
SUBSTITUTE SENATE BILL 6358

State of Washington

52nd Legislature

1992 Regular Session

By Senate Committee on Environment & Natural Resources (originally sponsored by Senator Metcalf)

Read first time 01/30/92.

1 AN ACT Relating to the litter assessment; amending RCW 70.93.010,
2 70.93.020, 70.93.120, 70.93.130, 70.93.140, 70.93.160, 70.93.170, and
3 70.93.180; adding a new chapter to Title 82 RCW; recodifying RCW
4 70.93.120, 70.93.130, 70.93.140, 70.93.160, and 70.93.170; repealing
5 RCW 70.93.150 and 70.93.194; and providing an effective date.

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

7 **Sec. 1.** RCW 70.93.010 and 1979 c 94 s 1 are each amended to read
8 as follows:

9 (~~Recognizing the rapid population growth of the state of~~
10 ~~Washington and the ever increasing mobility of its people, as well as~~
11 ~~the fundamental need for a healthful, clean and beautiful environment;~~
12 ~~and further recognizing that the proliferation and accumulation of~~
13 ~~litter discarded throughout this state impairs this need and~~
14 ~~constitutes a public health hazard; and further recognizing the need to~~

1 ~~conserve energy and natural resources; and further recognizing that~~
2 ~~there is an imperative need to anticipate, plan for, and accomplish~~
3 ~~effective litter control and recover and recycle waste materials~~
4 ~~related to litter with the subsequent conservation of resources and~~
5 ~~energy, there is hereby enacted this)) (1) The legislature finds:~~

6 (a) Washington state is experiencing rapid population growth and
7 its citizens are increasingly mobile;

8 (b) There is a fundamental need for a healthful, clean, and
9 beautiful environment;

10 (c) The proliferation and accumulation of litter discarded
11 throughout this state impairs this need and constitutes a public health
12 hazard;

13 (d) There is a need to conserve energy and natural resources, and
14 the effective litter control and recovery and recycling of litter
15 materials will serve to accomplish such conservation;

16 (e) In addition to effective litter control, there must be
17 effective programs to accomplish waste reduction, the state's highest
18 waste management priority; and

19 (f) There must also be effective systems to accomplish all
20 components of recycling, including collection, processing, and the
21 marketing of recyclable materials and recycled content products.

22 (2) Recognizing the multifaceted nature of the state's solid waste
23 management problems, the legislation enacted in 1971 and entitled the
24 "Model Litter Control and Recycling Act"((~~-~~)) is hereby renamed the
25 "waste reduction, recycling, and model litter control act."

26 **Sec. 2.** RCW 70.93.020 and 1991 c 319 s 101 are each amended to
27 read as follows:

28 The purpose of this chapter is to accomplish litter control,
29 increase waste reduction, and stimulate ((private)) all components of

1 recycling (~~programs~~) throughout this state by delegating to the
2 department of ecology the authority to:

3 (1) Conduct a permanent and continuous program to control and
4 remove litter from this state to the maximum practical extent possible;

5 (2) Recover and recycle waste materials related to litter and
6 littering;

7 (3) Foster public and private recycling (~~and markets for~~) of
8 recyclable materials; (~~and~~)

9 (4) Increase public awareness of the need for recycling and litter
10 control;

11 (5) Promote and administer programs for waste reduction, including
12 reduction of packaging waste; and

13 (6) Enforce environmental labelling standards.

14 It is further the intent and purpose of this chapter to promote
15 markets for recyclable materials through programs of the clean
16 Washington center and other means.

17 It is further the intent and purpose of this chapter to create jobs
18 for employment of youth in litter cleanup and related activities and to
19 stimulate and encourage small, private recycling centers. This program
20 shall include the compatible goal of recovery of recyclable materials
21 to conserve energy and natural resources wherever practicable. Every
22 other department of state government and all local governmental units
23 and agencies of this state shall cooperate with the department of
24 ecology in the administration and enforcement of this chapter. The
25 intent of this chapter is to add to and to coordinate existing
26 recycling and litter control and removal efforts and not terminate or
27 supplant such efforts.

28 **Sec. 3.** RCW 70.93.120 and 1971 ex.s. c 307 s 12 are each amended
29 to read as follows:

1 In addition to any other taxes, there is hereby levied and there
2 shall be collected by the department of revenue from every person for
3 the privilege of engaging within this state in business as a
4 manufacturer ((and/or making sales at wholesale and/or making sales at
5 retail)), as a wholesaler, or as a retailer, an annual litter
6 ((assessment)) tax equal to the value of products listed in RCW 82.--.-
7 -- (RCW 70.93.130 as recodified by section 10 of this act), including
8 byproducts, manufactured ((and sold)) within this state((, including
9 by products)), multiplied by ((one and one-half hundredths)) fifteen
10 one-thousandths of one percent in the case of manufacturers, and equal
11 to the gross proceeds of ((the)) sales of the ((business)) products
12 listed in RCW 82.--.--- (RCW 70.93.130 as recodified by section 10 of
13 this act) that are sold within this state multiplied by ((one and one-
14 half hundredths)) fifteen one-thousandths of one percent in the case of
15 ((sales at wholesale and/or at retail)) wholesalers and retailers.

16 **Sec. 4.** RCW 70.93.130 and 1971 ex.s. c 307 s 13 are each amended
17 to read as follows:

18 ~~((Because it is the express purpose of this chapter))~~ To accomplish
19 effective litter control within the state ~~((of Washington))~~ and
20 ~~((because it is a further purpose of this chapter))~~ to allocate a
21 portion of the cost of administering ~~((it))~~ this chapter to those
22 industries whose products, including the packages, wrappings, and
23 containers thereof, are reasonably related to the litter problem, ~~((in~~
24 ~~arriving at the amount upon which the assessment is to be calculated))~~
25 the tax imposed in this chapter shall only apply to the value of
26 products or the gross proceeds of sales of products falling into the
27 following categories ((shall be included)):

28 (1) Food for human or pet consumption.

29 (2) Groceries.

- 1 (3) Cigarettes and tobacco products.
- 2 (4) Soft drinks and carbonated waters.
- 3 (5) Beer and other malt beverages.
- 4 (6) Wine.
- 5 (7) Newspapers and magazines.
- 6 (8) Household paper and paper products.
- 7 (9) Glass containers.
- 8 (10) Metal containers.
- 9 (11) Plastic or fiber containers made of synthetic material.
- 10 (12) Cleaning agents and toiletries.
- 11 (13) Nondrug drugstore sundry products.

12 **Sec. 5.** RCW 70.93.140 and 1971 ex.s. c 307 s 14 are each amended
13 to read as follows:

14 (1) The department of revenue, by rule ~~((and regulation made~~
15 ~~pursuant to chapter 34.05 RCW))~~, may, if such is required, define ~~((the~~
16 ~~categories (1) through (13) as set forth in))~~ those items subject to
17 tax under RCW 82.--.--- (RCW 70.93.130 as recodified by section 10 of
18 this act). In making any such definitions, the department of revenue
19 shall be guided by the following standards:

20 ~~((1))~~ (a) It is the purpose of this chapter to accomplish
21 effective control of litter within this state;

22 ~~((2))~~ (b) It is the purpose of this chapter to allocate a portion
23 of the cost of administration of this chapter to those industries
24 manufacturing and/or selling products and the packages, wrappings, or
25 containers thereof which are reasonably related to the litter problem
26 within this state.

27 (2) Instead of requiring each business to separately account for
28 taxable and nontaxable products under this chapter, the department
29 shall provide, by rule, that the tax imposed in this chapter be

1 reported and paid based on a percentage of total sales for a particular
2 type of business if the department determines that the percentage
3 reasonably approximates the taxable activity of the particular type of
4 business. In lieu of separately accounting for taxable and nontaxable
5 products, any person subject to tax under this chapter may elect to
6 report and pay their tax liability based on the percentage, if any,
7 established by the department under this subsection for the person's
8 type of business.

9 **Sec. 6.** RCW 70.93.160 and 1971 ex.s. c 307 s 16 are each amended
10 to read as follows:

11 (1) To the extent applicable, all of the provisions of chapters
12 82.04 and 82.32 RCW ((such as they apply are incorporated herein))
13 apply to the tax imposed in this chapter, except RCW 82.04.220 through
14 82.04.290, and 82.04.330.

15 (2) Taxes collected under this chapter shall be deposited in the
16 waste reduction, recycling, and litter control account under RCW
17 70.93.180.

18 **Sec. 7.** RCW 70.93.170 and 1971 ex.s. c 307 s 17 are each amended
19 to read as follows:

20 The litter ((assessment herein provided for shall not be applied))
21 tax imposed in this chapter does not apply to:

22 (1) The manufacture or sale of products for use and consumption
23 outside the state; or

24 (2) The value of products or gross proceeds of the sales of any
25 animal, bird, or insect or the milk, eggs, wool, fur, meat, honey, or
26 other substance obtained therefrom, if the person performs only the
27 growing or raising function of such animal, bird, or insect. ((In all
28 other instances, the assessment shall be applied.))

1 **Sec. 8.** RCW 70.93.180 and 1991 sp.s. c 13 s 40 are each amended to
2 read as follows:

3 (1) There is hereby created an account within the state treasury to
4 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 may only be used for programs to:

8 (a) Control litter;

9 (b) Encourage recycling;

10 (c) Develop markets for recyclable materials;

11 (d) Reduce waste;

12 (e) Enforce environmental advertising standards; and

13 (f) Enforce compliance with the litter assessment levied pursuant
14 to RCW 70.93.120.

15 (2) All ~~((assessments₇))~~ taxes imposed in RCW 82.--.--- (RCW
16 70.93.120 as recodified under section 10 of this act) and fines((₇))
17 and bail forfeitures(~~(₇—and—other—funds)~~) collected or received
18 pursuant to this chapter shall be deposited in the waste reduction,
19 recycling, and litter control account and used for ~~((the administration~~
20 ~~and implementation of this chapter))~~ the programs under subsection (1)
21 of this section, and except as required to be otherwise distributed
22 under RCW 70.93.070.

23 NEW SECTION. Sec. 9. The following acts or parts of acts are
24 each repealed:

25 (1) RCW 70.93.150 and 1971 ex.s. c 307 s 15; and

26 (2) RCW 70.93.194 and 1979 c 94 s 9.

1 NEW SECTION. **Sec. 10.** RCW 70.93.120, 70.93.130, 70.93.140,
2 70.93.160, and 70.93.170 shall be recodified as a new chapter in Title
3 82 RCW.

4 NEW SECTION. **Sec. 11.** This act shall take effect July 1, 1992.