



Referendum Bill 37

CHAPTER 221, LAWS OF 1979, 1st EX. SESS.

Vote cast by the members of the 1979 Legislature on final passage:
HOUSE [98 members]: Yeas, 89; Nays, 0; Absent or not voting, 9.
SENATE [49 members]: Yeas, 25; Nays, 9; Absent or not voting, 15.

Official Ballot Title:

Shall \$25 million in state general obligation bonds be authorized for facilities to train, rehabilitate and care for handicapped persons?

The law as it now exists:

Public facilities for the care, training and rehabilitation of handicapped persons within the state are presently provided by certain local governmental bodies as well as state and federal agencies. New or improved facilities are financed from whatever

local, state or federal funds are available for that purpose.

In 1979, the legislature enacted a law providing for the issuance of state general obligation bonds in an amount up to \$25 million to provide funds for the planning, acquisition, construction, renovation, improvement and equipping of facilities for the care, training and rehabilitation of handicapped persons at both the state and local levels. The law cannot take effect, however, until it has been referred to and approved by the people at this election.

Effect of Referendum Bill No. 37, if approved into law:

If approved, this act will authorize the issuance and sale of the general obligation bonds described above at any time. The bonds will be offered for sale only after the legislature has appropriated the proceeds of the bonds to be sold. No appropriation of these proceeds for the current biennium (1979-1981) is contained in this bill.

The act calls for the establishment of a system of regional and community facilities for the care, training and rehabilitation of persons with sensory, physical or mental handicaps. The types of facilities covered by the act include non-profit group training homes, community centers, close-to-the-home living units, sheltered work

shops, vocational rehabilitation shelters, developmental disability training centers, and community homes for the mentally ill. When the bonds are sold the proceeds, administered by the State Department of Social and Health Services, will be used for the planning, acquisition, construction, renovation, improvement and equipping of these facilities.

This may be accomplished by direct expenditures or by grants or loans to qualified public bodies, including grants of "matching funds" to public bodies in any case where federal, local or other funds are made available on a matching basis for facilities covered by the act. Every county is eligible to participate in the distribution of the proceeds of the bonds on a pro-rata basis according to population. No single project in King County is eligible for more than 15% of that county's total distribution of bond proceeds.

The act provides for payment of the bonds from general state revenues and from such other sources as may be authorized by the legislature. The act also provides the bonds shall pledge the full faith and credit of the state for payment of the principal and interest thereon when due.

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Referendum Bill 37 begins on page 18.

Statement for



needs firsthand. Referendum 37 is endorsed by business and labor. REFERENDUM 37 will truly help the handicapped to help themselves.

Hundreds of Handicapped People Urge You to Vote Yes on Referendum 37.

REFERENDUM 37 is a \$25 million bond issue that could assist every disabled person in the State of Washington by providing facilities for care, training, and rehabilitation of persons with sensory, physical or mental handicaps.

REFERENDUM 37 will provide dollars to local organizations to build and equip sheltered workshops, homes, recreation and social centers, close to home living units, mental health centers, educational and training facilities, vocational rehabilitation centers, etc.

REFERENDUM 37 will not require new taxes and will actually offer numerous job opportunities to handicapped people and overall savings to the taxpayers.

REFERENDUM 37 is proposed, written and supported by hundreds of handicapped people across our state who know the

Voters' Pamphlet Statement Prepared by:

RALPH MUNRO, Chairman, Citizens for Referendum 37; GORDON WALGREN, State Senator; JIM WHITESIDE, State Representative.

Advisory Committee: LOIS MEYER, Governor's Committee on Employment of the Handicapped; ELEANOR OWEN, Washington Advocates for the Mentally Ill; RT. REV. ROBERT COCHRANE, Bishop, Diocese of Olympia; JAMES K. BENDER, King County Labor Council; ROBERT DILGER, Washington State Building & Construction Trades Council.

Statement against

State law requires that the argument and rebuttal statement against a bond issue be written by one or more members of the state legislature who voted against that bond issue on final passage or, in the event that no such member of the legislature consents to prepare the statement, by any other responsible individual or individuals to be appointed by the Speaker of the House, the President of the State Senate, and the Secretary of State. No legislator who voted against Referendum Bill 37 or other individual opposing the measure consented to write an argument against the measure for publication in this pamphlet.



Referendum Bill 37

AN ACT Relating to state and local facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps; authorizing the sale and issuance of state general obligation bonds and bond anticipation notes to provide funds for these needed facilities throughout the state; providing ways and means to pay the bonds and notes; adding a new chapter to Title 43 RCW; and providing for the submission of this act to a vote of the people.

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

NEW SECTION. Section 1. The physical and mental health of the people of the state directly affects the achievement of economic progress and full employment. The establishment of a system of regional and community facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps will provide the improved and convenient services needed for an efficient work force and a healthy and secure people.

NEW SECTION. Sec. 2. For the purpose of financing the planning, acquisition, construction, renovation, improvement, and equipping of regional and community facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps, the state finance committee is authorized to issue and sell general obligation bonds of the state of Washington in the sum of twenty-five million dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds or bond anticipation notes authorized by this chapter shall be offered for sale without prior legislative appropriation and the bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

NEW SECTION. Sec. 3. As used in this chapter, the term "facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps" means real property and any interest therein, equipment, buildings, structures, mobile units, parking facilities, utilities, landscaping, and all incidental improvements and appurtenances thereto, developed and owned by any public body within the state for purposes of the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps when used in the following limited programs as designated by the Department of Social and Health Services: nonprofit group training homes, community centers, close to home living units, sheltered workshops, vocational rehabilitation centers, developmental disability training centers, and community homes for the mentally ill.

As used in this chapter, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof.

NEW SECTION. Sec. 4. When the state finance committee has determined to issue the general obligation bonds, or a portion thereof, it may, pending the issuance of the bonds, issue in the name of the state temporary notes in anticipation of the bonds, which notes shall be designated as "bond anticipation notes." Such portion of the proceeds of the sale of the bonds as may be required for the payment of principal of and redemption premium, if any, and interest on the notes shall be applied thereto when the bonds are issued.

NEW SECTION. Sec. 5. The state finance committee is authorized to determine the amounts, dates, form, terms, conditions, denominations, interest rates, maturities, rights and manner of redemption prior to maturity, registration privileges, place(s) of payment, and covenants of the bonds and the bond anticipation

notes; the time or times the sale of all or any portion of them; and the conditions and manner of their sale, issuance, and redemption.

NEW SECTION. Sec. 6. Each bond and bond anticipation note shall state that it is a general obligation of the state of Washington, shall contain a pledge of the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain the state's unconditional promise to pay the principal and interest as the same shall become due.

NEW SECTION. Sec. 7. The proceeds from the sale of the bonds and bond anticipation notes authorized in this chapter, together with all grants, donations, transferred funds, and all of the moneys which the state finance committee or the state department of social and health services may direct the state treasurer to deposit therein, shall be deposited in the 1979 handicapped facilities construction account in the state general fund, hereby created in the state treasury: PROVIDED, That such portion of the proceeds of the sale of the bonds as may be required for the payment of the principal of and the interest on any outstanding bond anticipation notes, together with accrued interest on the bonds received from the purchasers upon their delivery, shall be deposited in the 1979 handicapped facilities bond retirement fund.

NEW SECTION. Sec. 8. Subject to legislative appropriation, all principal proceeds of the bonds and bond anticipation notes authorized in this chapter shall be administered by the state department of social and health services exclusively for the purposes specified in this chapter and for the payment of expenses incurred in connection with the sale and issuance of the bonds and bond anticipation notes.

In carrying out the purposes of this chapter all counties of the state shall be eligible to participate in the distribution of the bond proceeds. The share coming to each county shall be determined by a division among all counties according to the relation which the population of each county, as shown by the last federal or official state census, whichever is the later, bears to the total combined population of all counties, as shown by such census. No single project in a class AA county shall be eligible for more than fifteen percent of such county's total distribution of bond proceeds.

In carrying out the purposes specified in this chapter, the department may use or permit the use of the proceeds by direct expenditures, grants, or loans to any public body, including but not limited to grants to a public body as matching funds in any case where federal, local, or other funds are made available on a matching basis for purposes specified in this chapter.

NEW SECTION. Sec. 9. The 1979 handicapped facilities bond redemption fund, hereby created in the state treasury, shall be used for the purpose of the payment of the principal of and redemption premium, if any, and interest on the bonds and the bond anticipation notes authorized to be issued under this chapter.

The state finance committee, on or before June 30 of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenue received in the state treasury and deposit in the 1979 handicapped facilities bond redemption fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

If a state general obligation bond retirement fund is created in the state treasury by chapter . . . (SB 2361 or HB 569), Laws of 1979 1st ex. sess., and becomes effective by statute prior to the issuance of any of the bonds authorized by this chapter, the state general obligation bond retirement fund shall be used for purposes of this chapter in lieu of the 1979 handicapped facilities bond redemption fund, and the 1979 handicapped facilities bond redemption fund shall cease to exist.

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