



Initiative Measure 61

TO THE LEGISLATURE

Official Ballot Title:

Shall a system requiring a minimum five cent refund on sales of beer, malt and carbonated beverage containers be established?

The law as it now exists:

Beverage containers sold in Washington State are not required to carry any refund value. Nor does any law restrict the use of detachable pulltabs on metal containers.

The effect of Initiative to the Legislature No. 61, if approved into law:

The initiative would require most soft drink, beer and ale containers sold in the state to carry a refund value of not less than five cents. With minor exemptions, such containers would be required to be marked with their refund value, the words "return for deposit" and the name of this state.

Containers of dairy products, fruit juices and wine or spirits are exempt.

Sellers of beverages solely for on-premise consumption are not required to charge deposits or pay refunds for containers.

Most beverage dealers would be required to accept refundable containers covered by the initiative of any kind, size and brand sold by those dealers and to pay the refund value of such containers in cash to the person presenting them. With the approval of the Department of Ecology, based on the convenience of the public, dealers could delegate their refund responsibilities to recycling centers.

Beverage dealers and manufacturers would have the same obligation to accept and pay for containers presented by sellers, recycling centers and distributors. Dealers and recycling centers would be entitled to an additional fee of one cent per container from distributors and manufacturers.

The initiative would also prohibit detachable pulltabs on metal containers.

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Initiative to the Legislature 61 begins on page 19.

Statement for

Initiative 61 presents an opportunity to enhance our Evergreen State's unique quality of life. Today we are painfully learning that throwaway beverage containers are a needless waste of valuable energy and resources. Placing a 5¢ refund value on all beer and soft drink containers is a proven recycling method. It worked for many years before throwaways. It makes sense. It works today in Oregon, Vermont and Michigan. It works in Maine, Iowa and Connecticut. It will work here.

RETURNABLES SAVE ENERGY AND RESOURCES

Huge amounts of electricity are used to produce throwaways. Recycling aluminum cans saves 95% of the total energy used to make them from raw materials. Enough aluminum from beverage containers is thrown away and buried each year in Washington to build 50 Boeing 747's.

RETURNABLES SAVE GROCERY DOLLARS

In recent Washington League of Women Voter's surveys, beverages sold in returnable bottles cost 20-35% less. One bottle used 20 times means 19 new bottles you don't have to buy. The average Vermont family saves over \$60 each year with returnables.

RETURNABLES DECREASE LITTER, SAVE TAX DOLLARS

Throwaways are 80-90% of littered metal and glass—the litter that stays. Most litter-related injuries are caused by throwaways. Reducing beverage container litter will decrease accidents to people and animals. Reduced litter will save tax dollars for better uses than trash cleanup.

VOTE YES FOR RECYCLING AND INITIATIVE 61

Initiative 61 is a proven and popular way to recycle and save. Over 90% of Oregonians support their bottle bill—it works, recycling flourishes, and more jobs have been created. For information contact Initiative 61, 1406 N.E. 50th, Seattle, WA 98105, (206) 525-9453.

Rebuttal of Statement against

Oregon Governor Atiyeh's 1979 Bottle Bill Report states: Beverage container litter is reduced 83%; Enough energy to heat 50,000 homes is saved yearly; Beverages cost less in returnables; 365 jobs were gained. Large out-of-state companies that make huge profits from throwaway garbage are waging a \$650,000 campaign against Initiative 61. Don't be fooled by their false claims. Washington's quality of life should not be dictated by these special interest dollars. VOTE YES FOR INITIATIVE 61.

Voters' Pamphlet Statement Prepared by:

AL WILLIAMS, State Senator; SUE GOULD, State Senator; DONN CHARNLEY, State Representative.

Advisory Committee: JACK SILVERS, Grangemaster, Washington State Grange; JANE SHAFER, President, League of Women Voters of Washington; LUCINDA HARDY, Washington Recyclers for Initiative 61; LOREN K. MORSE, President, Washington State Sportsmen's Council; MARILYN STANTON, Spokane City Council.

Statement against

INITIATIVE 61 WILL INCREASE CONSUMER PRICES

In every instance, beverage prices are substantially higher in the "deposit" states, not counting the deposit on each bottle and can. Because of their "bottle bill," Oregonians pay more for beer and soft drinks than consumers in Washington or California which do not have deposit laws. Tests prove that ALL BOTTLE BILL STATES charge higher beverage prices.

INITIATIVE 61 COULD KNOCK OUT 5,000 JOBS

Labor strongly opposes Initiative 61. If Initiative 61 passes, it is estimated that 5,000 skilled workers in our state, who are household heads, will lose their jobs. More than 450 jobs were lost in Washington as a result of the 1972 enactment of Oregon's bottle bill including the closure of two can manufacturing plants in Seattle and Yakima.

INITIATIVE 61 WILL DESTROY RECYCLING AND NOT EFFECTIVELY CONTROL LITTER

Recycling is a \$26 million business in Washington made possible by independent businessmen aided by the Model Litter Control and Recycling Act. Six hundred recycling centers in our state derive up to 90% of their revenue from recycling beverage containers. Initiative 61 will force consumers to return cans and bottles to grocery stores and will destroy our independent recyclers.

Initiative 61 will not Reduce Litter. Experience in Oregon has proved that deposits are not effective in controlling litter. Beverage cans and bottles are only 20% of roadside litter. Oregon has 56% more visible litter than Washington even with deposits.

INITIATIVE 61 WILL WASTE ENERGY—PARTICULARLY GASOLINE

Container deposit laws create mandatory inefficiency. One Northwest bottler reports that it takes TWICE AS MUCH GASOLINE to handle a thousand cases in Oregon compared to Washington. Initiative 61 will be a drain on critical petroleum and water supplies.

Rebuttal of Statement for

DON'T BE MISLED! HERE'S WHAT THE EXPERTS SAY: "INITIATIVE 61 WILL CRIPPLE THE RECYCLING INDUSTRY"—Don Kneass, Washington Recyclers Association. "BEVERAGES COST MORE IN STATES WITH DEPOSIT LAWS"—Beer and Soft Drink Retail Prices Survey #2. "1,500 SKILLED JOBS AND 3,500 SUPPORT JOBS ARE AT STAKE"—Marvin Williams, Washington State Labor Council. "WASHINGTON'S LITTER CONTROL PROGRAM IS SIGNIFICANTLY MORE EFFECTIVE THAN DEPOSIT LEGISLATION IN REDUCING LITTER"—Institute for Applied Research. VOTE NO. KEEP ON RECYCLING

Voters' Pamphlet Statement Prepared by:

LLOYD B. ROBINSON, Committee for Litter Control & Recycling; ALEX A. DECCIO, State Representative; JAMES K. BENDER, King County Labor Council.

Advisory Committee: BRAD OWEN, State Representative; JOHN BIGGS, Former Director, Department of Ecology; ARNIE WEINMEISTER, President, Joint Council of Teamsters; KEN STORMANS, Washington State Food Dealers Association; DON KNEASS, Washington State Recycling Association.

NEW SECTION. Sec. 10. The legislature may provide additional means for raising moneys for the payment of the principal of and the interest on the bonds authorized in this chapter, and this chapter shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 11. The bonds authorized in this chapter shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. This act shall be submitted to the people for their adoption and ratification, or rejection, at a special election hereby ordered by the legislature, which election shall be held in conjunction with the next succeeding general election to be held in this state, all in accordance with the provisions of Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

vending machine, who sells, offers to sell, or engages in the sale of beverages in beverage containers to consumers in this state.

(5) "Department" means the department of ecology of the state of Washington.

(6) "Distributor" means any person who sells or offers for sale beverages in beverage containers to a dealer in this state, including any manufacturer who engages in such sales.

(7) "Manufacturer" means any person bottling, canning, or otherwise filling beverage containers for sale to distributors or dealers.

(8) "Recycling center" means an operation at a specific location, or a related service established pursuant to section 8 or 9 of this act, where any person may redeem the amount of the deposit for any empty beverage container.

NEW SECTION. Sec. 4. (1) Every beverage container sold or offered for sale to a consumer in this state shall have a refund value of not less than five cents.

(2) Except as provided in subsection (3) of this section, every beverage container sold or offered for sale in this state by a dealer shall clearly and prominently indicate by embossing, stamping, labeling, or other method of secure attachment to the beverage container on a place other than the bottom: (a) The refund value; (b) the words "return for deposit"; and (c) the name of this state. Metal beverage containers shall be clearly and prominently embossed or stamped on the top of the container.

(3) The requirement in subsection (2) of this section does not apply to refillable glass beverage containers manufactured before the effective date of this act which have a brand name permanently marked on them and a refund value of not less than five cents.

NEW SECTION. Sec. 5. Except as provided in sections 6 and 10 of this act:

(1) A dealer, or a recycling center established under section 9 of this act to provide the total refund service for a dealer, may not refuse to accept from any person any empty beverage container of the kind, size, and brand sold by the dealer, or refuse to pay in cash upon request to that person, the refund value of the beverage container as established by section 4 of this act.

(2) A distributor may not refuse to accept from a dealer or a recycling center any empty beverage container of the kind, size, or brand sold by the distributor in this state, or refuse to pay the dealer or recycling center the refund value of the beverage container as established by section 4 of this act.

(3) A manufacturer may not refuse to accept from a dealer, recycling center, or distributor any empty beverage container of the kind, size, and brand sold by the manufacturer, or refuse to pay the dealer, recycling center, or distributor the full refund value as established by section 4 of this act.

(4) In addition to the payment of the refund value, the distributor accepting beverage containers under subsection (2) of this section and the manufacturer accepting beverage containers under subsection (3) of this section, shall reimburse the dealer or recycling center for handling the beverage containers in an amount to be set by the Washington state legislature that is not less than one cent per returned container. If the legislature does not set this amount prior to the effective date of this act, the minimum amount of one cent per container shall be the handling reimbursement fee.

(5) The department shall review the adequacy of the amount of reimbursement given to recycling centers and dealers in subsection (4) of this section and shall submit any recommended changes to the regular sessions of the Washington state legislature.

NEW SECTION. Sec. 6. A dealer, recycling center, distributor, or manufacturer may refuse to accept any empty beverage container which does not state thereon the name of this state and a refund value as established by section 4 of this act, which contains material foreign to the normal contents of the container, or which, if glass, is broken. Cans may be crushed but must be intact and the brand name must be recognizable to qualify for refund.



AN ACT Relating to solid waste management, establishing a minimum refundable deposit on beverage containers to promote their reuse and recycling; adding a new chapter to Title 70 RCW; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. This chapter shall be known and may be cited as the Returnable Beverage Container Act.

NEW SECTION. Sec. 2. The people of the state of Washington find that the failure to reuse and recycle empty beverage containers represents a significant and unnecessary waste of important energy and material resources. The littering of empty beverage containers constitutes a public nuisance, a safety hazard, and esthetic blight and imposes upon public and private agencies in this state unnecessary costs for the removal and collection of such containers. Empty beverage containers constitute a significant and rapidly growing proportion of municipal solid waste, whose disposal imposes a severe financial burden on municipal governments. The reuse and recycling of empty beverage containers would eliminate these unnecessary burdens on individuals, local governments, and the environment. A uniform system for requiring a refund value on the sale of all beverage containers in this state would result in a high level of reuse and recycling of such containers when empty.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Beverage" means beer, ale, or other malt drink of whatever alcoholic content, and mineral water, soda water, and similar carbonated soft drinks of any variety, in liquid form and intended for human consumption, but does not include dairy products, fruit juices, wine, or spirits.

(2) "Beverage container" means an airtight container sealed by the manufacturer and designed to contain a beverage under pressure of carbonation, including, but not limited to, containers of metal, glass, plastic, or a combination of these, but does not include cups and other open receptacles.

(3) "Consumer" means any person who purchases a beverage in a beverage container for any use other than resale.

(4) "Dealer" means any person, including the operator of a

NEW SECTION. Sec. 7. No beverage shall be sold or offered for sale to consumers in this state in a metal beverage container a part of which is designed to be detached in order to open such container.

NEW SECTION. Sec. 8. Recycling centers to refund deposits on beverage containers, at which consumers may return empty beverage containers and receive payment of the refund value, may be established and operated by any person. Persons wishing to operate such a recycling center shall register with the department.

NEW SECTION. Sec. 9. (1) A dealer, group of dealers, or a recycling center established under section 8 of this act may file an application with the department for approval of a recycling center or centers to provide the total refund service for the dealer or dealers. The application shall state: The name and address of the person or persons responsible for the establishment and operation of the center; the kinds, sizes, and brand names of beverage containers which will be accepted; and the names and addresses of dealers to be served and their distances from the recycling center.

(2) The department shall give due notice to the public and other affected parties of the application and, if petitioned by ten or more people, shall hold a public hearing in the area affected. If after investigation and hearing the department determines that the recycling center would provide a convenient service to both the dealer and consumers for the return of empty beverage containers, the application shall be approved. The order of the department approving the recycling center shall state the dealers to be served and the kind, size, and brand names of empty beverage containers which the recycling center must accept. The order may contain such other reasonable provisions as the department may determine to be necessary to ensure that the recycling center will provide a convenient service to the public.

(3) A list of the dealers served and the kind, sizes, and brand names of empty beverage containers accepted shall be prominently displayed at each recycling center.

(4) A dealer served by a recycling center shall prominently display within the view of the consumer at the time of sale of a beverage in a beverage container the location, distance from the dealer, hours of operation, and the name of the recycling center that serves the dealer.

(5) The department may review the approval of a recycling center established under this section at any time. After written notice to the person or persons responsible for the establishment and operation of the recycling center and to the dealers served by the recycling center, the department may, after hearing, withdraw approval of the recycling center if the department finds that there has not been compliance with the approval order or if the recycling center no longer provides a convenient service to the public.

NEW SECTION. Sec. 10. A dealer may refuse to accept from a consumer or other person and to pay the refund value of any beverage container, if the place of business of the dealer and the kind, size, and brand of beverage container are included in an order of the department approving a recycling center under section 9 of this act.

NEW SECTION. Sec. 11. Any dealer selling a beverage in a beverage container solely for consumption on the premises of the dealer may elect not to charge a deposit at the time of sale, and if so electing, shall not be required to pay a refund for accepting that empty beverage container back.

NEW SECTION. Sec. 12. Every operator of a vending machine which sells beverages in beverage containers shall post a conspicuous notice on each vending machine indicating that a refund value of not less than five cents is available on each beverage container purchased and where, how far away, and from whom that refund may be obtained.

NEW SECTION. Sec. 13. (1) The department is hereby empowered to promulgate such rules and regulations in accordance with chapter 34.04 RCW as may be necessary to carry out the provisions of this chapter.

(2) Decisions of the department, other than rule-making, shall be subject to review in accordance with chapter 43.21B RCW.

(3) The department shall promulgate such rules and regulations as needed for implementation of this chapter no later than one year prior to the effective date of this act. Such rules and regulations shall take effect on the effective date of this act.

NEW SECTION. Sec. 14. Any person found guilty of willfully violating any of the provisions of this chapter shall be guilty of a misdemeanor and subject to a fine of not less than twenty-five dollars or more than one thousand dollars and costs. Every day a violation occurs is a separate offense.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. The department, in cooperation with other state agencies, shall submit to the legislature no later than one year prior to the effective date of this act a report that includes potential legislation or other programs which would accomplish the following objectives:

a. the maximum reuse via rewashing and refilling of all glass beverage containers and the maximum recycling of all other beverage containers returned under this act;

b. the maximum reuse and recycling of other beverage containers not included under this act;

c. the enhancement of recycling of other materials present in recoverable quantities in the solid waste stream via recycling centers set up under this act;

d. equitable compensation to workers who may be displaced by this act;


e. changes in the B.&O. tax and other taxes assessed recycling centers that would enhance their economic viability.

NEW SECTION. Sec. 17. Except as provided in section 13(3) and section 16 of this act:

(1) This act shall take effect April 1, 1981, if passed by the legislature in its 46th regular session; or

(2) This act shall take effect Jan. 1, 1982, if adopted by the people in the general election of 1979.

NEW SECTION. Sec. 18. Sections 1 through 17 of this act shall constitute a new chapter in Title 70 RCW.

	COMPLETE TEXT OF
	Initiative Measure 62

AN ACT Relating to revenue and taxation; adding a new chapter to Title 43 RCW; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. The people of the state of Washington hereby find and declare:

(1) The continuing increases in our state tax burden and the corresponding growth of state government is contrary to the interest of the people of the state of Washington.

(2) It is necessary to limit the rate of growth of state government while assuring adequate funding of essential services, including basic education as defined by the legislature.

(3) It is therefore the intent of this chapter to:

(a) Establish a limit which will assure that the growth rate of state tax revenue does not exceed the growth rate of state personal income;

(b) Assure that local governments are provided funds adequate to render those services deemed essential by their citizens;

(c) Assure that the state does not impose, on any taxing district,