
SUBSTITUTE SENATE BILL 5357

State of Washington

63rd Legislature

2013 Regular Session

By Senate Energy, Environment & Telecommunications (originally sponsored by Senators Honeyford, Delvin, Ericksen, Hobbs, Hatfield, and Rolfes)

READ FIRST TIME 02/22/13.

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; and amending RCW 70.93.020,
4 70.93.180, and 70.93.200.

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

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

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

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

15 ~~((2))~~ (b) Recover and recycle waste materials related to litter
16 and littering;

17 ~~((3))~~ (c) Foster public and private recycling of recyclable
18 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, and
9 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 recovery
15 of recyclable materials to conserve energy and natural resources
16 wherever practicable. Every other department of state government and
17 all local governmental units and agencies of this state shall cooperate
18 with the department of ecology in the administration and enforcement of
19 this chapter. The intent of this chapter is to add to and to
20 coordinate existing recycling and litter control and removal efforts
21 and not terminate or supplant such efforts.

22 **Sec. 2.** RCW 70.93.180 and 2011 1st sp.s. c 50 s 963 are each
23 amended to read as follows:

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

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

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

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

28 (c) Thirty percent to the department of ecology ~~((for waste~~
29 ~~reduction and recycling efforts))~~ to: (i) Implement activities under
30 RCW 70.93.200 for waste reduction, recycling, and composting efforts,
31 except for the litter survey under RCW 70.93.200(8) and the public
32 awareness programs under RCW 70.93.200(7); (ii) provide technical
33 assistance to local governments for commercial business and residential
34 recycling and composting programs primarily for the products taxed
35 under chapter 82.19 RCW designed to educate the public about waste
36 reduction, litter control, and recyclable and compostable products and
37 programs; and (iii) increase access to waste reduction, composting, and

1 recycling programs, particularly for food packaging and plastic bags
2 and appropriate composting techniques.

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

7 (3) Not less than five percent and no more than ten percent of the
8 amount appropriated into the waste reduction, recycling, and litter
9 control account every biennium shall be reserved for capital needs,
10 including the purchase of vehicles for transporting crews and for
11 collecting litter and solid waste. Capital funds shall be distributed
12 among state agencies and local governments according to the same
13 criteria provided in RCW 70.93.220 for the remainder of the funds, so
14 that the most effective waste reduction, litter control, ~~((and))~~
15 recycling, and composting programs receive the most funding. The
16 intent of this subsection is to provide funds for the purchase of
17 equipment that will enable the department to account for the greatest
18 return on investment in terms of reaching a zero litter goal.

19 ~~((During the 2009-2011 fiscal biennium, the legislature may~~
20 ~~transfer from the waste reduction, recycling, and litter control~~
21 ~~account to the state general fund such amounts as reflect the excess~~
22 ~~fund balance of the account. Additionally, during the 2009-2011 fiscal~~
23 ~~biennium, subsection (1)(a), (b), and (c) of this section is suspended.~~

24 ~~(5) During the 2011-2013 fiscal biennium, the legislature may~~
25 ~~transfer from the waste reduction, recycling, and litter control~~
26 ~~account to the state general fund such amounts as reflect the excess~~
27 ~~fund balance of the account. Additionally, during the 2011-2013 fiscal~~
28 ~~biennium, subsection (1)(a), (b), and (c) of this section is~~
29 ~~suspended.)) Funds from the waste reduction, recycling, and litter
30 control account, collected under chapter 82.19 RCW, must be prioritized
31 for the products identified under RCW 82.19.020 solely for the purposes
32 of recycling, composting, and litter collection, reduction, and control
33 programs.~~

34 **Sec. 3.** RCW 70.93.200 and 1998 c 257 s 8 are each amended to read
35 as follows:

36 ~~((In addition to the foregoing,))~~ The department of ecology shall

1 use the moneys from RCW 70.93.180 of the waste reduction, recycling,
2 and litter control account to:

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

6 (2) Serve as the coordinating and administrating agency for all
7 state agencies and local governments receiving funds for waste
8 reduction, litter control, ~~((and))~~ recycling, and composting under this
9 chapter;

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

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

15 (5) Encourage, organize, and coordinate all voluntary local waste
16 reduction, anti-litter, and recycling campaigns seeking to focus the
17 attention of the public on the programs of this state to reduce waste,
18 control and remove litter, and foster recycling and composting;

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

22 (7) Develop statewide programs by working with local governments,
23 payers of the waste reduction, recycling, and litter control tax, and
24 industry organizations that are active in waste reduction, anti-litter,
25 ~~((and))~~ recycling, and composting efforts to:

26 (a) Increase public awareness of and participation in recycling and
27 composting; and ~~((to))~~

28 (b) Stimulate and encourage local private recycling and composting
29 centers, public participation in recycling and composting, and research
30 and development in the field of litter control, and recycling, removal,
31 and disposal of litter-related recycling materials, and composting;

32 (8) Conduct a ~~((biennial))~~ statewide litter survey every five years
33 targeted at litter composition, sources, demographics, and geographic
34 trends; and

35 (9) Upon request of the legislature, provide a ~~((biennial))
36 of all waste reduction, litter control, ~~((and))~~ recycling, and
37 composting efforts statewide including those of the department of~~

1 ecology, and other state agencies and local governments funded for such
2 programs under this chapter. (~~(This report is due to the legislature~~
3 ~~in March of even-numbered years.)~~)

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