
HOUSE BILL 1060

State of Washington 64th Legislature 2015 Regular Session

By Representatives Fitzgibbon, Short, Farrell, and Pike

Prefiled 12/31/14.

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; providing an effective date; and providing an
6 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))~~ periodic statewide litter survey under RCW
37 70.93.200(8); for statewide public awareness programs under RCW
38 70.93.200(7); and ~~((during the 2013-2015 biennium,))~~ to support
39 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
3 administering the funding, coordination, and oversight of local
4 government programs for waste reduction, litter control, ~~((and))~~
5 recycling, and composting, so that local governments can apply one
6 hundred percent of their funding to achieving program goals. The
7 amount to the department of revenue shall be used to enforce
8 compliance with the litter tax imposed 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))~~
11 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))~~ to create a matching fund competitive grant program to
19 provide funding to qualified local governments and nonprofit
20 organizations for local or statewide education programs designed to
21 help the public with litter control, waste reduction, recycling, and
22 composting of primarily the products taxed under chapter 82.19 RCW.
23 Grants must adhere to the following requirements: (A) No grant may
24 exceed sixty thousand dollars; (B) grant recipients shall match the
25 grant funding allocated by the department by an amount equal to
26 twenty-five percent of eligible expenses. A local government's share
27 of these costs may be met by cash or contributed services; (C) the
28 obligation of the department to make grant payments is contingent
29 upon the availability of the amount of money appropriated for this
30 subsection (1)(b); (D) grants are managed under the guidelines for
31 existing grant programs; and (E) unspent funds from (a) and (c) of
32 this subsection may be applied to the competitive grant program; and

33 (c) Thirty percent to the department of ecology ~~((for waste
34 reduction and recycling efforts))~~ to: (i) Implement activities under
35 RCW 70.93.200 for waste reduction, recycling, and composting efforts,
36 except for the periodic statewide litter survey under RCW
37 70.93.200(8) and the public awareness programs under RCW
38 70.93.200(7); (ii) provide technical assistance to local governments
39 for commercial business and residential recycling and composting
40 programs primarily for the products taxed under chapter 82.19 RCW

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

36 ~~((6) [(5)] During the 2013-2015 biennium, the legislature may~~
37 ~~appropriate funds from the waste reduction, recycling, and litter~~
38 ~~control account to the state parks and recreation commission for~~
39 ~~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))~~ periodic statewide litter survey under RCW
15 70.93.200(8); for statewide public awareness programs under RCW
16 70.93.200(7); and ~~((during the 2013-2015 biennium,))~~ to support
17 employment of youth in litter clean up as intended in RCW 70.93.020,
18 and for litter pick up using other authorized agencies. The amount to
19 the department shall also be used to defray the costs of
20 administering the funding, coordination, and oversight of local
21 government programs for waste reduction, litter control, ~~((and))~~
22 recycling, and composting so that local governments can apply one
23 hundred percent of their funding to achieving program goals. The
24 amount to the department of revenue shall be used to enforce
25 compliance with the litter tax imposed in chapter 82.19 RCW;

26 (b) Twenty percent to the department: (i) For local government
27 funding programs for waste reduction, litter control, ~~((and))~~
28 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,))~~ to create a
31 matching fund competitive grant program to be used by local
32 governments and nonprofit organizations for local or statewide
33 education programs designed to help the public with litter control,
34 waste reduction, ~~((and))~~ recycling, and composting of primarily the
35 products taxed under chapter 82.19 RCW. Grants must adhere to the
36 following requirements: (A) No grant may exceed sixty thousand
37 dollars; (B) grant recipients shall match the grant funding allocated
38 by the department by an amount equal to twenty-five percent of
39 eligible expenses. A local government's share of these costs may be
40 met by cash or contributed services; (C) the obligation of the

1 department to make grant payments is contingent upon the availability
2 of the amount of money appropriated for this subsection (1)(b); (D)
3 grants are managed under the guidelines for existing grant programs;
4 and (E) unspent funds from (a) and (c) of this subsection may be
5 applied to the competitive grant program; and

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

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

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

37 (4) (~~During the 2011-2013 fiscal biennium, the legislature may~~
38 ~~transfer from the waste reduction, recycling, and litter control~~
39 ~~account to the state general fund such amounts as reflect the excess~~
40 ~~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
15 use the moneys from RCW 70.93.180 of the waste reduction, recycling,
16 and 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;

10 (8) Conduct a periodic statewide litter survey targeted at litter
11 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.** Sections 2 and 5 of this act expire June
36 30, 2017.

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

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