing costs for all payments made for a specific category of
16 nontax payments if the county legislative authority, or the legislative
17 authority of a district where the county treasurer serves as ex officio
18 treasurer, finds that not charging such transaction processing costs is
19 in the best interests of the county or district. Interest and
20 penalties associated with such transaction processing costs may be
21 absorbed by the county department or taxing district assessing the
22 payment transactions.

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

24 (a) "Electronic payment" means a payment made using the following:
25 Credit cards, charge cards, debit cards, smart cards, stored value
26 cards, federal wire, automatic clearinghouse system transactions, or
27 other electronic communication;

28 (b) "Nontax payments" means payments received by the county
29 treasurer that include payments for fines, interest not associated with
30 taxes, penalties not associated with taxes, special assessments, fees,
31 rates, charges, or moneys due counties; and

32 (c) "Transaction processing cost" means the cost of processing an
33 electronic payment as determined by the county treasurer. This cost is
34 based on costs incurred by the county treasurer and may not exceed the
35 additional direct costs incurred by the county to accept a specific
36 form of electronic payment utilized by the payer.

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

3 (1) In case of the loss or destruction of a warrant for the payment
4 of money, or any bond or other instrument or evidence of indebtedness,
5 issued by any county, city or town, district or other political
6 subdivision or municipal corporation of the state of Washington,
7 hereinafter referred to as a municipal corporation, or by any
8 department or agency of such municipal corporation, such municipal
9 corporation may cause a duplicate to be issued in lieu thereof, subject
10 to the same requirements and conditions, and according to the same
11 procedure, as prescribed for the issuance of duplicate state
12 instruments in RCW 43.08.064 and 43.08.066 as now or hereafter amended:
13 PROVIDED, That the requirements of RCW 43.08.066(2) shall not be
14 applicable to instruments received by employees of the above issuers
15 for the payment of salary or wages or as other compensation for work
16 performed nor shall those requirements be applicable to instruments
17 received by former employees or their beneficiaries for the payment of
18 pension benefits.

19 (2)(a) In case of the loss or destruction of a warrant for the
20 payment of money, or any bond or other instrument or evidence of
21 indebtedness, issued by any local government officer or agency, the
22 officer or the agency through its appropriate officer may issue or
23 cause to be issued a duplicate in lieu thereof, bearing the same
24 designation and for the same amount as the original. The duplicate
25 instrument is subject in all other respects to the same provisions of
26 law as the original instrument.

27 (b) Before a duplicate instrument is issued, the issuing officer
28 shall require the person making application for its issue to file in
29 his or her office a written affidavit specifically alleging on oath
30 that he or she is the proper owner, payee, or legal representative of
31 such owner or payee of the original instrument, giving the date of
32 issue, the number, amount, and for what services or claim or purpose
33 the original instrument or series of instruments of which it is a part
34 was issued, and that the same has been lost or destroyed, and has not
35 been paid, or has not been received by him or her: PROVIDED, That in
36 the event that an original and its duplicate instrument are both
37 presented for payment as a result of forgery or fraud, the issuing

1 officer shall be the office responsible for endeavoring to recover any
2 losses suffered by the local government."

3 Correct the title.

EFFECT: (1) Removes a section in the underlying bill requiring county treasurers to keep public funds, in addition to all money belonging to the state or any county, in their possession until disbursed according to law.

(2) Removes a section in the underlying bill creating annual continuing education requirements for the following persons: (a) County treasurers who perform daily investment activities of an investment pool; and (b) persons authorized by the county treasurer to manage county investment pools.

(3) Makes technical modifications to a section of the underlying bill concerning county treasurers' authority to accept electronic payments and to charge transaction processing costs to persons who make payments to the county electronically.

(4) Removes a change made by the underlying bill to current statute, which would have provided that instead of being required to bear the transaction processing cost for any kind of electronic payment made to the county treasurer, payers using an electronic form of payment must bear the transaction processing costs only for payments for taxes, and interest and penalties associated with taxes.

(5) Authorizes a county treasurer to choose to absorb within the county treasurer's banking services budget fees associated with electronic payment transactions for payments of taxes, interest associated with taxes, and penalties associated with taxes, rather than requiring a county treasurer to absorb such fees when the county or district legislative authority finds that doing so is in the best interests of the county or district.

(6) Provides that, if a county or district legislative authority finds that it is in the best interests of the county or district not to charge transaction processing costs for all payments made for a specific category of nontax payments, the county treasurer may elect (instead of being required, as provided in the underlying bill) to not charge those transaction processing costs.

(7) Defines the terms "electronic payment," "nontax payment," and "transaction processing cost" as those terms apply to provisions governing county treasurers' authority to accept electronic payments and charge transaction processing costs.

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