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**SUBSTITUTE SENATE BILL 5659**

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**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 ~~((8) ((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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