



Referendum Bill 39

CHAPTER 159, LAWS OF 1980

Vote cast by the 1980 legislature on final passage:
HOUSE (98 members): Yeas, 97; Nays, 0; Absent or not voting, 2.
SENATE (49 members): Yeas, 38; Nays, 2; Absent or not voting, 9.

Official Ballot Title:

Shall \$450,000,000 in state general obligation bonds be authorized for planning, designing, acquiring, constructing and improving public waste disposal facilities?

The law as it now exists:

Public waste disposal and management facilities within the state are presently financed by various local, state or federal funds. At the state general election of 1972, the voters approved the issuance of \$225,000,000 in state general obligation bonds to provide funds for the financing of public waste disposal facilities. Payment of the bonds was made from retail sales tax revenues and such other revenues as

provided by the legislature. The state department of ecology was designated the agency responsible for disbursing the bond proceeds, subject to prior legislative appropriation.

In June, 1980, the legislature approved a new state general obligation bond issue for waste disposal and management facilities. This 1980 act, designated Referendum Bill No. 39, requires its submission to and approval by the people at the 1980 general election before it can take effect.

Effect of Referendum Bill 39, if approved into law:

Referendum Bill No. 39 would authorize the issuance and sale of state general obligation bonds to finance public waste disposal and management facilities in an amount up to \$450,000,000. The department of ecology would administer the proceeds derived from the sale of the bonds. The proceeds may be used for the planning, design, acquisition, construction and improvement of public waste disposal and management facilities. At least \$150,000,000 of the bond proceeds shall be used exclusively for waste management systems capable of producing renewable energy savings as a result of the management of the waste.

Bond issue proceeds could be spent directly by the department of ecology or allocated by the department to public bodies which include federal and state agencies; local political subdivisions, municipal corporations and taxing districts, and qualifying Indian tribes. Allocation of funds to public bodies would be by grants or loans.

Under Referendum 39, no bonds may be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold. No appropriation for the current biennium is made by this act. Bonds may issue at any time prior to January 1, 1990. When issued, the bonds would mature within thirty years. Payment of the bonds are to be made from general state revenues.

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Referendum Bill 39 begins on page 60.

Statement for

THROUGH REFERENDUM 39 WE CAN HAVE BOTH: CLEAN ENVIRONMENT AND ENERGY

Improper waste disposal threatens Washington's environment. Our state has experienced an explosive population growth during the last ten years. Many wastewater treatment plants and solid waste landfills are no longer capable of processing the vastly increased amounts of waste. Without adequate treatment wastewater flows into streams and lakes and leaches into groundwater, drastically reducing water quality. The cost of correction is beyond the financial resources of local government and the average ratepayer.

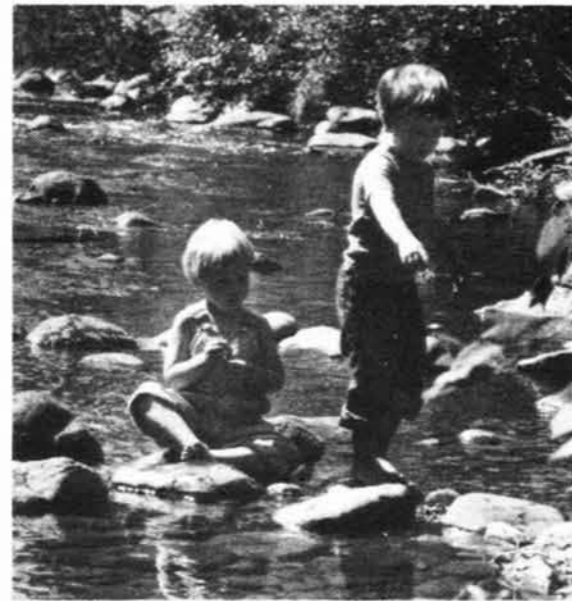
THERE IS ENERGY IN WASTE

The solid waste we produce should be viewed as a resource, not useless garbage. Energy can be produced from waste in the form of electricity, steam, or methane to help us meet our critical energy shortages. Converting waste to usable energy makes good common sense. \$150 million of the bond monies must be used for waste disposal facilities capable of producing energy.

REFERENDUM 39 WILL NOT REQUIRE NEW TAXES

Bonds will be paid off from existing state revenue sources (not property tax). Revenue growth is expected from the new jobs created and business stimulated by the grant program itself. When augmented with local and federal funds, Referendum 39 can generate \$1 billion over the next ten years for construction of pollution control systems to protect the environment and produce energy.

WASHINGTON'S WATER FUTURE



TAKE CARE OF IT

Voters Pamphlet Statement Prepared by:

R. TED BOTTIGER, State Senator; ALAN THOMPSON, State Representative; BOB WILLIAMS, State Representative; R. M. DICK BOND, State Representative.

Advisory Committee: JOAN THOMAS, Citizens for Local Water Supply and Sewage Disposal Facilities; JANE SHAFER, President, League of Women Voters of Washington; ROBERT SKANES, President, Washington State Sportsmen's Council; MARVIN L. WILLIAMS, President, Washington State Labor Council; WENDELL J. SATRE, Chairman of the Board, Association of Washington Business.

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 Speakers of the House of Representatives, the President of the State Senate, and the Secretary of State. No legislator who voted against Referendum Bill 39 or other individual opposing the measure consented to write an argument against the measure for publication in this pamphlet.

bond redemption fund, and the public water supply facilities bond redemption fund shall cease to exist. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 9. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized in this chapter, and this chapter shall not be considered to provide an exclusive method for the payment.

NEW SECTION. Sec. 10. The bonds authorized in this chapter shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 11. 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. 12. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1980, in accordance with Article VIII, section 3 of the state Constitution, in accordance with Article II, section 1 of the state Constitution, and the laws adopted to facilitate the operation thereof.

NEW SECTION. Sec. 13. Sections 1 through 11 of this act shall constitute a new chapter in Title 43 RCW.

funds for the planning, design, acquisition, construction, and improvement of public waste disposal and management facilities in this state, the state finance committee is authorized to issue, at any time prior to January 1, 1990, general obligation bonds of the state of Washington in the sum of four hundred fifty million dollars, or so much thereof as may be required, to finance the improvements defined in this chapter and all costs incidental thereto. The department may not use or permit the use of any funds derived from the sale of bonds authorized by this chapter for: (1) the support of a solid waste recycling activity or service in a locale if the department determines that the activity or service is reasonably available to persons within that locale from private enterprise; or (2) the construction of municipal wastewater facilities unless said facilities have been approved by a general purpose unit of local government in accordance with chapter 36.94 RCW, chapter 35.67 RCW, or RCW 56.08.020. These bonds shall be paid and discharged within thirty years of the date of issuance. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold.

NEW SECTION. Sec. 3. The proceeds from the sale of bonds authorized by this chapter shall be deposited in the state and local improvements revolving account, Waste Disposal Facilities, 1980 hereby created in the general fund and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds deposited in the state and local improvements revolving account, Waste Disposal Facilities, 1980 of the general fund under the terms of this chapter shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which the bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as cost-sharing funds in any case where federal, local, or other funds are made available on a cost-sharing basis for improvements within the purposes of this chapter. The department shall ensure that funds derived from the sale of bonds authorized under this chapter do not constitute more than seventy-five percent of the total cost of any waste disposal or management facility. Not more than two percent of the proceeds of the bond issue may be used by the department of ecology in relation to the administration of the expenditures, grants, and loans.

At least one hundred fifty million dollars of the proceeds of the bonds authorized by this chapter shall be used exclusively for waste management systems capable of producing renewable energy or energy savings as a result of the management of the wastes. "Renewable energy" means, but is not limited to, the production of steam, hot water for steam heat, electricity, cogeneration, gas, or fuel through the use of wastes by incineration, refuse-derived fuel processes, pyrolysis, hydrolysis, or bioconversion, and energy savings through material recovery from waste source separation and/or recycling.

The department of ecology shall present a progress report



COMPLETE TEXT OF Referendum Bill 39

AN ACT Relating to the financing of pollution control facilities and systems; authorizing the issuance and sale of general obligation bonds to provide for pollution control facilities and systems and public works throughout the state; providing ways and means to pay for the bonds; providing for submission of this act to a vote of the people; and adding a new chapter to Title 43 RCW.

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

NEW SECTION. Section 1. The long-range development goals for the state of Washington must include the protection of the resources and environment of the state, the health and safety of its people, and the beneficial uses of water by providing facilities and systems, among others, for the general control, collection, treatment, or disposal of nonradioactive solid and nonradioactive liquid waste materials. The purpose of this chapter is to assist the state and local governments in providing that protection but it is not the purpose of this chapter to provide funding for facilities which encourage development.

NEW SECTION. Sec. 2. For the purpose of providing

of actual projects committed by the department to the senate committee on ways and means and the house of representatives committee on appropriations no later than November 30th of each year.

Integration of the management and operation of systems for solid waste disposal with systems of liquid waste disposal holds promise of improved waste disposal efficiency and greater environmental protection and restoration. To encourage the planning for and development of such integration, the department may provide for special grant incentives to public bodies which plan for or operate integrated waste disposal management systems.

NEW SECTION. Sec. 5. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Waste disposal and management facilities" means any facilities or systems owned or operated by a public body for the control, collection, storage, treatment, disposal, recycling, or recovery of nonradioactive liquid wastes or nonradioactive solid wastes, or a combination thereof, including but not limited to, sanitary sewage, storm water, residential, industrial, commercial, and agricultural wastes, and concentrations of organic sediments waste, inorganic nutrients, and toxic materials which are causing environmental degradation and loss of the beneficial use of the environment, and material segregated into recyclables and nonrecyclables. Waste disposal and management facilities may include all equipment, utilities, structures, real property, and interest in and improvements on real property necessary for or incidental to such purpose. As used in this chapter, the phrase "waste disposal and management facilities" shall not include the acquisition of equipment used to collect residential or commercial garbage.

(2) "Public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government.

(3) "Control" means those measures necessary to maintain and/or restore the beneficial uses of polluted land and water resources including, but not limited to, the diversion, sedimentation, flocculation, dredge and disposal, or containment or treatment of nutrients, organic waste, and toxic material to restore the beneficial use of the state's land and water resources and prevent the continued pollution of these resources.

(4) "Planning" means the development of comprehensive plans for the purpose of identifying state-wide or regional needs for specific waste disposal facilities as well as the development of plans specific to a particular project.

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

NEW SECTION. Sec. 6. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds authorized in this chapter shall be sold for less than their par value.

NEW SECTION. Sec. 7. When the state finance committee has decided to issue the bonds, or a portion thereof, it may, pending the issuing of the bonds, issue, in the name of the state, temporary notes in anticipation of the money to be

derived from the sale of the bonds, which notes shall be designated as "anticipation notes." Such portion of the proceeds of the sale of the bonds as may be required for this purpose shall be applied to the payment of the principal of and interest on any of these anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

NEW SECTION. Sec. 8. The waste disposal facilities bond redemption fund 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 revenues received in the state treasury and deposit in the waste disposal facilities bond redemption fund an amount equal to the amount certified by the state finance committee to be due on the payment date. 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 in this chapter.

NEW SECTION. Sec. 9. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized in this chapter, and this chapter shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 10. The bonds authorized in this chapter shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 12. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1980, in accordance with the provisions of Article VIII, section 3, of the Constitution of the state of Washington, and in accordance with the provisions of Article II, section 1, of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.