

2 SHB 2635 - S COMM AMD

3 By Committee on Environment & Natural Resources

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 70.93.010 and 1979 c 94 s 1 are each amended to read
8 as follows:

9 (~~Recognizing the rapid population growth of the state of~~
10 ~~Washington and the ever increasing mobility of its people, as well as~~
11 ~~the fundamental need for a healthful, clean and beautiful environment;~~
12 ~~and further recognizing that the proliferation and accumulation of~~
13 ~~litter discarded throughout this state impairs this need and~~
14 ~~constitutes a public health hazard; and further recognizing the need to~~
15 ~~conserve energy and natural resources; and further recognizing that~~
16 ~~there is an imperative need to anticipate, plan for, and accomplish~~
17 ~~effective litter control and recover and recycle waste materials~~
18 ~~related to litter with the subsequent conservation of resources and~~
19 ~~energy, there is hereby enacted this)) (1) The legislature finds:~~

20 (a) Washington state is experiencing rapid population growth and
21 its citizens are increasingly mobile;

22 (b) There is a fundamental need for a healthful, clean, and
23 beautiful environment;

24 (c) The proliferation and accumulation of litter discarded
25 throughout this state impairs this need and constitutes a public health
26 hazard;

1 (d) There is a need to conserve energy and natural resources, and
2 the effective litter control and recovery and recycling of litter
3 materials will serve to accomplish such conservation;

4 (e) In addition to effective litter control, there must be
5 effective programs to accomplish waste reduction, the state's highest
6 waste management priority; and

7 (f) There must also be effective systems to accomplish all
8 components of recycling, including collection, processing, and the
9 marketing of recyclable materials and recycled content products.

10 (2) Recognizing the multifaceted nature of the state's solid waste
11 management problems, the legislation enacted in 1971 and entitled the
12 "Model Litter Control and Recycling Act"(~~(-)~~) is hereby renamed the
13 "waste reduction, recycling, and model litter control act."

14 **"Sec. 2.** RCW 70.93.020 and 1991 c 319 s 101 are each amended to
15 read as follows:

16 The purpose of this chapter is to accomplish litter control,
17 increase waste reduction, and stimulate (~~(private)~~) all components of
18 recycling (~~(programs)~~) throughout this state by delegating to the
19 department of ecology the authority to:

20 (1) Conduct a permanent and continuous program to control and
21 remove litter from this state to the maximum practical extent possible;

22 (2) Recover and recycle waste materials related to litter and
23 littering;

24 (3) Foster public and private recycling (~~(and markets for)~~) of
25 recyclable materials; and

26 (4) Increase public awareness of the need for recycling and litter
27 control.

1 It is further the intent and purpose of this chapter to promote
2 markets for recyclable materials through programs of the clean
3 Washington center and other means.

4 It is further the intent and purpose of this chapter to create jobs
5 for employment of youth in litter cleanup and related activities and to
6 stimulate and encourage small, private recycling centers. This program
7 shall include the compatible goal of recovery of recyclable materials
8 to conserve energy and natural resources wherever practicable. Every
9 other department of state government and all local governmental units
10 and agencies of this state shall cooperate with the department of
11 ecology in the administration and enforcement of this chapter. The
12 intent of this chapter is to add to and to coordinate existing
13 recycling and litter control and removal efforts and not terminate or
14 supplant such efforts."

15 "Sec. 3. RCW 70.93.120 and 1971 ex.s. c 307 s 12 are each amended
16 to read as follows:

17 In addition to any other taxes, there is hereby levied and there
18 shall be collected by the department of revenue from every person for
19 the privilege of engaging within this state in business as a
20 manufacturer ((and/or making sales at wholesale and/or making sales at
21 retail)), as a wholesaler, or as a retailer, an annual litter
22 ((assessment)) tax equal to the value of products listed in RCW 82.--.-
23 -- (RCW 70.93.130 as recodified by section 10 of this act), including
24 byproducts, manufactured ((and sold)) within this state((, including
25 by products)), multiplied by ((one and one-half hundredths)) fifteen
26 one-thousandths of one percent in the case of manufacturers, and equal
27 to the gross proceeds of ((the)) sales of the ((business)) products
28 listed in RCW 82.--.--- (RCW 70.93.130 as recodified by section 10 of
29 this act) that are sold within this state multiplied by ((one and one-

1 ~~half hundredths~~) fifteen one-thousandths of one percent in the case of
2 ~~((sales at wholesale and/or at retail))~~ wholesalers and retailers."

3 "Sec. 4. RCW 70.93.130 and 1971 ex.s. c 307 s 13 are each amended
4 to read as follows:

5 ~~((Because it is the express purpose of this chapter))~~ To accomplish
6 effective litter control within the state ~~((of Washington))~~ and
7 ~~((because it is a further purpose of this chapter))~~ to allocate a
8 portion of the cost of administering ~~((it))~~ this chapter to those
9 industries whose products, including the packages, wrappings, and
10 containers thereof, are reasonably related to the litter problem, ~~((in~~
11 ~~arriving at the amount upon which the assessment is to be calculated))~~
12 the tax imposed in this chapter shall only apply to the value of
13 products or the gross proceeds of sales of products falling into the
14 following categories ~~((shall be included))~~:

- 15 (1) Food for human or pet consumption.
- 16 (2) Groceries.
- 17 (3) Cigarettes and tobacco products.
- 18 (4) Soft drinks and carbonated waters.
- 19 (5) Beer and other malt beverages.
- 20 (6) Wine.
- 21 (7) Newspapers and magazines.
- 22 (8) Household paper and paper products.
- 23 (9) Glass containers.
- 24 (10) Metal containers.
- 25 (11) Plastic or fiber containers made of synthetic material.
- 26 (12) Cleaning agents and toiletries.
- 27 (13) Nondrug drugstore sundry products."

1 **"Sec. 5.** RCW 70.93.140 and 1971 ex.s. c 307 s 14 are each amended
2 to read as follows:

3 (1) The department of revenue, by rule ((and regulation made
4 pursuant to chapter 34.05 RCW)), may, if such is required, define ((the
5 categories (1) through (13) as set forth in)) those items subject to
6 tax under RCW 82.--.--- (RCW 70.93.130 as recodified by section 10 of
7 this act). In making any such definitions, the department of revenue
8 shall be guided by the following standards:

9 ~~((1))~~ (a) It is the purpose of this chapter to accomplish
10 effective control of litter within this state;

11 ~~((2))~~ (b) It is the purpose of this chapter to allocate a portion
12 of the cost of administration of this chapter to those industries
13 manufacturing and/or selling products and the packages, wrappings, or
14 containers thereof which are reasonably related to the litter problem
15 within this state.

16 (2) Instead of requiring each business to separately account for
17 taxable and nontaxable products under this chapter, the department may
18 provide, by rule, that the tax imposed in this chapter be reported and
19 paid based on a percentage of total sales for a particular type of
20 business if the department determines that the percentage reasonably
21 approximates the taxable activity of the particular type of business."

22 **"Sec. 6.** RCW 70.93.160 and 1971 ex.s. c 307 s 16 are each amended
23 to read as follows:

24 (1) To the extent applicable, all of the provisions of chapters
25 82.04 and 82.32 RCW ((such as they apply are incorporated herein))
26 apply to the tax imposed in this chapter, except RCW 82.04.220 through
27 82.04.290, and 82.04.330.

1 (2) Taxes collected under this chapter shall be deposited in the
2 waste reduction, recycling, and litter control account under RCW
3 70.93.180."

4 **"Sec. 7.** RCW 70.93.170 and 1971 ex.s. c 307 s 17 are each amended
5 to read as follows:

6 The litter (~~assessment herein provided for shall not be applied~~)
7 tax imposed in this chapter does not apply to:

8 (1) The manufacture or sale of products for use and consumption
9 outside the state; or

10 (2) The value of products or gross proceeds of the sales of any
11 animal, bird, or insect or the milk, eggs, wool, fur, meat, honey, or
12 other substance obtained therefrom, if the person performs only the
13 growing or raising function of such animal, bird, or insect. (~~In all~~
14 other instances, the assessment shall be applied.))"

15 **"Sec. 8.** RCW 70.93.180 and 1991 sp.s. c 13 s 40 are each amended
16 to read as follows:

17 (1) There is hereby created an account within the state treasury to
18 be known as the "waste reduction, recycling, and litter control
19 account". Moneys in the account may be spent only after appropriation.
20 Expenditures from the waste reduction, recycling, and litter control
21 account shall be used as follows:

22 (a) From July 1, 1992, to June 30, 1993, funds shall be used for
23 programs to: Control litter; encourage recycling; develop markets for
24 recyclable materials; and enforce compliance with the litter tax
25 imposed in RCW 82.--.-- (RCW 70.93.120 as recodified by section 10 of
26 this act).

27 (b) After June 30, 1993, funds shall be used as follows:

1 (i) Not less than forty percent nor more than fifty percent for a
2 litter patrol program to employ youth from the state to remove litter
3 from places and areas that are most visible to the public and to
4 enforce compliance with the litter tax imposed in RCW 82.--.--- (RCW
5 70.93.120 as recodified by section 10 of this act); and

6 (ii) Not more than sixty percent for the following purposes:
7 Public education and awareness programs to control litter; programs to
8 promote public education and awareness of the model litter control and
9 recycling act; programs to foster private local recycling efforts,
10 encourage recycling, and develop markets for recyclable materials; and
11 compliance with the litter tax imposed in RCW 82.--.--- (RCW 70.93.120
12 as recodified by section 10 of this act).

13 (2) All ((assessments~~7~~)) taxes imposed in RCW 82.--.--- (RCW
14 70.93.120 as recodified under section 10 of this act) and fines((~~7~~))
15 and bail forfeitures((~~7~~ and other funds)) collected or received
16 pursuant to this chapter shall be deposited in the waste reduction,
17 recycling, and litter control account and used for ((the administration
18 and implementation of this chapter)) the programs under subsection (1)
19 of this section, and except as required to be otherwise distributed
20 under RCW 70.93.070."

21 "NEW SECTION. Sec. 9. The following acts or parts of acts are
22 each repealed:

23 (1) RCW 70.93.150 and 1971 ex.s. c 307 s 15; and

24 (2) RCW 70.93.194 and 1979 c 94 s 9."

25 "NEW SECTION. Sec. 10. RCW 70.93.120, 70.93.130, 70.93.140,
26 70.93.160, and 70.93.170 shall be recodified as a new chapter in Title
27 82 RCW."

1 "NEW SECTION. **Sec. 11.** This act shall take effect July 1,
2 1992."

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6 On page 1, line 1 of the title, after "assessment;" strike the
7 remainder of the title and insert "amending RCW 70.93.010, 70.93.020,
8 70.93.120, 70.93.130, 70.93.140, 70.93.160, 70.93.170, and 70.93.180;
9 adding a new chapter to Title 82 RCW; recodifying RCW 70.93.120,
10 70.93.130, 70.93.140, 70.93.160, and 70.93.170; repealing RCW 70.93.150
11 and 70.93.194; and providing an effective date."