

With the exception of sections 40, 59 and 67, the remainder of the bill is approved." Veto  
Message

## CHAPTER 293

[Engrossed Senate Bill No. 52]

## SOLID WASTE COLLECTION--

## PLANS--CREATION OF--DISTRICTS AUTHORIZED--

## COLLECTION OF FEES BY COUNTIES

AN ACT Relating to solid waste collection; amending section 9, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.090; adding new sections to chapter 36.32 RCW; repealing section 1, chapter 155, Laws of 1933 as amended by section 1, chapter 98, Laws of 1941 and RCW 55.04.010; repealing sections 2 through 7, chapter 155, Laws of 1933 and RCW 55,04.020, 55.04.030, 55.08.010, 55.08.020, 55.12.010 and 55.12.020; and declaring an emergency.

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

Section 1. Section 9, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.090 are each amended to read as follows:

Each county and city solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(a) Meet the minimum functional standards for solid waste handling adopted by the department and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

(b) Take into account the comprehensive land use plan of each jurisdiction;

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(4) A program for surveillance and control.

(5) A current inventory and description of solid waste

collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his place of business and the area covered by his operation;

(b) Any city solid waste operation within the county and the boundaries of such operation;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

NEW SECTION. Sec. 2. There is added to chapter 36.32 RCW a new section to read as follows:

Any county legislative authority may establish solid waste collection districts within the county boundaries for the mandatory collection of solid waste: PROVIDED, That no such district shall include any area within the corporate limits of any city or town without the consent of the legislative authority of the city or town. Such districts may be established only after approval of a coordinated, comprehensive solid waste management plan adopted pursuant to chapter 134, Laws of 1969 ex. sess. and chapter 70.95 RCW or pursuant to another solid waste management plan adopted prior to effective date of this 1971 amendatory act or within one year thereafter. The legislative authority of the county may modify or dissolve such district after a hearing as provided for in this 1971 amendatory act.

NEW SECTION. Sec. 3. There is added to chapter 36.32 RCW a new section to read as follows:

The county legislative authority proposing to establish a solid waste collection district or to modify or dissolve an existing solid waste collection district shall conduct a hearing at the time and place specified in a notice published at least once not less than ten days prior to the hearing in a newspaper of general circulation within the county. Additional notice of such hearing may be given by mail, posting on the property, or in any manner local authorities deem necessary to notify adjacent landowners and the public. All hearings shall be public and the legislative authority shall hear objections from any person affected by the formation of the solid waste collection district and make such changes in the boundaries of the district or any other modifications of plans that the legislative authority deems necessary.

NEW SECTION. Sec. 4. There is added to chapter 36.32 RCW a

new section to read as follows:

No solid waste collection district shall be established in an area within the county boundaries unless the county legislative authority, after the hearing regarding formation of such district, determines from that hearing that mandatory solid waste collection is in the public interest and necessary for the preservation of public health. Such determination by the county legislative authority shall require the utilities and transportation commission to investigate and make a finding as to the ability and willingness of the existing garbage and refuse collection companies servicing the area to provide the required service.

If the utilities and transportation commission finds that the existing garbage and refuse collection company or companies are unable or unwilling to provide the required service it shall proceed to issue a certificate of public need and necessity to any qualified person or corporation in accordance with the provisions of RCW 81.77.040.

The utilities and transportation commission shall notify the county legislative authority within sixty days of its findings and actions and if no qualified garbage and refuse collection company or companies are available in the proposed solid waste collection district, the county legislative authority may provide county garbage and refuse collection services in the area and charge and collect reasonable fees therefor. The county shall not provide service in any portion of the area found by the utilities and transportation commission to be receiving adequate service from an existing certificated carrier unless the county shall acquire the rights of such existing certificated carrier by purchase or condemnation.

NEW SECTION. Sec. 5. In the event that any county or municipality shall extend public solid waste collection service to any area already served by a refuse collection company holding a certificate as required by RCW 81.77.040, it shall by purchase or condemnation acquire at the fair market value, from the person holding the existing certificate for providing the services, that portion of the operating authority and equipment representing the services within the area of public operation.

NEW SECTION. Sec. 6. There is added to chapter 36.32 RCW a new section to read as follows:

If any garbage and refuse collection company certified by the utilities and transportation commission which operates in any solid waste collection district fails to collect any fees due and payable to it for garbage and refuse collection services, such company may request the county to collect such fees. Upon the collection of such fees, the county shall pay one-half of the fees actually collected to the garbage and refuse collection company entitled to receive such

and shall deposit the remaining one-half in the county general fund.

When the county undertakes to collect such fees as requested by the garbage and refuse collection companies, the county shall be subrogated to all of the rights of such companies. Any such fees which the county fails to collect shall become liens on the real or personal property of the persons owing such fees and the county may take all appropriate legal action to enforce such liens.

NEW SECTION. Sec. 7. Nothing contained in the provisions of this 1971 amendatory act shall detract from the powers, duties, and functions given to the utilities and transportation commission in chapter 81.77 RCW.

NEW SECTION. Sec. 8. The following acts or parts of acts are each hereby repealed:

(1) Section 1, chapter 155, Laws of 1933 as amended by section 1, chapter 98, Laws of 1941 and RCW 55.04.010;

(2) Sections 2 through 7, chapter 155, Laws of 1933 and RCW 55.04.020, 55.04.030, 55.08.010, 55.08.020, 55.12.010 and 55.12.020.

NEW SECTION. Sec. 9. This 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.

Passed the Senate May 10, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 21, 1971 with the exception of section 5 which is vetoed.

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

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

"...Section 5 provides that any county or municipality which extends public solid waste collection service to any area already served by a refuse collection company must acquire by purchase or condemnation the operating authority and equipment of the private operator. Veto  
Message

I have determined to veto section 5. The provisions of section 5 do not answer such questions as how a total "operating authority" would be valued or condemned, or how, if at all, the operating authority and equipment can be severed, if a municipality desires to serve a portion (either geographical or by class of customer) of an area.

Further, the impact of section 5 on cities and towns on one hand and counties on the other is unclear. Cities and towns presently have full authority to collect garbage and

refuse and to contract with a company for that purpose. Outside of cities and towns certificates of public convenience and necessity are issued to operators by the state. These relationships are not made clear since there is no precise meaning to the phrase "extend public solid waste collection", as used in section 5. If section 5 is applied within a city it may well convert a standard contract for garbage service into one with a guaranteed settlement procedure requiring the city to buy equipment it may not need or use along with goodwill, etc., which may be of no value to the city. If section 5 is applied to areas outside of a city then that territory is being served by a bonafide certificate holder and his property may not now be taken from him without just compensation under law.

Veto  
Message

Consequently, section 5 is unnecessary outside of cities and towns because the parties are protected under law already and there does not appear to be any clear justification for its application within cities and towns.

For these reasons, I have vetoed section 5. The remainder of Senate Bill 52 is approved."

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CHAPTER 294

[Substitute Senate Bill No. 849]

TAXATION OF TIMBER AND FOREST LANDS

AN ACT Relating to revenue and taxation of timber and forest lands; amending section 28A.41.130, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 138, Laws of 1969 and RCW 28A.41.130; adding new sections to chapter 15, Laws of 1961 and to Titles 82 and 84 RCW; adding a new section to chapter 15, Laws of 1961 and to chapter 82.04 RCW; creating a new chapter in Title 84 RCW; creating new sections; repealing sections 4 and 5, chapter 249, Laws of 1963 and RCW 84.40.034 and 84.40.035; providing effective dates; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 15, Laws of 1961 and to Title 84 RCW a new section to read as follows:

As a result of the study and analysis of systems of taxation of standing timber and forest lands by the forest tax committee pursuant to Senate Concurrent Resolution No. 30 of the 41st session