

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 3058

Chapter 257, Laws of 1998
(partial veto)

55th Legislature
1998 Regular Session

WASTE REDUCTION, RECYCLING, AND LITTER CONTROL--REVISIONS

EFFECTIVE DATE: 6/11/98

Passed by the House February 25, 1998
Yeas 95 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate March 11, 1998
Yeas 41 Nays 3

BRAD OWEN
President of the Senate

Approved April 1, 1998, with the
exception of section 11, which is
vetoed.

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 3058** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

April 1, 1998 - 3:00 p.m.

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 3058

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1998 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Chandler and Linville)

Read first time 02/19/98. 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, 70.93.200, 70.93.210, 70.93.250, and 47.36.400; and adding
4 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;

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
5 components of recycling, including collection(~~(7)~~) and processing(~~(7~~
6 ~~and the marketing of recyclable materials and recycled content~~
7 ~~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:

14 The purpose of this chapter is to accomplish litter control,
15 increase waste reduction, and stimulate all components of recycling
16 throughout this state by delegating to the department of ecology the
17 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;

22 (3) Foster public and private recycling of recyclable materials;
23 (~~and~~)

24 (4) Increase public awareness of the need for waste reduction,
25 recycling, and litter control; and

26 (5) Coordinate the litter collection efforts and expenditure of
27 funds for litter collection by other agencies identified in this
28 chapter.

29 (~~It is further the intent and purpose of this chapter to promote~~
30 ~~markets for recyclable materials through programs of the clean~~
31 ~~Washington center and other means.))~~

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

1 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.

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;

9 (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;

13 (4) "Litter" means all waste material including but not limited to
14 disposable packages or containers thrown or deposited as herein
15 prohibited and solid waste that is illegally dumped, but not including
16 the wastes of the primary processes of mining, logging, sawmilling,
17 farming, or manufacturing;

18 (5) "Litter bag" means a bag, sack, or other container made of any
19 material which is large enough to serve as a receptacle for litter
20 inside the vehicle or watercraft of any person. It is not necessarily
21 limited to the state approved litter bag but must be similar in size
22 and capacity;

23 (6) "Litter receptacle" means those containers adopted by the
24 department of ecology and which may be standardized as to size, shape,
25 capacity, and color and which shall bear the state anti-litter symbol,
26 as well as any other receptacles suitable for the depositing of litter;

27 (7) "Person" means any political subdivision, government agency,
28 municipality, industry, public or private corporation, copartnership,
29 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

1 moved by human or animal power or used exclusively upon stationary
2 rails or tracks;

3 (11) "Waste reduction" means reducing the amount or toxicity of
4 waste generated or reusing materials.

5 (12) "Watercraft" means any boat, ship, vessel, barge, or other
6 floating craft;

7 ~~((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.

31 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~~

1 a matching basis under which the local government involved electing to
2 participate in this program shall be required to pay at least fifty
3 percent of the total costs of procurement of receptacles sufficient in
4 number to meet departmental guidelines established by rule pursuant to
5 this section. The amount of the grant shall be determined on a case-
6 by case basis by the director after consideration of need, available
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.))

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

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:

24 (a) ((From July 1, 1992, to June 30, 1993, funds shall be used for
25 programs to: Control litter; encourage recycling; develop markets for
26 recyclable materials; and enforce compliance with the litter tax
27 imposed in RCW 82.19.010.

28 (b) After June 30, 1993, funds shall be used as follows:

29 (i) Not less than forty percent nor more than fifty percent for a
30 litter patrol program to employ youth from the state to remove litter
31 from places and areas that are most visible to the public and to
32 enforce compliance with the litter tax imposed in RCW 82.19.010; and

33 (ii) Not more than sixty percent for the following purposes:
34 Public education and awareness programs to control litter; programs to
35 promote public education and awareness of the model litter control and
36 recycling act; programs to foster private local recycling efforts,
37 encourage recycling, and develop markets for recyclable materials; and
38 compliance with the litter tax imposed in RCW 82.19.010)) Fifty percent

1 to the department of ecology, for use by the departments of ecology,
2 natural resources, revenue, transportation, and corrections, and the
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 function for litter control efforts state-wide, 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 department of ecology; and

19 (c) Thirty percent to the department of ecology for waste reduction
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(~~and~~
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 amount appropriated into the waste reduction, recycling, and litter
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 in terms of reaching a zero litter goal.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.93 RCW
2 to read as follows:

3 (1) The department of ecology is the coordinating and
4 administrative agency working with the departments of natural
5 resources, revenue, transportation, and corrections, and the parks and
6 recreation commission in developing a biennial budget request for funds
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
11 the effectiveness and efficiency of the waste reduction, litter
12 control, and recycling programs being administered by the various
13 agencies listed in RCW 70.93.180, and shall distribute funds according
14 to the effectiveness and efficiency of those programs. In addition,
15 the department shall approve funding requests for efficient and
16 effective waste reduction, litter control, and recycling programs,
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.

23 (4) By December 1998, and in every even-numbered year thereafter,
24 the department shall provide a report to the legislature summarizing
25 biennial waste reduction, litter control, and recycling activities by
26 state agencies and submitting the coordinated litter budget request of
27 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
31 there shall be collected by the department of revenue from every person
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
35 byproducts, manufactured within this state, multiplied by fifteen one-
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

1 that are sold within this state multiplied by fifteen one-thousandths
2 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 (a) The litter tax reported voluntarily and litter tax assessed
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 70.93.200 and 1979 c 94 s 7 are each amended to read
14 as follows:

15 In addition to the foregoing, the department of ecology shall:

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

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

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

24 ~~((+3))~~ (4) Cooperate with all local governments to accomplish
25 coordination of local waste reduction, anti-litter, and recycling
26 efforts;

27 ~~((+4))~~ (5) Encourage, organize, and coordinate all voluntary local
28 waste reduction, anti-litter, and recycling campaigns seeking to focus
29 the attention of the public on the programs of this state to reduce
30 waste, control and remove litter, and ~~((+))~~ foster recycling;

31 ~~((+5))~~ (6) Investigate the availability of, and apply for funds
32 available from any private or public source to be used in the program
33 outlined in this chapter;

34 ~~((+6))~~ (7) Develop state-wide programs by working with local
35 governments, payers of the waste reduction, recycling, and litter
36 control tax, and industry organizations that are active in waste
37 reduction, anti-litter, and recycling efforts to increase public
38 awareness of and participation in recycling and to stimulate and

1 encourage local private recycling centers, public participation in
2 recycling and research and development in the field of litter control,
3 and recycling, removal, and disposal of litter-related recycling
4 materials;

5 (8) Conduct a biennial state-wide litter survey targeted at litter
6 composition, sources, demographics, and geographic trends; and

7 (9) Provide a biennial summary of all waste reduction, litter
8 control, and recycling efforts state-wide including those of the
9 department of ecology, and other state agencies and local governments
10 funded for such programs under this chapter. This report is due to the
11 legislature in March of even-numbered years.

12 **Sec. 9.** RCW 70.93.210 and 1979 c 94 s 8 are each amended to read
13 as follows:

14 To aid in the state-wide waste reduction, anti-litter, and
15 recycling campaign, the state legislature requests that the payers of
16 the waste reduction, recycling, and litter control tax and the various
17 industry organizations which are active in waste reduction, anti-
18 litter, and recycling efforts provide active cooperation with the
19 department of ecology so that additional effect may be given to the
20 waste reduction, anti-litter, and recycling campaign of the state of
21 Washington.

22 **Sec. 10.** RCW 70.93.250 and 1990 c 66 s 3 are each amended to read
23 as follows:

24 (1) The department shall provide ((grants)) funding to local units
25 of government to establish, conduct, and evaluate community service and
26 other programs for waste reduction, litter and illegal dump cleanup,
27 and recycling. Programs eligible for ((grants)) funding under this
28 section shall include, but not be limited to, programs established
29 pursuant to RCW 72.09.260.

30 (2) Funds may be offered for costs associated with community waste
31 reduction, litter cleanup and prevention, and recycling activities.
32 The funding program must be flexible, allowing local governments to use
33 funds broadly to meet their needs to reduce waste, control litter and
34 illegal dumping, and promote recycling. Local governments are required
35 to contribute resources or in-kind services. The department shall
36 evaluate funding requests from local government according to the same
37 criteria as those developed in section 6 of this act, provide funds

1 according to the effectiveness and efficiency of local government
2 litter control programs, and monitor the results of all local
3 government programs under this section.

4 (3) Local governments shall report information as requested by the
5 department in funding agreements entered into by the department and a
6 local government. The department shall report to the appropriate
7 standing committees of the legislature by December ~~((31, 1991,))~~ of
8 even-numbered years on the effectiveness of ~~((community service))~~ local
9 government waste reduction, litter ((cleanup)), and recycling programs
10 funded ((from grants)) under this section.

11 **Sec. 11. RCW 47.36.400 and 1991 c 94 s 4 are each amended to read*
12 *as follows:*

13 *The department may install adopt-a-highway signs, with the*
14 *following restrictions:*

15 *(1) Signs shall be designed by the department and may only include*
16 *the words "adopt-a-highway litter control next XX miles" and the name*
17 *of the litter control area sponsor. The sponsor's name shall not be*
18 *displayed more predominantly than the remainder of the sign message.*
19 *~~((No))~~ Trademarks or business logos may be displayed;*

20 *(2) Signs may be placed along interstate, primary, and scenic*
21 *system highways;*

22 *(3) For each litter control area designated by the department, one*
23 *sign may be placed visible to traffic approaching from each direction;*

24 *(4) Signs shall be located so as not to detract from official*
25 *traffic control signs installed pursuant to the manual on uniform*
26 *traffic control devices adopted by the department;*

27 *(5) Signs shall be located so as not to restrict sight distance on*
28 *approaches to intersections or interchanges;*

29 *(6) The department may charge reasonable fees to defray the cost of*
30 *manufacture, installation, and maintenance of adopt-a-highway signs.*

31 **Sec. 11 was vetoed. See message at end of chapter.*

Passed the House February 25, 1998.

Passed the Senate March 11, 1998.

Approved by the Governor April 1, 1998, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State April 1, 1998.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 11,
3 Second Substitute House Bill No. 3058 entitled:

4 "AN ACT Relating to waste reduction;"

5 Since 1971, manufacturers and other businesses have paid a tax on
6 the sale of certain products that contribute to litter. The revenues
7 generated from that tax are deposited into the state Litter Account and
8 are used by state and local governments for litter collection and waste
9 reduction and recycling programs. This bill fine tunes those programs
10 to ensure that the most effective litter and waste reduction programs
11 are funded. It also dedicates a portion of the funding to local
12 governments and provides them with greater flexibility in the use of
13 those funds.

14 Section 11 of this bill would allow the use of logos on adopt-a-
15 highway signs to recognize business participation in litter control.
16 A substantially similar provision was passed by the Legislature in
17 Substitute House Bill 3057, which I signed on March 27, 1998.

18 For this reason, I have vetoed section 11 of Second Substitute
19 House Bill No. 3058.

20 With the exception of section 11, Second Substitute House Bill No.
21 3058 is approved."