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**SUBSTITUTE SENATE JOINT MEMORIAL 8016**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Ecology & Parks (originally sponsored by Senators McAuliffe, Swecker, Fraser, C. Anderson and Long)

Read first time 03/01/95.

1 TO THE HONORABLE BILL CLINTON, PRESIDENT OF THE UNITED STATES, AND  
2 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
4 UNITED STATES, IN CONGRESS ASSEMBLED:

5 We, your Memorialists, the Senate and House of Representatives of  
6 the State of Washington, in legislative session assembled, respectfully  
7 represent and petition as follows:

8 WHEREAS, Flow control is the legal authority to determine where  
9 solid waste generated within a jurisdiction shall be sent for  
10 processing or disposal; and

11 WHEREAS, Flow control authority has been delegated by state  
12 legislature to local governments in Washington state; and

13 WHEREAS, Because flow control authority was generally upheld  
14 legally until recently and because the authority was properly delegated  
15 to local governments by the state of Washington, many counties, cities,  
16 and towns believed themselves empowered to flow control the solid waste  
17 generated within their respective jurisdictions; and

18 WHEREAS, Local jurisdictions have financed facilities and developed  
19 programs, and in many instances assumed considerable debt, based upon  
20 their flow control authority; and

1       WHEREAS, In May 1994, the United States Supreme Court found flow  
2 control authority to be an unconstitutional infringement of congress'  
3 exclusive power to regulate interstate commerce; and

4       WHEREAS, This decision puts at risk many local governments' ability  
5 to protect and repay their significant investments in solid waste  
6 facilities and services, thus threatening their solvency; and

7       WHEREAS, It is appropriate that congress enact legislation to  
8 enable local governments to protect and repay their investments in  
9 solid waste handling and disposal facilities, since doing so will serve  
10 the immediate and long-term interests of taxpayers and solid waste  
11 service customers; and

12       WHEREAS, Continued local authority over flow control would enable  
13 local governments to protect and repay investments based on their  
14 previously accepted flow control authority;

15       NOW, THEREFORE, Your Memorialists respectfully pray that congress  
16 expeditiously enact legislation which is at least as protective of  
17 local governments' ability to repay those debts on their solid waste  
18 facilities which they assumed based on previously accepted local flow  
19 control authority, as was the legislation which nearly passed during  
20 the 1994 congressional session.

21       BE IT RESOLVED, That copies of this Memorial be immediately  
22 transmitted to the Honorable Bill Clinton, President of the United  
23 States, the President of the United States Senate, the Speaker of the  
24 House of Representatives, and each member of Congress from the State of  
25 Washington.

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