



# Initiative Measure 40

To the Legislature

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

## Litter Control Act

AN ACT regulating litter disposal; directing the Department of Ecology to administer its provisions and to promulgate necessary rules and regulations; establishing an ecology patrol with powers of enforcement; providing penalties and fines for littering; stating that littering from a moving vehicle is a moving violation; requiring litter receptacles marked with antilitter symbols or logos to be placed in designated public places; and providing that administration of the act shall be financed in substantial part by assessments levied against manufacturers, wholesalers and retailers of goods, containers or wrappers which are reasonably related to the litter problem.

## Statement for

### Special Statement By Sponsors

The Washington Committee To Stop Litter, sponsors of the Washington Model Litter Control Act wholeheartedly support the changes made in the original Act by the legislature and recommend that the voters of Washington vote FOR Alternative Number 40B.

We believe that the changes made by the 1971 legislature have resulted in a stronger and more realistic law. The Model Litter Control Act has been in effect for more than a year and has firmly established Washington as the nation's leader in preventive litter control.

**We urge voters to support Alternative Number 40B.**

RONALD A. MURPHY, Chairman  
Washington Committee to Stop Litter

## The Law as it now exists:

At the present time, a state-wide anti-litter program is provided for by a law which was passed by the 1971 legislature. This law was enacted as an alternative to a proposed anti-litter law which had been submitted to the legislature as Initiative Measure 40 under the provisions of our state constitution. In enacting this law the legislature placed it into immediate effect. However, the legislature further provided, as is required by the constitution, that this measure would be submitted to the voters at the 1972 general election as an alternative to Initiative Measure 40 and would remain in effect thereafter only if approved at that election.

This legislative alternative is now designated as Alternative Measure 40B, and is explained on the next two pages of this voters' pamphlet. Under the constitution, all voters will have an opportunity:

(1) To vote, first on the question of whether either Initiative Measure 40 or Alternative Measure 40B or neither one should thereafter be effective; and then

(2) To vote their preference as between the two measures. Even if a person first votes against both measures, he will still be able to vote a second time in order to indicate which of the two he feels is least objectionable.

If both measures are rejected, the legislature's enactment, Alternative Measure 40B, will cease to be effective and the only state laws regulating litter will be those which were in effect prior to its passage. Principal among these prior laws was a criminal statute which made it a misdemeanor to litter highways and roads, to discard wastes on public or private property or in state waters, and to throw debris from a moving vehicle. Violators of this law were subject to a minimum fine of \$100 or bail forfeiture.

## Effect of Initiative No. 40 if approved into Law:

Initiative Measure 40, if approved by the voters in the manner above described, would replace the presently effective provisions of Alternative Measure 40B. In many respects these measures are quite similar. The principal differences between them will be noted in the discussion of the legislature's alternative measure on the next two pages of this pamphlet.

This initiative measure would make the state department of ecology responsible for administering a coordinated state-wide program of litter control and removal. The program would include the adoption of regulations specifying where litter receptacles must be placed, requiring reasonable uniformity of receptacles and directing the placement of a state anti-litter symbol together with a statement of littering penalties on all receptacles.

In addition, this initiative would repeal the preexisting criminal penalties for littering and would substitute a new set of penalties and fines for violations. These fines in no case would be less than \$10 per offense. Littering from a moving vehicle would be made a moving traffic violation.

Enforcement would be handled by a state ecology patrol, averaging forty members, in addition to present state and local law enforcement officials. The program would be financed by an annual tax assessment against manufacturers, wholesalers and retailers whose products, including packages, wrappers and containers, are reasonably related to the litter problem.

*NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Initiative Measure No. 40 starts on Page 82.*

## Statement against

This initiative, filed with the Secretary of State just prior to the 1971 legislative session, indicated a commendable desire on the part of industry and of citizens generally to take positive action with regard to the problem of littering.

Many concerned people including the original sponsors, felt that the Initiative had a number of significant weaknesses. They wished to correct these shortcomings while preserving the very worth-while concept of litter control.

### **Legislature cannot amend an initiative to the legislature.**

Since the state constitution does not permit the legislature to change or amend this type of initiative, the sponsors felt that the best procedure would be to develop an alternate measure. This was done.

The advantages of Alternate Measure 40B over Initiative 40 will be explained under the proper heading in this pamphlet (see page 30).

### **Alternate Measure No. 40B is better legislation.**

Briefly, opposition of Initiative 40 and support for Alternate Measure 40B is due to the simple fact that the alternate measure is acknowledged to be much improved legislation. It has now been in effect for some time; it deserves public approval.

For these reasons, the sponsors and the committee members are requesting voters to indicate their preference for Alternate Measure No. 40B.

*Committee appointed to compose statement AGAINST Initiative Measure No. 40:*

DAMON R. CANFIELD, State Senator and JAMES P. KUEHNLE, State Representative.



# Alternative Measure 40B

Chapter 307, Laws of 1971  
(42nd Leg., 1st Ex. Session)

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

## Providing Litter Control

AN ACT regulating litter disposal; directing the Department of Ecology to administer its provisions and to promulgate necessary regulations; authorizing the Director to designate departmental employees to enforce the act in addition to other law enforcement officers; providing penalties and fines for littering; requiring litter receptacles marked with anti-litter symbols to be placed in designated public places; establishing a litter control account in the general fund; and providing that administration of the act shall be financed in substantial part by assessments levied against manufacturers, wholesalers and retailers of goods, containers or wrappers which are reasonably related to the litter problem.

Vote cast by members of the 1971 Legislature on final passage:  
SENATE: (49 members) Yeas, 35; Nays, 0; Absent or not voting, 14.  
HOUSE:—(99 members) Yeas, 89; Nays, 9; Absent or not voting, 1.

## Statement for

### What is Alternative Measure 40B?

It is a "Model Litter Control Act," to help create a cleaner environment. It is already in effect and working.

### What does it provide?

- It encourages litter control, by
- regulating disposal of litter on public and private lands and waters;
  - providing for litter receptacles; their design, placement, and use;
  - encouraging, organizing, and coordinating litter control campaigns;
  - designating officials who actively cooperate with other enforcement personnel;
  - carrying on education and research relative to litter control;
  - providing for financing by businesses whose products are reasonably related to littering;
  - providing for litter bags in vehicles and boats;
  - providing appropriate penalties.

### Why should Alternative Measure 40B be approved over Initiative 40?

- Initiative 40 has a number of weaknesses:
- It requires every affected dealer to print portions of the anti-litter law on every package and container sold. 40B removes this requirement.
  - Initiative 40 automatically cites the driver of a vehicle if litter is discarded from the vehicle, even though by someone else and without the driver's knowledge. 40B cites the actual violator.

(3) Initiative 40 requires all state vehicles to carry anti-litter designs.

(4) Initiative 40 creates a new state bureaucracy—the "ecology patrol"—with power to arrest without warrant. 40B provides for practical coordination of all state and local enforcement agencies.

(5) Initiative 40 unnecessarily writes into law items such as wages, mileage, etc.

(6) Initiative 40 unfairly cites a citizen for any litter on his own private property.

(7) Initiative 40 requires portions of the law to be clearly posted in every hotel and motel room, and in a multitude of other places. 40B requires posting in commonly frequented public places.

(8) Initiative 40 provides for litter bags, but does not require that they be carried or used. 40B does.

**Voters: Mark your ballot in favor of Alternative Measure 40B. It is better legislation for you and for the state.**

*Committee appointed to compose statement FOR Alternative Measure No. 40B:*

DAMON R. CANFIELD, State Senator; ALAN THOMPSON, State Representative; RONALD E. MURPHY, Chairman, Washington Committee to Stop Litter.

## The Law as it now exists:

At the present time, a state-wide anti-litter program is provided for by a law which was passed by the 1971 legislature. This law was enacted as an alternative to a proposed anti-litter law which had been submitted to the legislature as Initiative Measure 40 under the provisions of our state constitution and which is explained in the preceding two pages of this voters' pamphlet. In enacting this alternative measure, the legislature placed it into immediate effect. However, the legislature further provided, as is required by the constitution, that this law would be submitted to the voters at the 1972 general election as an alternative to Initiative Measure 40 and would remain in effect thereafter only if approved at that election.

This legislative enactment is now designated Alternative Measure 40B. Under the constitution, all voters will have an opportunity:

(1) To vote, first on the question of whether either Initiative Measure 40 or Alternative Measure 40B or neither one should thereafter be effective; and then

(2) To vote their preference as between the two measures. Even if a person votes against both measures, he will still be able to vote again to indicate which of the two he feels is least objectionable.

If both measures are rejected the legislature's enactment, Alternative Measure 40B, will cease to be effective and the only state laws regulating litter will be those which were in effect prior to its passage. Principal among these prior laws was a criminal statute which made it a misdemeanor to litter highways and roads, to discard wastes on public or private property or in state waters, and to throw debris from a moving vehicle. Violators of this law were subject to a minimum fine of \$100 or bail forfeiture.

## Effect of Alternative No. 40B if approved into Law:

Because Alternative Measure 40B is the 1971 legislature's anti-litter enactment, a vote for this measure will be a vote to continue the existing law in effect. In the main, the fines and penalties provided for under this law are the same as would be provided in Initiative Measure 40. However, Alternative Measure 40B adds a requirement that a litter bag, similar to a litter bag to be approved by the state be carried in motor vehicles and on water craft. Alternative Measure 40B does not make littering from a moving vehicle a moving violation.

This measure also gives the state department of ecology essentially the same administrative and rule-making responsibilities as would Initiative Measure 40, but it differs in its enforcement provisions. Enforcement under Alternative Measure 40B is, and would continue to be, handled by present state and local law enforcement officials—together with such employees of the department of ecology as are, from time to time, designated by the director.

The means of financing the anti-litter program provided for under Alternative Measure 40B are essentially the same as would be provided under Initiative Measure 40; i.e., an annual tax assessment against manufacturers, wholesalers and retailers whose products, including packages, wrappers and containers, are reasonably related to the litter problem.

*NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Alternative Measure No. 40B starts on Page 85.*

## Statement against

No member of the 1971 Legislature could be enlisted by the Speaker, House of Representatives, or by the President, State Senate, to write a statement against Alternative Measure No. 40B for publication in this pamphlet.

finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of bonds and notes.

**NEW SECTION.** Sec. 10. The community college capital improvements bond redemption fund of 1972 is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this act. The state finance committee shall, on or before June 30 of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1 of each year, the state treasurer shall deposit such amount in the community college capital improvements bond redemption fund of 1972 from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be retail sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

**NEW SECTION.** Sec. 11. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this act shall not be deemed to provide an exclusive method for such payment.

**NEW SECTION.** Sec. 12. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of municipal corporations.

**NEW SECTION.** Sec. 13. Upon adoption and ratification by the people as provided for in section 7 of this act, sections 1 through 12 herein shall constitute a new chapter in Title 28B RCW.

Passed the House February 18, 1972.

Passed the Senate February 17, 1972.

Approved by the Governor February 25, 1972.

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COMPLETE TEXT OF

## Initiative Measure

# 40

### Initiative Measure To The Legislature

*Ballot Title as issued by the Attorney General:*

#### Litter Control Act

AN ACT regulating litter disposal; directing the Department of Ecology to administer its provisions and to promulgate necessary rules and regulations; establishing an ecology patrol with powers of enforcement; providing penalties and fines for littering; stating that littering from a moving vehicle is a moving violation; requiring litter receptacles marked with antilitter symbols or logos to be placed in designated public places; and providing that administration of the act shall be financed in substantial part by assessments levied against manufactur-

ers, wholesalers and retailers of goods, containers or wrappers which are reasonably related to the litter problem.

BE IT ENACTED, by the Legislature  
of the State of Washington:

**NEW SECTION.** Section 1. Recognizing the rapid population growth of the state of Washington and the ever increasing mobility of its people, as well as the fundamental and unalienable right of the people of this state to enjoy a healthful, clean and beautiful environment; and further recognizing that the proliferation and accumulation of litter discarded throughout this state endangers the free exercise and enjoyment of this right and constitutes a public health hazard; and further recognizing that there has been a collective failure on the part of government, industry and the public to anticipate, plan for, and accomplish effective litter control, there is hereby enacted the "Litter Control Act".

**NEW SECTION.** Sec. 2. The purpose of this 1971 amendatory act is to accomplish litter control throughout this state by delegating to a single state agency with effective enforcement power the authority to conduct a permanent and continuous program to control and remove litter from this state to the maximum extent possible. To this end, the department of ecology of the state of Washington is hereby delegated the power, authority, and duty to carry out the provisions of this 1971 amendatory act. Every other department of state government and all local governmental units and agencies of this state shall cooperate with the department of ecology in the administration and enforcement of this 1971 amendatory act. The intent of this 1971 amendatory act is to add to and to coordinate existing litter control and removal efforts and not terminate or supplant such efforts.

**NEW SECTION.** Sec. 3. As used in this 1971 amendatory act, unless the context indicates otherwise:

(1) "Commission" means the ecological commission;

(2) "Department" means the department of ecology;

(3) "Director" means the director of the department of ecology;

(4) "Disposable package or container" means all packages or containers defined as such by rules and regulations adopted by the director of the department of ecology;

(5) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing;

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

(7) "Litter receptacle" means those containers adopted by the department of ecology and which are standardized as to size, shape, capacity, and color and which bear the state antilitter symbol or logo and a statement of the penalties available for littering in this state, as well as any other receptacles suitable for the depositing of litter;

(8) "Motor vehicle" means every vehicle which is self-propelled and which is designed for carrying ten persons or less and which is used for the transportation of persons;

(9) "Person" means any person, firm, partnership, association, corporation, or organization of any kind whatsoever;

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

(11) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

NEW SECTION. Sec. 4. In addition to his other powers and duties, the director shall have the power to propose and to adopt pursuant to chapter 34.04 RCW rules and regulations necessary to carry out the provisions, purposes, and intent of this 1971 amendatory act, and the director shall propose and adopt such rules and regulations.

NEW SECTION. Sec. 5. The department shall establish and administer a "state ecology patrol" to patrol the parks, beaches, campgrounds, trailer parks, and other public places of this state. Members of the state ecology patrol shall have the title of "ecology patrolmen". It is the intention of this 1971 amendatory act to provide for a full time corps of ecology patrolmen averaging forty in number for duty throughout the year, as well as such additional part time ecology patrolmen as the director deems necessary to supplement the permanent corps for duty during the period between Memorial Day and Labor Day.

Ecology patrolmen shall be compensated at the rate of not less than one hundred dollars per week and, in addition, they shall be reimbursed for all mileage accrued on their own private automobiles used in the course of their patrol duties. Whenever possible, ecology patrolmen shall be provided with state owned or operated motor vehicles only for use in connection with their duties in enforcing the provisions of this 1971 amendatory act.

In enforcing the provisions of this 1971 amendatory act, the state ecology patrol shall be aided by the Washington state patrol when violations occur on freeways, highways and the roads of this state, and by state park rangers, state game protectors, fire wardens, forest rangers, sheriffs, marshals, police officers, and their respective deputies, when violations occur within their respective jurisdictions.

Ecology patrolmen and all of the foregoing individuals shall enforce all provisions of this act, as well as all rules and regulations adopted by the director relating to control of litter, and they are hereby empowered to issue citations to and, without warrant, arrest persons violating any such law or rules and regulations. For the purpose of enforcing the provisions of law and rules and regulations of the director pertaining to the control of litter, ecology patrolmen may call to their aid any park or forest ranger, game protector, fire warden, sheriff, constable, state patrolman, police officer, or their deputies, and any such person shall render aid. All of the foregoing individuals, including ecology patrolmen, may serve and execute all warrants, citations, and other process issued by the courts in enforcing the provisions of this 1971 amendatory act and rules and regulations adopted hereunder. In addition, mailing by registered mail of such warrant, citation, or other process shall be deemed as personal service upon the person charged.

NEW SECTION. Sec. 6. No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public or private property in this state or in the waters of this state including but not limited to any state park, beach, campground, trailer park, highway, road, street, or alley except:

(1) When such property is designated by the state or by any of its agencies or political subdivisions for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose;

(2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters.

Any person violating the provisions of this section shall be guilty of a misdemeanor and the fine or bail forfeiture for such violation shall not be less than ten dollars for each offense, and, in addition thereto, in the sound discretion of any court in which conviction is obtained, such person may be directed by the judge to pick up and remove from any public place or any private property with prior permission of the legal owner upon which it is established by competent evidence that such

person has deposited litter, any or all litter deposited thereon by anyone prior to the date of execution of sentence.

NEW SECTION. Sec. 7. No person shall throw, drop, deposit, discard, or otherwise dispose of litter from any moving vehicle, upon or along the right of way or any public highway, or in any public park, campground, or upon any public beach or into waters or in or upon any other public place, except into a litter receptacle in such a manner that the litter will be prevented from being carried or deposited by the elements. The driver of the vehicle as well as the person actually throwing, dropping, depositing, discarding, or otherwise disposing of the litter shall be in violation of this section.

Any person violating the provisions of this section shall be guilty of a misdemeanor which shall constitute a moving traffic violation and such violation shall become a part of that person's individual driving record. Record of convictions under this section shall be forwarded to the director of motor vehicles who shall add said violation to that department's point system and such violation shall be counted in determining an individual's total points under the point system of the department of motor vehicles.

The fine or bail forfeiture for violation of this section shall not be less than ten dollars for each offense, and, in addition thereto, in the sound discretion of any court in which conviction is obtained, such person may be directed by the judge to pick up and remove from any public place any or all litter deposited thereon by anyone prior to the date of execution of sentence.

NEW SECTION. Sec. 8. The director shall prescribe the procedures for the collection of fines and bail forfeitures including the imposition of additional fines for late payment of fines.

NEW SECTION. Sec. 9. Pertinent portions of this 1971 amendatory act shall be posted in all hotel and motel rooms, restaurants, cafes and drive-in restaurants, and in all campgrounds and trailer parks, at all entrances to state parks, at all public beaches, and at all other public places in this state where persons are likely to be informed of the existence and content of this 1971 amendatory act and the penalties for violating its provisions.

NEW SECTION. Sec. 10. The department shall publicize this act as widely as possible.

NEW SECTION. Sec. 11. The director by rule and regulation may require that disposable packages or containers to be marketed at retail within this state prominently display language discouraging littering and stating that such conduct is subject to penalty under the provisions of this 1971 amendatory act.

NEW SECTION. Sec. 12. The department shall design and the director shall adopt by rule and regulation one or more types of litter receptacles which are uniform as to size, shape, capacity and color, for wide and extensive distribution throughout the public places of this state. Each such litter receptacle shall bear an antilitter symbol or logo as designated and adopted by the department, as well as a statement of the penalties which may be levied for littering in this state. In addition, all such litter receptacles shall have heavy lids constructed of a suitable and durable material which shall be designed so as to attract attention and encourage the depositing of litter, while at the same time discouraging the deposit of household-type garbage.

Litter receptacles of the uniform design shall be placed at all parks, campgrounds, trailer parks, drive-in restaurants, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, parking lots of major industrial

firms, marinas, boat launching areas, boat moorage and fueling stations, public and private piers, beaches and bathing areas, and such other public places within this state as specified by the director. The number of such receptacles required to be placed as specified herein shall be determined by a formula related to the need for such receptacles.

Any person or business organization operating a business of the types described in this section or specified by the director of the department who fails to place such litter receptacles on the premises in the numbers required by the department, shall be subject to fine or bail forfeiture of twenty-five dollars for each violation.

**NEW SECTION.** Sec. 13. The department shall design and produce a litter bag bearing the state-wide antilitter symbol or logo and a statement of the penalties prescribed herein for littering in this state. As soon as possible after the effective date of this act, the department of motor vehicles shall distribute these litter bags at no charge to the owner of every licensed motor vehicle in this state at the time and place of license renewal. The department of ecology shall make such litter bags available at no charge to the owners of watercraft in this state, and also provide such litter bags at no charge at points of entry into this state and at visitor centers to the operators of incoming motor vehicles and watercraft.

**NEW SECTION.** Sec. 14. The state-wide antilitter symbol or logo shall be prominently displayed on all state-owned motor vehicles. However, the director is authorized to make necessary exceptions to this requirement.

**NEW SECTION.** Sec. 15. Responsibility for the removal of litter from litter receptacles placed at parks, beaches, campgrounds, trailer parks, and other publicly owned public places shall remain upon those state and local agencies performing litter removal, and removal of litter from litter receptacles placed upon privately owned public places shall remain the responsibility of the owner of said premises.

**NEW SECTION.** Sec. 16. There is hereby levied and there shall be collected by the department of revenue for every person engaging within this state in business as a manufacturer and/or making sales at wholesale and/or as making sales at retail, an annual litter assessment equal to the value of products manufactured and sold within this state, including byproducts, multiplied by one and one-half of one-hundredth of one percent (.015%) in the case of manufacturers, and equal to the gross proceeds of the sales of the business within this state multiplied by one and one-half of one-hundredth of one percent (.015%) in the case of sales at wholesale and/or at retail.

**NEW SECTION.** Sec. 17. Because it is the express purpose of this 1971 amendatory act to accomplish effective litter control within the state of Washington, and because it is a further purpose of this 1971 amendatory act to allocate a portion of the cost of administering this 1971 amendatory act to those industries whose products, including the packages, wrappings or containers thereof, are reasonably related to the litter problem, in arriving at the amount upon which the assessment is to be calculated only the value of products or the gross proceeds of sales of products falling into the following categories shall be included:

- (1) Food for human or pet consumption.
- (2) Groceries.
- (3) Cigarettes and tobacco products.
- (4) Soft drinks and carbonated waters.
- (5) Beer and other malt beverages.
- (6) Wine.
- (7) Newspapers and magazines.
- (8) Household paper and paper products.

- (9) Glass containers.
- (10) Metal containers.
- (11) Plastic or fiber containers made of synthetic material.
- (12) Cleaning agents and toiletries.
- (13) Non-drug drugstore sundry products.

**NEW SECTION.** Sec. 18. The department of revenue by rule and regulation made pursuant to chapter 34.04 RCW may, if such is necessary, define categories (1) through (13) of section 17 of this 1971 amendatory act. In making any such definitions, the department of revenue shall be guided by the following standards:

(1) It is the purpose of this 1971 amendatory act to accomplish effective control of litter within this state;

(2) It is the purpose of this 1971 amendatory act to allocate a portion of the cost of administration of this 1971 amendatory act only to those industries manufacturing and/or selling products and the packages, wrappings, or containers thereof which are reasonably related to the litter problem within this state.

**NEW SECTION.** Sec. 19. "Sold within this state" or "sales of the business within this state" as used in section 16 of this 1971 amendatory act shall mean all sales of retailers engaging in business within this state, and all sales of products for use or consumption within this state in the case of manufacturers and wholesalers.

**NEW SECTION.** Sec. 20. All of the provisions of chapters 82.04 and 82.32 RCW such as they apply are incorporated herein except RCW 82.04.220 through 82.04.290, and 82.04.330.

**NEW SECTION.** Sec. 21. The litter assessment herein provided for shall not be applied to the value of products or gross proceeds of the sales of food growers or persons raising any animal, bird, or insect or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, if the person performs only the growing or raising function. In all other instances, the assessment shall be applied.

**NEW SECTION.** Sec. 22. Assessments, fines, bail forfeitures, and any other funds collected or received shall be earmarked for the administration and implementation of this 1971 amendatory act.

**NEW SECTION.** Sec. 23. Each year the department shall allocate not more than one hundred thousand dollars for the study of available research and development in the field of litter control, removal, and disposal, as well as study methods for implementation in this state of said research and development. In addition, such fund may be used for the development of education programs concerning the litter problem. Grants shall be made available for these purposes to those persons deemed appropriate and qualified by the director.

**NEW SECTION.** Sec. 24. In addition to the foregoing, the department of ecology shall:

(1) Serve as the coordinating agency between the various industry organizations seeking to aid in the litter control effort;

(2) Recommend to the governing bodies of all local governments that they adopt ordinances similar to the provisions of this 1971 amendatory act;

(3) Cooperate with all local governments to accomplish coordination of local litter control efforts;

(4) Encourage, organize and coordinate voluntary local litter control campaigns seeking to focus the attention of the public on the programs of this state to control and remove litter;

(5) Investigate the availability of, and apply for funds avail-

able from any private or public source to be used in the program outlined in this 1971 amendatory act.

**NEW SECTION.** Sec. 25. To aid in the state-wide litter control campaign, the state legislature requests that the various industry organizations which are active in antilitter efforts provide active cooperation with the department of ecology so that additional effect may be given to the litter control campaign of the state of Washington.

Sec. 26. Section 46.56.135, chapter 12, Laws of 1961 as amended by section 1, chapter 52, Laws of 1965 ex. sess. and RCW 46.61.655 are each amended to read as follows:

No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining of such roadway by public authority having jurisdiction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects.

Any person violating the provisions of this section shall be guilty of a misdemeanor.

**NEW SECTION.** Sec. 27. The following acts are each hereby repealed:

(1) Section 1, chapter 36, Laws of 1909 as last amended by section 49, chapter 281, Laws of 1969 ex. sess. and RCW 9.61.120;

(2) Section 2, chapter 85, Laws of 1967 and RCW 9.66.060;

(3) Section 3, chapter 85, Laws of 1967 as amended by section 50, chapter 281, Laws of 1969 ex. sess. and RCW 9.66.070;

(4) Section 2, chapter 52, Laws of 1965 ex. sess. as amended by section 51, chapter 281, Laws of 1969 ex. sess. and RCW 46.61.650.

(4) **NEW SECTION.** Sec. 28. If any provision of this 1971 amendatory act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances, is not affected.

#### EXPLANATORY COMMENT

Initiative to the Legislature No. 40 (Litter Control Act)—Filed August 20, 1970 by the Washington Committee to Stop Litter—Irving E. Stimpson, Secretary. Signatures (141,228) filed December 30, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action insofar as Initiative No. 40 but did pass an alternative measure (S.B. No. 428) now identified as Chapter 307, Laws 1971, 1st Ex. Session which contained an emergency clause and became effective law upon approval of the Governor on May 21, 1971. However, as required by the state constitution, both measures must be submitted to the voters for final decision at the November 7, 1972 state general election. If both are approved, the measure receiving the most favorable votes will become law.

COMPLETE TEXT OF

## Alternative Measure 40B

*Ballot Title as issued by the Attorney General:*

### Providing Litter Control

AN ACT regulating litter disposal; directing the Department of Ecology to administer its provisions and to promulgate necessary regulations; authorizing the Director to designate departmental employees to enforce the act in addition to other law enforcement officers; providing penalties and fines for littering; requiring litter receptacles marked with antilitter symbols to be placed in designated public places; establishing a litter control account in the general fund; and providing that administration of the act shall be financed in substantial part by assessments levied against manufacturers, wholesalers and retailers of goods, containers or wrappers which are reasonably related to the litter problem.

CHAPTER 307, LAWS 1971, 1ST EX. SESSION  
(Senate Bill No. 428)

BE IT ENACTED, *by the Legislature  
of the State of Washington:*

**NEW SECTION.** Section 1. Recognizing the rapid population growth of the state of Washington and the ever increasing mobility of its people, as well as the fundamental need for a healthful, clean and beautiful environment; and further recognizing that the proliferation and accumulation of litter discarded throughout this state impairs this need and constitutes a public health hazard; and further recognizing that there is an imperative need to anticipate, plan for, and accomplish effective litter control, there is hereby enacted this "Model Litter Control Act".

**NEW SECTION.** Sec. 2. The purpose of this 1971 amendatory act is to accomplish litter control throughout this state by delegating to the department of ecology the authority to conduct a permanent and continuous program to control and remove litter from this state to the maximum practical extent possible. Every other department of state government and all local governmental units and agencies of this state shall cooperate with the department of ecology in the administration and enforcement of this 1971 amendatory act. The intent of this 1971 amendatory act is to add to and to coordinate existing litter control and removal efforts and not terminate or supplant such efforts.

**NEW SECTION.** Sec. 3. As used in this 1971 amendatory act, unless the context indicates otherwise:

(1) "Department" means the department of ecology;

(2) "Director" means the director of the department of ecology;

(3) "Disposable package or container" means all packages or containers defined as such by rules and regulations adopted by the department of ecology;

(4) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing;



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

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

(7) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever;

(8) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

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

(10) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

NEW SECTION. Sec. 4. In addition to his other powers and duties, the director shall have the power to propose and to adopt pursuant to chapter 34.04 RCW rules and regulations necessary to carry out the provisions, purposes, and intent of this 1971 amendatory act.

NEW SECTION. Sec. 5. The director may designate trained employees of the department to be vested with police powers to enforce and administer the provisions of this 1971 amendatory act and all rules and regulations adopted thereunder. The director shall also have authority to contract with other state and local governmental agencies having law enforcement capabilities for services and personnel reasonably necessary to carry out the enforcement provisions of this 1971 amendatory act. In addition, state patrol officers, game protectors and deputy game protectors, fire wardens, deputy fire wardens and forest rangers, sheriffs and marshals and their deputies, and police officers, and those employees of the department of ecology and the parks and recreation commission vested with police powers all shall enforce the provisions of this 1971 amendatory act and all rules and regulations adopted thereunder and are hereby empowered to issue citations to and/or arrest without warrant, persons violating any provision of this 1971 amendatory act or any of the rules and regulations adopted hereunder. All of the foregoing enforcement officers may serve and execute all warrants, citations, and other process issued by the courts in enforcing the provisions of this 1971 amendatory act and rules and regulations adopted hereunder. In addition, mailing by registered mail of such warrant, citation, or other process to his last known place of residence shall be deemed as personal service upon the person charged.

NEW SECTION. Sec. 6. No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(1) When such property is designated by the state or by any of its agencies or political subdivisions for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose;

(2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the

elements upon any part of said private or public property or waters.

Any person violating the provisions of this section shall be guilty of a misdemeanor and the fine or bail forfeiture for such violation shall not be less than ten dollars for each offense, and, in addition thereto, in the sound discretion of any court in which conviction is obtained, such person may be directed by the judge to pick up and remove from any public place or any private property with prior permission of the legal owner upon which it is established by competent evidence that such person has deposited litter, any or all litter deposited thereon by anyone prior to the date of execution of sentence.

NEW SECTION. Sec. 7. The director shall prescribe the procedures for the collection of fines and bail forfeitures including the imposition of additional penalty charges for late payment of fines.

NEW SECTION. Sec. 8. Pertinent portions of this 1971 amendatory act shall be posted along the public highways of this state and in all campgrounds and trailer parks, at all entrances to state parks, forest lands, and recreational areas, at all public beaches, and at other public places in this state where persons are likely to be informed of the existence and content of this 1971 amendatory act and the penalties for violating its provisions.

NEW SECTION. Sec. 9. The department shall design and the director shall adopt by rule or regulation one or more types of litter receptacles which are reasonably uniform as to size, shape, capacity and color, for wide and extensive distribution throughout the public places of this state. Each such litter receptacle shall bear an anti-litter symbol as designed and adopted by the department. In addition, all litter receptacles shall be designed to attract attention and to encourage the depositing of litter.

Litter receptacles of the uniform design shall be placed along the public highways of this state and at all parks, campgrounds, trailer parks, drive-in restaurants, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, parking lots of major industrial firms, marinas, boat launching areas, boat moorage and fueling stations, public and private piers, beaches and bathing areas, and such other public places within this state as specified by rule or regulation of the director adopted pursuant to Chapter 34.04 RCW. The number of such receptacles required to be placed as specified herein shall be determined by a formula related to the need for such receptacles.

It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles of the uniform design are required by this section to procure and place such receptacles at their own expense on the premises in accord with rules and regulations adopted by the department.

Any person who fails to place such litter receptacles on the premises in the numbers required by rule or regulation of the department, violating the provisions of this section or rules or regulations adopted thereunder shall be subject to a fine of ten dollars for each day of violation.

NEW SECTION. Sec. 10. The department may design and produce a litter bag bearing the state-wide anti-litter symbol and a statement of the penalties prescribed herein for littering in this state. As soon as possible after the effective date of this 1971 amendatory act, such litter bags may be distributed by the department of motor vehicles at no charge to the owner of every licensed vehicle in this state at the time and place of license renewal. The department of ecology may make such litter bags available to the owners of watercraft in this state and may also provide such litter bags at no charge at points of entry into this state and at visitor centers to the operators of incoming vehicles and watercraft. The owner of any vehicle or

watercraft who fails to keep and use a litter bag in his vehicle or watercraft shall be guilty of a violation of this section and shall be subject to a fine as provided in this 1971 amendatory act.

**NEW SECTION.** Sec. 11. Responsibility for the removal of litter from receptacles placed at parks, beaches, campgrounds, trailer parks, and other public places shall remain upon those state and local agencies performing litter removal. Removal of litter from litter receptacles placed on private property which is used by the public shall remain the responsibility of the owner of such private property.

**NEW SECTION.** Sec. 12. There is hereby levied and there shall be collected by the department of revenue from every person engaging within this state in business as a manufacturer and/or making sales at wholesale and/or making sales at retail, an annual litter assessment equal to the value of products manufactured and sold within this state, including by-products, multiplied by one and one-half hundredths of one percent in the case of manufacturers, and equal to the gross proceeds of the sales of the business within this state multiplied by one and one-half hundredths of one percent in the case of sales at wholesale and/or at retail.

**NEW SECTION.** Sec. 13. Because it is the express purpose of this 1971 amendatory act to accomplish effective litter control within the state of Washington and because it is a further purpose of this 1971 amendatory act to allocate a portion of the cost of administering it to those industries whose products including the packages, wrappings, and containers thereof, are reasonably related to the litter problem, in arriving at the amount upon which the assessment is to be calculated only the value of products or the gross proceeds of sales of products falling into the following categories shall be included:

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

**NEW SECTION.** Sec. 14. The department of revenue by rule and regulation made pursuant to chapter 34.04 RCW may, if such is required, define the categories (1) through (13) as set forth in section 13 of this 1971 amendatory act. In making any such definitions, the department of revenue shall be guided by the following standards:

(1) It is the purpose of this 1971 amendatory act to accomplish effective control of litter within this state;

(2) It is the purpose of this 1971 amendatory act to allocate a portion of the cost of administration of this 1971 amendatory act to those industries manufacturing and/or selling products and the packages, wrappings, or containers thereof which are reasonably related to the litter problem within this state.

**NEW SECTION.** Sec. 15. "Sold within this state" or "sales of the business within this state" as used in section 12 of this 1971 amendatory act shall mean all sales of retailers engaged in business within this state and all sales of products for use or consumption within this state in the case of manufacturers and wholesalers.

**NEW SECTION.** Sec. 16. All of the provisions of chapters

82.04 and 82.32 RCW such as they apply are incorporated herein except RCW 82.04.220 through 82.04.290, and 82.04.330.

**NEW SECTION.** Sec. 17. The litter assessment herein provided for shall not be applied to the value of products or gross proceeds of the sales of any animal, bird, or insect or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, if the person performs only the growing or raising function of such animal, bird, or insect. In all other instances, the assessment shall be applied.

**NEW SECTION.** Sec. 18. There is hereby created an account within the general fund to be known as the "Litter Control Account". All assessments, fines, bail forfeitures, and other funds collected or received pursuant to this 1971 amendatory act shall be deposited in the litter control account and used for the administration and implementation of this 1971 amendatory act.

**NEW SECTION.** Sec. 19. The department shall allocate funds annually for the study of available research and development in the field of litter control, removal, and disposal, as well as study methods for implementation in this state of said research and development. In addition, such funds may be used for the development of public educational programs concerning the litter problem. Grants shall be made available for these purposes to those persons deemed appropriate and qualified by the director.

**NEW SECTION.** Sec. 20. In addition to the foregoing, the department of ecology shall:

- (1) Serve as the coordinating agency between the various industry organizations seeking to aid in the anti-litter effort;
- (2) Recommend to the governing bodies of all local governments that they adopt ordinances similar to the provisions of this 1971 amendatory act;
- (3) Cooperate with all local governments to accomplish coordination of local anti-litter efforts;
- (4) Encourage, organize, and coordinate all voluntary local anti-litter campaigns seeking to focus the attention of the public on the programs of this state to control and remove litter;
- (5) Investigate the availability of, and apply for funds available from any private or public source to be used in the program outlined in this 1971 amendatory act.

**NEW SECTION.** Sec. 21. To aid in the state-wide anti-litter campaign, the state legislature requests that the various industry organizations which are active in anti-litter efforts provide active cooperation with the department of ecology so that additional effect may be given to the anti-litter campaign of the state of Washington.

Sec. 22. Section 46.56.135, chapter 12, Laws of 1961 as amended by section 1, chapter 52, Laws of 1965 ex. sess. and RCW 46.61.655 are each amended to read as follows:

No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in the cleaning or maintaining of such roadway by public authority having jurisdiction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects and shall pay any costs therefor.

**NEW SECTION.** Sec. 23. Every person convicted of a violation of this 1971 amendatory act for which no penalty is spe-

cially provided for shall be punished by a fine of not more than ten dollars for each such violation.

**NEW SECTION.** Sec. 24. The following acts are each hereby repealed:

(1) Section 1, chapter 36, Laws of 1909, section 1, chapter 73, Laws of 1931, section 49, chapter 281, Laws of 1969 ex. sess. and RCW 9.61.120;

(2) Section 2, chapter 85, Laws of 1967 and RCW 9.66.060;

(3) Section 3, chapter 85, Laws of 1967, section 50, chapter 281, Laws of 1969 ex. sess. and RCW 9.66.070;

(4) Section 2, chapter 52, Laws of 1965, section 51, chapter 281, Laws of 1969 ex. sess. and RCW 46.61.650.

**NEW SECTION.** Sec. 25. If any provision of this 1971 amendatory act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 26. This 1971 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

**NEW SECTION.** Sec. 27. This 1971 amendatory act constitutes an alternative to Initiative 40. The secretary of state is directed to place this 1971 amendatory act on the ballot in conjunction with Initiative 40 at the next general election.

This 1971 amendatory act shall continue in force and effect until the secretary of state certifies the election results on this 1971 amendatory act. If affirmatively approved at the general election, this 1971 amendatory act shall continue in effect thereafter.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 21, 1971 with the exception of one item which is vetoed.

Filed in Office of Secretary of State May 21, 1971.

NOTE: Governor's explanation of partial veto is as follows:

#### VETO MESSAGE

"... This bill is a comprehensive litter control act. It established new litter control powers in the Department of Ecology, and imposes a tax upon those businesses which produce or sell items relating to the litter problem, in order to finance the administration of the act. However, by reason of the fact that the definition of "person" in section 3(7) includes state and local government, the act would by its terms impose the tax upon the State Liquor Control Board, and possibly upon certain local governmental agencies. I believe this result to be unwarranted, and accordingly have vetoed that item from section 3(7) of the act.

With the exception of the above item, Engrossed Senate Bill No. 428 is approved."

COMPLETE TEXT OF

## Initiative Measure

# 43

### Initiative Measure To The Legislature

*Ballot Title as issued by the Attorney General:*

#### Regulating Shoreline Use and Development

AN ACT relating to the use and development of salt and fresh water shoreline areas, including lands located within 500 feet of ordinary high tide or high water and certain wetlands; requiring the State Ecological Commission, with the advice of regional citizens councils, to adopt a state-wide regulatory plan for these areas; requiring cities and counties to adopt plans to regulate shoreline areas not covered by the state plan; requiring both local and state-wide plans to be based upon considerations of conservation, recreation, economic development and public access; and providing both civil and criminal remedies for violations of the act.

BE IT ENACTED, *by the people*  
*of the State of Washington:*

SECTION 1. Title. This act shall be known and cited as the "Shorelines Protection Act."

SECTION 2. Declaration of Policy. The people of the state of Washington hereby find and declare:

(1) That the saltwater and freshwater shoreline areas of this state are held in public trust for all the people of the state and their descendants; and that they are a valuable and endangered natural resource;

(2) That the present pattern of haphazard, inappropriate and uncoordinated development of the shorelines is:

(a) Threatening the public health, safety, welfare, comfort and convenience;

(b) Diminishing the values of the shorelines held in trust;

(c) Destroying the ecological balance of plant and animal communities;

(d) Reducing open space available for public recreation and esthetic enjoyment;

(e) Diminishing the capacity of lands and waters to produce food;

(f) Diminishing public access to publicly owned shoreline areas;

(g) Obstructing the view of the shorelines;

(h) Increasing air, water, solid waste, noise, visual and other pollution;

(i) Preventing the existence and development of properly situated and designed commercial and industrial developments requiring location in the shoreline areas;

(j) Reducing present and future job opportunities for the people of this state;

(k) Limiting public navigation;

(l) Reducing the value of private property;

(m) Reducing the attractiveness of the state to tourists, thereby jeopardizing an important state industry.

(3) That the adoption, implementation and enforcement of a comprehensive plan for the shorelines will have a significantly beneficial effect on the preservation and development of the shorelines for the public good.