
SUBSTITUTE SENATE BILL 5659

State of Washington

64th Legislature

2015 Regular Session

By Senate Energy, Environment & Telecommunications (originally sponsored by Senators Ericksen, Sheldon, Pearson, Braun, Hatfield, Hobbs, Mullet, and Benton)

READ FIRST TIME 02/19/15.

1 AN ACT Relating to directing state investments of existing litter
2 tax revenues under chapter 82.19 RCW in material waste management
3 efforts without increasing the tax rate; amending RCW 70.93.020,
4 70.93.180, 70.93.200, 82.19.040, and 82.19.040; reenacting and
5 amending RCW 70.93.180; adding a new section to chapter 82.04 RCW;
6 providing an effective date; and providing an expiration date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 70.93.020 and 1998 c 257 s 2 are each amended to
9 read as follows:

10 (1) The purpose of this chapter is to accomplish litter control,
11 increase waste reduction, and stimulate all components of recycling
12 and composting throughout this state by delegating to the department
13 of ecology the authority to:

14 ~~((1))~~ (a) Conduct a permanent and continuous program to control
15 and remove litter from this state to the maximum practical extent
16 possible;

17 ~~((2))~~ (b) Recover and recycle waste materials related to litter
18 and littering;

19 ~~((3))~~ (c) Foster public and private recycling of recyclable
20 materials and composting of compostable materials;

1 ~~((4))~~ (d) Increase public awareness of the need for waste
2 reduction, recycling, ~~((and))~~ litter control, and composting; ~~((and~~
3 ~~(5))~~ (e) Coordinate the litter collection efforts ~~((and~~
4 ~~expenditure of funds for litter collection))~~ by other agencies
5 identified in this chapter; and

6 (f) Coordinate and expend funds collected under chapter 82.19 RCW
7 with priority given to products identified under RCW 82.19.020 and
8 solely for the purposes of waste reduction, recycling, composting,
9 and litter collection and control programs.

10 (2) It is further the intent and purpose of this chapter to: (a)
11 Create jobs for employment of youth in litter cleanup and related
12 activities ~~((and to))~~; (b) stimulate and encourage ~~((small, private))~~
13 recycling ~~((centers))~~; and (c) encourage proper and appropriate
14 composting. This program shall include the compatible goal of
15 recovery of recyclable materials to conserve energy and natural
16 resources wherever practicable. Every other department of state
17 government and all local governmental units and agencies of this
18 state shall cooperate with the department of ecology in the
19 administration and enforcement of this chapter. The intent of this
20 chapter is to add to and to coordinate existing recycling and litter
21 control and removal efforts and not terminate or supplant such
22 efforts.

23 **Sec. 2.** RCW 70.93.180 and 2013 2nd sp.s. c 15 s 6 and 2013 2nd
24 sp.s. c 4 s 989 are each reenacted and amended to read as follows:

25 (1) There is hereby created an account within the state treasury
26 to be known as the waste reduction, recycling, and litter control
27 account. Moneys in the account may be spent only after appropriation.
28 Expenditures from the waste reduction, recycling, and litter control
29 account shall be used as follows:

30 (a) Fifty percent to the department of ecology, for use by the
31 departments of ecology, natural resources, revenue, transportation,
32 and corrections, and the parks and recreation commission, for use in
33 litter collection programs, to be distributed under RCW 70.93.220.
34 The amount to the department of ecology shall also be used for a
35 central coordination function for litter control efforts statewide;
36 ~~((for the biennial litter survey under RCW 70.93.200(8);))~~ for
37 statewide public awareness programs under RCW 70.93.200(7); and
38 ~~((during the 2013-2015 biennium,))~~ to support employment of youth in
39 litter clean up as intended in RCW 70.93.020, and for litter pick up

1 using other authorized agencies. The amount to the department shall
2 also be used to defray the costs of administering the funding,
3 coordination, and oversight of local government programs for waste
4 reduction, litter control, ~~((and))~~ recycling, and composting, so that
5 local governments can apply one hundred percent of their funding to
6 achieving program goals. The amount to the department of revenue
7 shall be used to enforce compliance with the litter tax imposed in
8 chapter 82.19 RCW;

9 (b)~~(i)~~ Twenty percent to the department ~~((:—(i)))~~ for local
10 government funding programs for waste reduction, litter control,
11 ~~((and))~~ recycling activities, and composting activities by cities and
12 counties under RCW 70.93.250, to be administered by the department of
13 ecology; ~~((and (ii) during the 2013-2015 biennium, to create a~~
14 ~~matching fund competitive grant program to be used by local~~
15 ~~governments and nonprofit organizations for local or statewide~~
16 ~~education programs designed to help the public with litter reduction,~~
17 ~~and recycling of primarily the products taxed under chapter 82.19~~
18 ~~RCW. Unspent funds from (a) and (c) of this subsection may be applied~~
19 ~~to the competitive grant program))~~ (ii) any unspent funds under
20 (b)(i) of this subsection may be used to create and pay for a
21 matching fund competitive grant program to provide funding to
22 qualified local governments and nonprofit organizations for local or
23 statewide education programs designed to help the public with litter
24 control, waste reduction, recycling, and composting of primarily the
25 products taxed under chapter 82.19 RCW. Grants must adhere to the
26 following requirements: (A) No grant may exceed sixty thousand
27 dollars; (B) grant recipients shall match the grant funding allocated
28 by the department by an amount equal to twenty-five percent of
29 eligible expenses. A local government's share of these costs may be
30 met by cash or contributed services; (C) the obligation of the
31 department to make grant payments is contingent upon the availability
32 of the amount of money appropriated for this subsection (1)(b); and
33 (D) grants are managed under the guidelines for existing grant
34 programs; and

35 (c) Thirty percent to the department of ecology ~~((for waste~~
36 ~~reduction and recycling efforts))~~ to: (i) Implement activities under
37 RCW 70.93.200 for waste reduction, recycling, and composting efforts;
38 (ii) provide technical assistance to local governments for commercial
39 business and residential recycling and composting programs primarily
40 for the products taxed under chapter 82.19 RCW designed to educate

1 the public about waste reduction, litter control, and recyclable and
2 compostable products and programs; and (iii) increase access to waste
3 reduction, composting, and recycling programs, particularly for food
4 packaging and plastic bags and appropriate composting techniques.
5 ~~((During the 2013-2015 biennium, these funds are to be used to: (i)~~
6 ~~Implement activities under RCW 70.93.200 for waste reduction,~~
7 ~~recycling efforts; (ii) provide technical assistance to local~~
8 ~~governments for commercial business and residential recycling~~
9 ~~programs primarily for the products taxed under chapter 82.19 RCW~~
10 ~~designed to educate citizens about waste and litter reduction and~~
11 ~~recyclable products and programs; and (iii) increase access to~~
12 ~~recycling programs, particularly for food packaging and plastic bags~~
13 ~~and appropriate techniques of discarding products.))~~

14 (2) All moneys directed to the waste reduction, recycling, and
15 litter control account under RCW 82.19.040 and fines and bail
16 forfeitures collected or received pursuant to this chapter shall be
17 deposited in the account and used for the programs under subsection
18 (1) of this section.

19 (3) Not less than five percent and no more than ten percent of
20 the amount appropriated into the waste reduction, recycling, and
21 litter control account every biennium shall be reserved for capital
22 needs, including the purchase of vehicles for transporting crews and
23 for collecting litter and solid waste. Capital funds shall be
24 distributed among state agencies and local governments according to
25 the same criteria provided in RCW 70.93.220 for the remainder of the
26 funds, so that the most effective waste reduction, litter control,
27 ~~((and))~~ recycling, and composting programs receive the most funding.
28 The intent of this subsection is to provide funds for the purchase of
29 equipment that will enable the department to account for the greatest
30 return on investment in terms of reaching a zero litter goal.

31 ~~((5) [(4)] During the 2013-2015 biennium,))~~ (4) Funds in the
32 waste reduction, recycling, and litter control account, collected
33 under chapter 82.19 RCW, must be prioritized for the products
34 identified under RCW 82.19.020 solely for the purposes of waste
35 reduction, recycling, composting, and litter collection, reduction,
36 and control programs.

37 ~~((6) [(5)] During the 2013-2015 biennium, the legislature may~~
38 ~~appropriate funds from the waste reduction, recycling, and litter~~
39 ~~control account to the state parks and recreation commission for~~
40 ~~parks operation and maintenance.))~~

1 **Sec. 3.** RCW 70.93.180 and 2013 2nd sp.s. c 4 s 989 are each
2 amended to read as follows:

3 (1) There is hereby created an account within the state treasury
4 to be known as the waste reduction, recycling, and litter control
5 account. Moneys in the account may be spent only after appropriation.
6 Expenditures from the waste reduction, recycling, and litter control
7 account shall be used as follows:

8 (a) Fifty percent to the department of ecology, for use by the
9 departments of ecology, natural resources, revenue, transportation,
10 and corrections, and the parks and recreation commission, for use in
11 litter collection programs, to be distributed under RCW 70.93.220.
12 The amount to the department of ecology shall also be used for a
13 central coordination function for litter control efforts statewide;
14 (~~for the biennial litter survey under RCW 70.93.200(8);~~) for
15 statewide public awareness programs under RCW 70.93.200(7); and
16 (~~during the 2013-2015 biennium,~~) to support employment of youth in
17 litter clean up as intended in RCW 70.93.020, and for litter pick up
18 using other authorized agencies. The amount to the department shall
19 also be used to defray the costs of administering the funding,
20 coordination, and oversight of local government programs for waste
21 reduction, litter control, (~~and~~) recycling, and composting so that
22 local governments can apply one hundred percent of their funding to
23 achieving program goals. The amount to the department of revenue
24 shall be used to enforce compliance with the litter tax imposed in
25 chapter 82.19 RCW;

26 (b)(i) Twenty percent to the department(~~(+—(i))~~) for local
27 government funding programs for waste reduction, litter control,
28 (~~and~~) recycling activities, and composting activities by cities and
29 counties under RCW 70.93.250, to be administered by the department of
30 ecology; (~~and~~) (ii) (~~during the 2013-2015 biennium,~~) any unspent
31 funds under (b)(i) of this subsection may be used to create and pay
32 for a matching fund competitive grant program to be used by local
33 governments and nonprofit organizations for local or statewide
34 education programs designed to help the public with litter control,
35 waste reduction, (~~and~~) recycling, and composting of primarily the
36 products taxed under chapter 82.19 RCW. (~~Unspent funds from (a) and~~
37 ~~(c) of this subsection may be applied to the competitive grant~~
38 ~~program)). Grants must adhere to the following requirements: (A) No
39 grant may exceed sixty thousand dollars; (B) grant recipients shall
40 match the grant funding allocated by the department by an amount~~

1 equal to twenty-five percent of eligible expenses. A local
2 government's share of these costs may be met by cash or contributed
3 services; (C) the obligation of the department to make grant payments
4 is contingent upon the availability of the amount of money
5 appropriated for this subsection (1)(b); and (D) grants are managed
6 under the guidelines for existing grant programs; and

7 (c) Thirty percent to the department of ecology (~~for waste~~
8 ~~reduction and recycling efforts. During the 2013-2015 biennium, these~~
9 ~~funds are to be used~~) to: (i) Implement activities under RCW
10 70.93.200 for waste reduction, recycling, and composting efforts;
11 (ii) provide technical assistance to local governments for commercial
12 business and residential recycling programs primarily for the
13 products taxed under chapter 82.19 RCW designed to educate citizens
14 about waste (~~and litter reduction~~) reduction, litter control, and
15 recyclable and compostable products and programs; and (iii) increase
16 access to waste reduction, composting, and recycling programs,
17 particularly for food packaging and plastic bags and appropriate
18 composting techniques (of discarding products)).

19 (2) All taxes imposed in RCW 82.19.010 and fines and bail
20 forfeitures collected or received pursuant to this chapter shall be
21 deposited in the waste reduction, recycling, and litter control
22 account and used for the programs under subsection (1) of this
23 section.

24 (3) Not less than five percent and no more than ten percent of
25 the amount appropriated into the waste reduction, recycling, and
26 litter control account every biennium shall be reserved for capital
27 needs, including the purchase of vehicles for transporting crews and
28 for collecting litter and solid waste. Capital funds shall be
29 distributed among state agencies and local governments according to
30 the same criteria provided in RCW 70.93.220 for the remainder of the
31 funds, so that the most effective waste reduction, litter control,
32 (~~and~~) recycling, and composting programs receive the most funding.
33 The intent of this subsection is to provide funds for the purchase of
34 equipment that will enable the department to account for the greatest
35 return on investment in terms of reaching a zero litter goal.

36 (4) (~~During the 2011-2013 fiscal biennium, the legislature may~~
37 ~~transfer from the waste reduction, recycling, and litter control~~
38 ~~account to the state general fund such amounts as reflect the excess~~
39 ~~fund balance of the account. Additionally, during the 2011-2013~~

1 ~~fiscal biennium, subsection (1)(a), (b), and (c) of this section is~~
2 ~~suspended.~~

3 ~~(5) During the 2013-2015 biennium,)~~ Funds in the waste
4 reduction, recycling, and litter control account, collected under
5 chapter 82.19 RCW, must be prioritized for the products identified
6 under RCW 82.19.020 solely for the purposes of recycling, composting,
7 and litter collection, reduction, and control programs.

8 ~~((6) During the 2013-2015 biennium, the legislature may~~
9 ~~appropriate funds from the waste reduction, recycling, and litter~~
10 ~~control account to the state parks and recreation commission for~~
11 ~~parks operation and maintenance.))~~

12 **Sec. 4.** RCW 70.93.200 and 2014 c 76 s 2 are each amended to read
13 as follows:

14 In addition to the foregoing, the department of ecology shall use
15 the moneys from RCW 70.93.180 of the waste reduction, recycling, and
16 litter control account to:

17 (1) Serve as the coordinating agency between the various industry
18 organizations seeking to aid in the waste reduction, anti-litter,
19 ~~((and))~~ recycling, and composting efforts;

20 (2) Serve as the coordinating and administrating agency for all
21 state agencies and local governments receiving funds for waste
22 reduction, litter control, ~~((and))~~ recycling, and composting under
23 this chapter;

24 (3) Recommend to the governing bodies of all local governments
25 that they adopt ordinances similar to the provisions of this chapter;

26 (4) Cooperate with all local governments to accomplish
27 coordination of local waste reduction, anti-litter, ~~((and))~~
28 recycling, and composting efforts;

29 (5) Encourage, organize, and coordinate all voluntary local waste
30 reduction, anti-litter, and recycling campaigns seeking to focus the
31 attention of the public on the programs of this state to reduce
32 waste, control and remove litter, and foster recycling and
33 composting;

34 (6) Investigate the availability of, and apply for funds
35 available from any private or public source to be used in the program
36 outlined in this chapter;

37 (7) Develop statewide programs by working with local governments,
38 payers of the waste reduction, recycling, and litter control tax, and

1 industry organizations that are active in waste reduction, anti-
2 litter, ~~((and))~~ recycling, and composting efforts to:

3 (a) Increase public awareness of and participation in recycling
4 and composting; and ~~((to))~~

5 (b) Stimulate and encourage local private recycling and
6 composting centers, public participation in recycling and composting,
7 and research and development in the field of litter control, and
8 recycling, removal, and disposal of litter-related recycling
9 materials, and composting; and

10 ~~((Conduct a periodic statewide litter survey targeted at~~
11 ~~litter composition, sources, demographics, and geographic trends; and~~

12 ~~((9)))~~ Provide on the department's web site a summary of all waste
13 reduction, litter control, ~~((and))~~ recycling, and composting efforts
14 statewide including those of the department and other state agencies
15 and local governments funded for such programs under this chapter.

16 **Sec. 5.** RCW 82.19.040 and 2013 2nd sp.s. c 15 s 5 are each
17 amended to read as follows:

18 (1) To the extent applicable, all of the definitions of chapter
19 82.04 RCW and all of the provisions of chapter 82.32 RCW apply to the
20 tax imposed in this chapter.

21 (2) Until June 30, 2017, taxes collected under this chapter shall
22 be distributed as follows: (a) Five million dollars per fiscal year
23 must be deposited in equal monthly amounts to the state parks renewal
24 and stewardship account under RCW 79A.05.215; and (b) the remainder
25 to the waste reduction, recycling, and litter control account under
26 RCW 70.93.180.

27 **Sec. 6.** RCW 82.19.040 and 2001 c 118 s 6 are each amended to
28 read as follows:

29 (1) To the extent applicable, all of the definitions of chapter
30 82.04 RCW and all of the provisions of chapter 82.32 RCW apply to the
31 tax imposed in this chapter.

32 (2) Beginning June 30, 2017, taxes collected under this chapter
33 shall be deposited in the waste reduction, recycling, and litter
34 control account under RCW 70.93.180.

35 NEW SECTION. **Sec. 7.** A new section is added to chapter 82.04
36 RCW to read as follows:

1 (1) This chapter does not apply to grants received by a nonprofit
2 organization from the matching fund competitive grant program
3 established in RCW 70.93.180(1)(b)(ii).

4 (2) This section is not subject to the requirements of RCW
5 82.32.805 and 82.32.808, and is not subject to an expiration date.

6 NEW SECTION. **Sec. 8.** Sections 2 and 5 of this act expire June
7 30, 2017.

8 NEW SECTION. **Sec. 9.** Sections 3 and 6 of this act take effect
9 June 30, 2017.

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