

2 **SSB 6295** - S AMD

3 By Senators Skratek, Fraser and Sheldon

4 WITHDRAWN 2/15/94

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

7 "NEW SECTION. **Sec. 1.** The legislature finds that there is a need
8 to expand upon existing laws which foster the effective and efficient
9 management of solid waste by requiring that certain documents submitted
10 by attorneys at law to state courts of record be submitted on recycled
11 paper. The legislature further finds that increased recycling will
12 protect and enhance the environment and economy of Washington state.

13 **Sec. 2.** RCW 43.19.538 and 1991 c 297 s 5 are each amended to read
14 as follows:

15 (1) The director of general administration, through the state
16 purchasing director, shall develop specifications and adopt rules for
17 the purchase of products which will provide for preferential purchase
18 of products containing recycled material by:

19 (a) The use of a weighting factor determined by the amount of
20 recycled material in a product, which shall provide for minimum
21 preference equal to ten percent of the total bid amount; and

22 (b) The use of a weighting factor based upon the savings in
23 disposal costs realized through resource recovery and recycling of
24 solid waste, except for paper products, that is generated in the state
25 of Washington. This weighting factor is in addition to the weighting
26 factor established under (a) of this subsection. The department shall
27 consult with the department of ecology and other state agencies and
28 institutions of higher education, as appropriate, to develop a method
29 for quantifying the cost savings. Bidders seeking eligibility for
30 application of the weighting factor in this subsection (1)(b) shall
31 certify what percentage of the materials in the recycled content
32 product were obtained from within the state.

33 The weighting factors shall be used, where appropriate and known in
34 advance to potential bidders, to determine the lowest responsible
35 bidder. The actual dollars bid shall be the contracted amount. If the

1 department determines, according to criteria established by rule that
2 the use of (~~this~~) weighting factors in this section does not
3 encourage the use of more recycled material, the department shall
4 consider and award bids without regard to the weighting factors. In
5 making this determination, the department shall consider but not be
6 limited to such factors as adequate competition, economics or
7 environmental constraints, quality, and availability.

8 (~~(b)~~) (c) Requiring a written statement of the percentage range
9 of recycled content from the bidder providing products containing
10 recycled (~~material~~) material. The range may be stated in five
11 percent increments.

12 (2) The director shall develop a directory of businesses that
13 supply products containing significant quantities of recycled
14 materials. This directory may be combined with and made accessible
15 through the data base of recycled content products to be developed
16 under RCW 43.19A.060.

17 (3) The director shall encourage all parties using the state
18 purchasing office to purchase products containing recycled materials.

19 (4) The rules, specifications, and bid evaluation shall be
20 consistent with recycled content standards adopted under RCW
21 43.19A.020.

22 NEW SECTION. Sec. 3. A new section is added to chapter 2.28 RCW
23 to read as follows:

24 Unless the context clearly requires otherwise, the definitions in
25 this section apply throughout sections 3 through 5 of this act.

26 (1) "Attorney" means an attorney at law admitted to practice law
27 before any court of record in this state.

28 (2) "Document" means a pleading or other paper submitted as an
29 appendix to the pleading by an attorney, which document is required or
30 permitted to be filed with a clerk of court concerning an action to be
31 commenced or that is pending before a court of record.

32 (3) "Recycled paper" means paper with not less than fifty percent
33 of its total weight consisting of secondary and postconsumer waste and
34 with not less than ten percent of such total weight consisting of
35 postconsumer waste.

36 NEW SECTION. Sec. 4. A new section is added to chapter 2.28 RCW
37 to read as follows:

1 (1) Except as provided in subsection (3) of this section, an
2 attorney may not submit a document to a court of record after January
3 1, 1995, unless the document is submitted on recycled paper. This
4 section applies to all papers appended to the document.

5 (2) Procedures adopted to implement this section may not impede
6 the conduct of court business nor create grounds for an additional
7 cause of action or sanction.

8 (3) A court of record may not refuse a document solely because the
9 document was not submitted on recycled paper.

10 (a) This section does not apply to:

11 (i) A photograph;

12 (ii) An original document that was prepared or printed before
13 January 1, 1995;

14 (iii) A document that was not created at the direction or under the
15 control of the submitting attorney;

16 (iv) A facsimile copy otherwise permitted to be filed with a court
17 of record in lieu of the original document. However, if the original
18 is also required to be filed, the original must be submitted in
19 compliance with this section; and

20 (v) Existing stock of nonrecycled paper and preprinted forms
21 acquired or printed before January 1, 1994.

22 NEW SECTION. **Sec. 5.** A new section is added to chapter 34.05 RCW
23 to read as follows:

24 (1) Except as provided in subsection (3) of this section, an
25 attorney may not submit a document concerning an adjudicatory
26 proceeding after January 1, 1995, unless the document is submitted on
27 recycled paper. This section applies to all papers appended to the
28 document.

29 (2)(a) A state agency that adopts policies, procedures, rules, or
30 regulations for the purpose of implementing this section shall ensure
31 that the conduct of state business is not impeded and that a person is
32 not denied access to the services or programs of a state agency as a
33 result of the implementation.

34 (b) A state agency may not refuse a document solely because it was
35 not submitted on recycled paper.

36 (3) This section does not apply to:

37 (a) A photograph:

1 (b) An original document that was prepared or printed before
2 January 1, 1995;

3 (c) A document that was not created by the direction or under the
4 control of the submitting attorney;

5 (d) A facsimile copy concerning an adjudicatory proceeding
6 otherwise permitted to be filed in lieu of the original document.
7 However, if the original is also required to be filed, the original
8 must be submitted in compliance with this section; and

9 (e) Existing stock of nonrecycled paper and preprinted forms
10 acquired before January 1, 1994.

11 NEW SECTION. **Sec. 6.** Sections 3 through 5 of this act shall take
12 effect July 1, 1994."

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16 On page 1, line 2 of the title, after "material;" strike the
17 remainder of the title and insert "amending RCW 43.19.538; adding new
18 sections to chapter 2.28 RCW; adding a new section to chapter 34.05
19 RCW; creating a new section; and providing an effective date."

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