H-4977.1			

SUBSTITUTE HOUSE BILL 3058

State of Washington 55th Legislature 1998 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler and Linville)

Read first time 02/05/98. Referred to Committee on .

- 1 AN ACT Relating to waste reduction, recycling, and litter control;
- 2 amending RCW 70.93.010, 70.93.020, 70.93.030, 70.93.090, 70.93.180,
- 3 82.19.010, 43.84.092, 70.93.200, 70.93.210, 70.93.250, and 47.36.400;
- 4 and adding a new section to chapter 70.93 RCW.
- 5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 6 **Sec. 1.** RCW 70.93.010 and 1992 c 175 s 1 are each amended to read 7 as follows:
- 8 (1) The legislature finds:
- 9 (a) Washington state is experiencing rapid population growth and
- 10 its citizens are increasingly mobile;
- 11 (b) There is a fundamental need for a healthful, clean, and
- 12 beautiful environment;
- 13 (c) The proliferation and accumulation of litter discarded
- 14 throughout this state impairs this need and constitutes a public health
- 15 hazard;
- 16 (d) There is a need to conserve energy and natural resources, and
- 17 the effective litter control and recovery and recycling of litter
- 18 materials will serve to accomplish such conservation;

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- 1 (e) In addition to effective litter control, there must be 2 effective programs to accomplish waste reduction, the state's highest 3 waste management priority; and
- 4 (f) There must also be effective systems to accomplish all components of recycling, including collection((τ)) and processing((τ) and the marketing of recyclable materials and recycled content products).
- 8 (2) Recognizing the multifaceted nature of the state's solid waste 9 management problems, the legislation enacted in 1971 and entitled the 10 "Model Litter Control and Recycling Act" is hereby renamed the "waste 11 reduction, recycling, and model litter control act."
- 12 **Sec. 2.** RCW 70.93.020 and 1992 c 175 s 2 are each amended to read 13 as follows:
- The purpose of this chapter is to accomplish litter control, increase waste reduction, and stimulate all components of recycling throughout this state by delegating to the department of ecology the authority to:
- 18 (1) Conduct a permanent and continuous program to control and 19 remove litter from this state to the maximum practical extent possible;
- 20 (2) Recover and recycle waste materials related to litter and 21 littering;
- (3) Foster public and private recycling of recyclable materials;((and))
- 24 (4) Increase public awareness of the need for <u>waste reduction</u>, 25 recycling, and litter control; and
- 26 <u>(5) Coordinate the litter collection efforts and expenditure of</u> 27 <u>funds for litter collection by other agencies identified in this</u> 28 <u>chapter</u>.
- ((It is further the intent and purpose of this chapter to promote
 markets for recyclable materials through programs of the clean
 Washington center and other means.))

It is further the intent and purpose of this chapter to create jobs for employment of youth in litter cleanup and related activities and to stimulate and encourage small, private recycling centers. This program shall include the compatible goal of recovery of recyclable materials to conserve energy and natural resources wherever practicable. Every other department of state government and all local governmental units and agencies of this state shall cooperate with the department of

- l ecology in the administration and enforcement of this chapter. The
- 2 intent of this chapter is to add to and to coordinate existing
- 3 recycling and litter control and removal efforts and not terminate or
- 4 supplant such efforts.

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- 5 **Sec. 3.** RCW 70.93.030 and 1991 c 319 s 102 are each amended to 6 read as follows:
- 7 As used in this chapter unless the context indicates otherwise:
- 8 (1) "Department" means the department of ecology;
 - (2) "Director" means the director of the department of ecology;
- 10 (3) "Disposable package or container" means all packages or 11 containers defined as such by rules and regulations adopted by the 12 department of ecology;
- (4) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited and solid waste that is illegally dumped, but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing;
- (5) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person. It is not necessarily limited to the state approved litter bag but must be similar in size and capacity;
- (6) "Litter receptable" means those containers adopted by the department of ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptables suitable for the depositing of litter;
- (7) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever;
- 30 (8) "Recycling" means transforming or remanufacturing waste 31 materials into a finished product for use other than landfill disposal 32 or incineration;
- 33 (9) "Recycling center" means a central collection point for 34 recyclable materials;
- 35 (10) "Vehicle" includes every device capable of being moved upon a 36 public highway and in, upon, or by which any persons or property is or 37 may be transported or drawn upon a public highway, excepting devices

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- 1 moved by human or animal power or used exclusively upon stationary
- 2 rails or tracks;
- 3 (11) <u>"Waste reduction" means reducing the amount or toxicity of</u> 4 <u>waste generated or reusing materials.</u>
- 5 <u>(12)</u> "Watercraft" means any boat, ship, vessel, barge, or other 6 floating craft;
- 7 $((\frac{12}{12}))$ (13) "Public place" means any area that is used or held 8 out for use by the public whether owned or operated by public or
- 9 private interests.
- 10 **Sec. 4.** RCW 70.93.090 and 1979 c 94 s 5 are each amended to read 11 as follows:
- 12 The department shall design and the director shall adopt by rule or
- 13 regulation one or more types of litter receptacles which are reasonably
- 14 uniform as to size, shape, capacity and color, for wide and extensive
- 15 distribution throughout the public places of this state. Each such
- 16 litter receptacle shall bear an anti-litter symbol as designed and
- 17 adopted by the department. In addition, all litter receptacles shall
- 18 be designed to attract attention and to encourage the depositing of
- 19 litter.
- 20 Litter receptacles of the uniform design shall be placed along the
- 21 public highways of this state and at all parks, campgrounds, trailer
- 22 parks, drive-in restaurants, gasoline service stations, tavern parking
- 23 lots, shopping centers, grocery store parking lots, parking lots of
- 24 major industrial firms, marinas, boat launching areas, boat moorage and
- 25 fueling stations, public and private piers, beaches and bathing areas,
- 26 and such other public places within this state as specified by rule or
- 27 regulation of the director adopted pursuant to chapter 34.05 RCW. The
- 28 number of such receptacles required to be placed as specified herein
- 29 shall be determined by a formula related to the need for such
- 30 receptacles.
- It shall be the responsibility of any person owning or operating
- 32 any establishment or public place in which litter receptacles of the
- 33 uniform design are required by this section to procure and place such
- 34 receptacles at their own expense on the premises in accord with rules
- 35 and regulations adopted by the department.
- 36 ((The department shall establish a system of grants to aid cities,
- 37 towns, and counties with populations under twenty-five thousand in
- 38 procuring and placing such litter receptacles. Such grants shall be on

a matching basis under which the local government involved electing to 1 participate in this program shall be required to pay at least fifty 2 percent of the total costs of procurement of receptacles sufficient in 3 4 number to meet departmental guidelines established by rule pursuant to 5 this section. The amount of the grant shall be determined on a caseby-case basis by the director after consideration of need, available 6 7 departmental and local government funds, degree of prior compliance by 8 the local government involved in placement of receptacles, and other 9 relevant criteria. The responsibility for maintaining and emptying 10 such receptacles shall remain with the unit of local government.))

Any person, other than a political subdivision, government agency, or municipality, who fails to place such litter receptacles on the premises in the numbers required by rule or regulation of the department, violating the provisions of this section or rules or regulations adopted thereunder shall be subject to a fine of ten dollars for each day of violation.

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- 17 **Sec. 5.** RCW 70.93.180 and 1992 c 175 s 8 are each amended to read 18 as follows:
- 19 (1) There is hereby created an account within the state treasury to 20 be known as the "waste reduction, recycling, and litter control 21 account". Moneys in the account may be spent only after appropriation. 22 Expenditures from the waste reduction, recycling, and litter control 23 account shall be used as follows:
- (a) ((From July 1, 1992, to June 30, 1993, funds shall be used for programs to: Control litter; encourage recycling; develop markets for recyclable materials; and enforce compliance with the litter tax imposed in RCW 82.19.010.
 - (b) After June 30, 1993, funds shall be used as follows:
 - (i) Not less than forty percent nor more than fifty percent for a litter patrol program to employ youth from the state to remove litter from places and areas that are most visible to the public and to enforce compliance with the litter tax imposed in RCW 82.19.010; and
 - (ii) Not more than sixty percent for the following purposes: Public education and awareness programs to control litter; programs to promote public education and awareness of the model litter control and recycling act; programs to foster private local recycling efforts, encourage recycling, and develop markets for recyclable materials; and compliance with the litter tax imposed in RCW 82.19.010)) Fifty percent

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- 1 to the department of ecology, for use by the departments of ecology,
- 2 <u>natural resources, revenue, transportation, and corrections, and the</u>
- 3 parks and recreation commission, for use in litter collection programs,
- 4 to be distributed under section 6 of this act. The amount to the
- 5 department of ecology shall also be used for a central coordination
- 6 <u>function for litter control efforts state-wide</u>, for the biennial litter
- 7 survey under RCW 70.93.200(8), and for state-wide public awareness
- 8 programs under RCW 70.93.200(7). The amount to the department shall
- 9 also be used to defray the costs of administering the funding,
- 10 coordination, and oversight of local government programs for waste
- 11 reduction, litter control, and recycling, so that local governments can
- 12 apply one hundred percent of their funding to achieving program goals.
- 13 The amount to the department of revenue shall be used to enforce
- 14 compliance with the litter tax imposed in chapter 82.19 RCW;
- 15 (b) Twenty percent to the department for local government funding
- 16 programs for waste reduction, litter control, and recycling activities
- 17 by cities and counties under RCW 70.93.250, to be administered by the
- 18 <u>department of ecology; and</u>
- 19 <u>(c) Thirty percent to the department of ecology for waste reduction</u>
- 20 and recycling efforts.
- 21 (2) All taxes imposed in RCW 82.19.010 and fines and bail
- 22 forfeitures collected or received pursuant to this chapter shall be
- 23 deposited in the waste reduction, recycling, and litter control account
- 24 and used for the programs under subsection (1) of this $section((\frac{1}{2}))$
- 25 except as required to be otherwise distributed under RCW 70.93.070)).
- 26 (3) Not less than five percent and no more than ten percent of the
- 27 <u>amount appropriated into the waste reduction, recycling, and litter</u>
- 28 control account every biennium shall be reserved for capital needs,
- 29 including the purchase of vehicles for transporting crews and for
- 30 collecting litter and solid waste. Capital funds shall be distributed
- 31 among state agencies and local governments according to the same
- 32 criteria provided in section 6 of this act for the remainder of the
- 33 funds, so that the most effective waste reduction, litter control, and
- 34 recycling programs receive the most funding. The intent of this
- 35 subsection is to provide funds for the purchase of equipment that will
- 36 enable the department to account for the greatest return on investment
- 37 <u>in terms of reaching a zero litter goal.</u>

- NEW SECTION. Sec. 6. A new section is added to chapter 70.93 RCW to read as follows:
- 3 (1)The ecology department of is the coordinating and 4 administrative agency working with the departments of natural resources, revenue, transportation, and corrections, and the parks and 5 recreation commission in developing a biennial budget request for funds 6 7 for the various agencies' litter collection programs.
- 8 (2) Funds may be used to meet the needs of efficient and effective 9 litter collection and illegal dumping programs identified by the 10 various agencies. The department shall develop criteria for evaluating the effectiveness and efficiency of the waste reduction, 11 control, and recycling programs being administered by the various 12 agencies listed in RCW 70.93.180, and shall distribute funds according 13 to the effectiveness and efficiency of those programs. In addition, 14 the department shall approve funding requests for efficient and 15 effective waste reduction, litter control, and recycling programs, 16 17 provide funds, and monitor the results of all agency programs.
- 18 (3) All agencies are responsible for reporting information on their 19 litter collection programs, as requested by the department of ecology. 20 Beginning in the year 2000, this information shall be provided to the 21 department by March of even-numbered years. In 1998, this information 22 shall be provided by July 1st.
- (4) By December 1998, and in every even-numbered year thereafter, the department shall provide a report to the legislature summarizing biennial waste reduction, litter control, and recycling activities by state agencies and submitting the coordinated litter budget request of all agencies.
- 28 **Sec. 7.** RCW 82.19.010 and 1992 c 175 s 3 are each amended to read 29 as follows:
- 30 (1) In addition to any other taxes, there is hereby levied and there shall be collected by the department of revenue from every person 31 32 for the privilege of engaging within this state in business as a 33 manufacturer, as a wholesaler, or as a retailer, ((an annual)) a litter 34 tax equal to the value of products listed in RCW 82.19.020, including byproducts, manufactured within this state, multiplied by fifteen one-35 36 thousandths of one percent in the case of manufacturers, and equal to 37 the gross proceeds of sales of the products listed in RCW 82.19.020

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- that are sold within this state multiplied by fifteen one-thousandths
 of one percent in the case of wholesalers and retailers.
- 3 (2) Beginning January 1999, and in January of every odd-numbered 4 year thereafter, the department shall submit to the appropriate 5 committees of the senate and the house of representatives a report on 6 compliance with the litter tax. The report shall address:
- 7 <u>(a) The litter tax reported voluntarily and litter tax assessed</u> 8 through enforcement; and
- 9 (b) Total litter tax revenues reported on an industry basis.
- 10 (3) Beginning January 1999, the frequency and time of collection of
- 11 the tax will be changed to coincide with the reporting periods by
- 12 payers of their business and occupation tax.
- 13 **Sec. 8.** RCW 43.84.092 and 1997 c 218 s 5 are each amended to read 14 as follows:
- 15 (1) All earnings of investments of surplus balances in the state 16 treasury shall be deposited to the treasury income account, which 17 account is hereby established in the state treasury.
- 18 (2) The treasury income account shall be utilized to pay or receive 19 funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is 20 subject in all respects to chapter 43.88 RCW, but no appropriation is 21 required for refunds or allocations of interest earnings required by 22 23 the cash management improvement act. Refunds of interest to the 24 federal treasury required under the cash management improvement act 25 fall under RCW 43.88.180 and shall not require appropriation. office of financial management shall determine the amounts due to or 26 27 from the federal government pursuant to the cash management improvement The office of financial management may direct transfers of funds 28 29 between accounts as deemed necessary to implement the provisions of the 30 cash management improvement act, and this subsection. allocations shall occur prior to the distributions of earnings set 31 forth in subsection (4) of this section. 32
- 33 (3) Except for the provisions of RCW 43.84.160, the treasury income 34 account may be utilized for the payment of purchased banking services 35 on behalf of treasury funds including, but not limited to, depository, 36 safekeeping, and disbursement functions for the state treasury and 37 affected state agencies. The treasury income account is subject in all 38 respects to chapter 43.88 RCW, but no appropriation is required for

payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

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- 3 (4) Monthly, the state treasurer shall distribute the earnings 4 credited to the treasury income account. The state treasurer shall 5 credit the general fund with all the earnings credited to the treasury 6 income account except:
- 7 following accounts and funds shall receive their (a) The 8 proportionate share of earnings based upon each account's and fund's 9 average daily balance for the period: The capitol building 10 construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects 11 account, the charitable, educational, penal 12 and reformatory 13 institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax 14 15 equalization account, the data processing building construction 16 account, the deferred compensation administrative account, the deferred 17 compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern 18 19 Washington University capital projects account, the education 20 construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health 21 services account, the health system capacity account, the personal 22 23 health services account, the highway infrastructure account, the 24 industrial insurance premium refund account, the judges' retirement 25 account, the judicial retirement administrative account, the judicial 26 retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax 27 account, the medical aid account, the mobile home park relocation fund, 28 29 the municipal criminal justice assistance account, the municipal sales 30 and use tax equalization account, the natural resources deposit 31 account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' 32 retirement system plan II account, the Puyallup tribal settlement 33 34 account, the resource management cost account, the site closure 35 account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state 36 37 investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' 38 39 retirement system plan I account, the teachers' retirement system plan

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II account, the transportation infrastructure account, the tuition 1 2 recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire 3 4 fighters' relief and pension principal account, the volunteer fire 5 fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement 6 7 officers' and fire fighters' system plan I retirement account, the 8 Washington law enforcement officers' and fire fighters' system plan II 9 retirement account, the Washington state patrol retirement account, the 10 Washington State University building account, the Washington State 11 University bond retirement fund, the waste reduction, recycling, and litter control account, the water pollution control revolving fund, and 12 13 the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the 14 15 normal school permanent fund, the permanent common school fund, the 16 scientific permanent fund, and the state university permanent fund 17 shall be allocated to their respective beneficiary accounts. earnings to be distributed under this subsection (4)(a) shall first be 18 19 reduced by the allocation to the state treasurer's service fund 20 pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the department of licensing services account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the gasohol exemption holding account, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the marine operating fund, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the small city account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account,

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- 1 the transportation equipment fund, the transportation fund, the
- 2 transportation improvement account, the transportation revolving loan
- 3 account, and the urban arterial trust account.
- 4 (5) In conformance with Article II, section 37 of the state
- 5 Constitution, no treasury accounts or funds shall be allocated earnings
- 6 without the specific affirmative directive of this section.
- 7 **Sec. 9.** RCW 70.93.200 and 1979 c 94 s 7 are each amended to read 8 as follows:
- 9 In addition to the foregoing, the department of ecology shall:
- 10 (1) Serve as the coordinating agency between the various industry
- 11 organizations seeking to aid in the waste reduction, anti-litter, and
- 12 recycling efforts;
- 13 (2) Serve as the coordinating and administrating agency for all
- 14 state agencies and local governments receiving funds for waste
- 15 reduction, litter control, and recycling under this chapter;
- 16 (3) Recommend to the governing bodies of all local governments that
- 17 they adopt ordinances similar to the provisions of this chapter;
- 18 $((\frac{3}{1}))$ (4) Cooperate with all local governments to accomplish
- 19 coordination of local <u>waste reduction</u>, anti-litter, and recycling
- 20 efforts;
- $((\frac{4}{1}))$ (5) Encourage, organize, and coordinate all voluntary local
- 22 <u>waste reduction</u>, anti-litter, and recycling campaigns seeking to focus
- 23 the attention of the public on the programs of this state to reduce
- 24 <u>waste</u>, control and remove litter, and ((to)) foster recycling;
- 25 (((5))) (6) Investigate the availability of, and apply for funds
- 26 available from any private or public source to be used in the program
- 27 outlined in this chapter;
- (((6))) Develop state-wide programs by working with local
- 29 governments, payers of the waste reduction, recycling, and litter
- 30 control tax, and industry organizations that are active in waste
- 31 reduction, anti-litter, and recycling efforts to increase public
- 32 awareness of and participation in recycling and to stimulate and
- 33 encourage local private recycling centers, public participation in
- 34 recycling and research and development in the field of litter control,
- 35 and recycling, removal, and disposal of litter-related recycling
- 36 materials<u>:</u>
- 37 (8) Conduct a biennial state-wide litter survey targeted at litter
- 38 composition, sources, demographics, and geographic trends; and

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- 1 (9) Provide a biennial summary of all waste reduction, litter
- 2 control, and recycling efforts state-wide including those of the
- 3 <u>department of ecology</u>, and other state agencies and local governments
- 4 <u>funded for such programs under this chapter</u>. This report is due to the
- 5 <u>legislature in March of even-numbered years</u>.
- 6 **Sec. 10.** RCW 70.93.210 and 1979 c 94 s 8 are each amended to read 7 as follows:
- 8 To aid in the state-wide <u>waste reduction</u>, anti-litter, and
- 9 recycling campaign, the state legislature requests that the payers of
- 10 the waste reduction, recycling, and litter control tax and the various
- 11 industry organizations which are active in waste reduction, anti-
- 12 litter, and recycling efforts provide active cooperation with the
- 13 department of ecology so that additional effect may be given to the
- 14 waste reduction, anti-litter, and recycling campaign of the state of
- 15 Washington.
- 16 **Sec. 11.** RCW 70.93.250 and 1990 c 66 s 3 are each amended to read
- 17 as follows:
- 18 <u>(1)</u> The department shall provide ((grants)) funding to local units
- 19 of government to establish, conduct, and evaluate community service and
- 20 other programs for waste reduction, litter and illegal dump cleanup,
- 21 and recycling. Programs eligible for ((grants)) funding under this
- 22 section shall include, but not be limited to, programs established
- 23 pursuant to RCW 72.09.260.
- 24 (2) Funds may be offered for costs associated with community waste
- 25 reduction, litter cleanup and prevention, and recycling activities.
- 26 The funding program must be flexible, allowing local governments to use
- 27 funds broadly to meet their needs to reduce waste, control litter and
- 28 illegal dumping, and promote recycling. Local governments are required
- 29 to contribute resources or in-kind services. The department shall
- 30 evaluate funding requests from local government according to the same
- 31 criteria as those developed in section 6 of this act, provide funds
- 32 according to the effectiveness and efficiency of local government
- 33 <u>litter control programs</u>, and monitor the results of all local
- 34 government programs under this section.
- 35 (3) Local governments shall report information as requested by the
- 36 <u>department</u> in funding agreements entered into by the department and a
- 37 <u>local government</u>. The department shall report to the appropriate

- 1 standing committees of the legislature by December ((31, 1991,)) of
- 2 <u>even-numbered years</u> on the effectiveness of ((community service)) <u>local</u>
- 3 government waste reduction, litter ((cleanup)), and recycling programs
- 4 funded ((from grants)) under this section.
- 5 **Sec. 12.** RCW 47.36.400 and 1991 c 94 s 4 are each amended to read 6 as follows:
- 7 The department may install adopt-a-highway signs, with the 8 following restrictions:
- 9 (1) Signs shall be designed by the department and may only include 10 the words "adopt-a-highway litter control next XX miles" and the name 11 of the litter control area sponsor. The sponsor's name shall not be 12 displayed more predominantly than the remainder of the sign message.
- 13 ((No)) Trademarks or business logos may be displayed;
- 14 (2) Signs may be placed along interstate, primary, and scenic 15 system highways;
- 16 (3) For each litter control area designated by the department, one 17 sign may be placed visible to traffic approaching from each direction;
- 18 (4) Signs shall be located so as not to detract from official 19 traffic control signs installed pursuant to the manual on uniform 20 traffic control devices adopted by the department;
- 21 (5) Signs shall be located so as not to restrict sight distance on 22 approaches to intersections or interchanges;
- 23 (6) The department may charge reasonable fees to defray the cost of 24 manufacture, installation, and maintenance of adopt-a-highway signs.

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