
SENATE JOINT MEMORIAL 8016

State of Washington 54th Legislature 1995 Regular Session

By Senators McAuliffe, Swecker, Fraser, C. Anderson and Long

Read first time 02/13/95. Referred to Committee on Ecology & Parks.

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, Private and public sector flow control stakeholders
5 negotiated a flow control bill during the 1994 congressional session to
6 restore an appropriate level of flow control authority to local
7 governments; and

8 WHEREAS, The proposed congressional legislation is an affirmation
9 of appropriate state and local power because it permits, but does not
10 require, states and local governments to undertake a traditionally
11 accepted function of these governments, solid waste management, and to
12 finance this activity in a manner acceptable to the citizens of the
13 state and local government; and

14 WHEREAS, The proposed legislation permits a local government to
15 exercise flow control only if that government has made a significant
16 investment based on its previously accepted flow control authority; and

17 WHEREAS, After its investment has been repaid, the legislation
18 requires that the local government cease using flow control within ten
19 years unless it analyzes all realistic alternatives and formally finds
20 that flow control is necessary to achieve its solid waste management
21 goals; and

22 WHEREAS, During the 1994 congressional session the proposed
23 legislation unanimously passed the United States House of
24 Representatives; and

25 WHEREAS, The proposed legislation arrived in the Unites States
26 Senate so late in the 1994 session that it required unanimous consent
27 for passage, but it failed to achieve that unanimity as a result of the
28 objection of a single senator; and

29 WHEREAS, That same legislation has been reintroduced into the
30 current session of congress as H.R. 24; and

31 WHEREAS, By providing the sense of certainty necessary for the
32 private sector to make long-term business decisions, and by protecting
33 investments local governments have made in solid waste handling and
34 disposal facilities, H.R. 24 will serve the long-term interests of
35 taxpayers and solid waste service customers;

36 NOW, THEREFORE, Your Memorialists respectfully pray that congress
37 enact H.R. 24, the Community Solvency Act, expeditiously.

38 BE IT RESOLVED, That copies of this Memorial be immediately
39 transmitted to the Honorable Bill Clinton, President of the United

1 States, the President of the United States Senate, the Speaker of the
2 House of Representatives, and each member of Congress from the State of
3 Washington.

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