

appropriate for the efficient and orderly implementation of this section, including regulations fixing the respective responsibilities and functions of the various payor agencies affected by this section.

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CHAPTER 94

[Engrossed Senate Bill No. 2511]

RECYCLING AND LITTER CONTROL PROGRAM—STATE MATCHING AID TO SMALL COMMUNITIES—YOUTH PATROL—FUNDS ALLOCATION AND DISTRIBUTION

AN ACT Relating to litter control and recycling; amending section 1, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.010; amending section 2, chapter 307, Laws of 1971 ex. sess. as amended by section 7, chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70.93.020; amending section 3, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.030; amending section 5, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.050; amending section 9, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.090; amending section 10, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.100; amending section 20, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.200; amending section 21, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.210; adding a new section to chapter 70.93 RCW; repealing section 19, chapter 307, Laws of 1971 ex. sess., section 8, chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70.93.190; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.010 are each amended to read as follows:

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 the need to conserve energy and natural resources; and further recognizing that there is an imperative need to anticipate, plan for, and accomplish effective litter control and recover and recycle waste materials related to litter with the subsequent conservation of resources and energy, there is hereby enacted this "Model Litter Control and Recycling Act".

Sec. 2. Section 2, chapter 307, Laws of 1971 ex. sess. as amended by section 7, chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70.93.020 are each amended to read as follows:

The purpose of this chapter is to accomplish litter control and stimulate private recycling programs throughout this state by delegating to the department of ecology the authority to: (1) Conduct a permanent and continuous program to control and remove litter from this state to the maximum practical extent possible; (2) recover and recycle waste materials related to

litter and littering; (3) foster private recycling; and (4) increase public awareness of the need for recycling and litter control. It is further the intent and purpose of this chapter to create jobs for employment of youth in litter cleanup and related activities and to stimulate and encourage small, private recycling centers. This program shall include the compatible goal of recovery of recyclable materials to conserve energy and natural resources wherever practicable. 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 chapter. The intent of this chapter is to add to and to coordinate existing recycling and litter control and removal efforts and not terminate or supplant such efforts.

Sec. 3. Section 3, chapter 307, Laws of 1971 ex. sess. and RCW 70.93-.030 are each amended to read as follows:

As used in this chapter 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) "Recycling" means the process of separating, cleansing, treating, and reconstituting used or discarded litter-related materials for the purpose of recovering and reusing the resources contained therein;
- (9) "Recycling center" means a central collection point for recyclable materials;
- (10) "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))~~ (11) "Watercraft" means any boat, ship, vessel, barge, or other floating craft;

~~((10))~~ (12) "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.

Sec. 4. Section 5, chapter 307, Laws of 1971 ex. sess. and RCW 70.93-.050 are each amended to read as follows:

The director ~~((may))~~ shall designate trained employees of the department to be vested with police powers to enforce and administer the provisions of this chapter 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 chapter. 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 chapter 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 chapter 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 chapter 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.

Sec. 5. Section 9, chapter 307, Laws of 1971 ex. sess. and RCW 70.93-.090 are each amended to read as follows:

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.

The department shall establish a system of grants to aid cities, towns, and counties with populations under twenty-five thousand in procuring and placing such litter receptacles. Such grants shall be on a matching basis under which the local government involved electing to participate in this program shall be required to pay at least fifty percent of the total costs of procurement of receptacles sufficient in number to meet departmental guidelines established by rule pursuant to this section. The amount of the grant shall be determined on a case-by-case basis by the director after consideration of need, available departmental and local government funds, degree of prior compliance by the local government involved in placement of receptacles, and other relevant criteria. The responsibility for maintaining and emptying such receptacles shall remain with the unit of local government.

Any person, other than a political subdivision, government agency, or municipality, 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.

Sec. 6. Section 10, chapter 307, Laws of 1971 ex. sess. and RCW 70-93.100 are each amended to read as follows:

The department ((may)) shall 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 ((May 21, 1971)) the effective date of this 1979 act, such litter bags ((may)) shall 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)) shall make such litter bags available to the owners of water craft in this state and ((may)) shall 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 chapter.

Sec. 7. Section 20, chapter 307, Laws of 1971 ex. sess. and RCW 70-93.200 are each amended to read as follows:

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 and recycling efforts;
- (2) Recommend to the governing bodies of all local governments that they adopt ordinances similar to the provisions of this chapter;
- (3) Cooperate with all local governments to accomplish coordination of local anti-litter and recycling efforts;
- (4) Encourage, organize, and coordinate all voluntary local anti-litter and recycling campaigns seeking to focus the attention of the public on the programs of this state to control and remove litter and to foster recycling;
- (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 chapter;
- (6) Develop state-wide programs to increase public awareness of and participation in recycling and to stimulate and encourage local private recycling centers, public participation in recycling and research and development in the field of litter control, and recycling, removal, and disposal of litter-related recycling materials.

Sec. 8. Section 21, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.210 are each amended to read as follows:

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

NEW SECTION. Sec. 9. There is added to chapter 70.93 RCW a new section to read as follows:

The department shall allocate and distribute funds annually from the litter control account as follows:

- (1) Not less than forty percent nor more than fifty percent for a litter patrol program to employ youth from the state to remove litter from places and areas that are most visible to the public;
- (2) Not less than twenty percent nor more than thirty percent to accomplish the litter control purposes of this chapter other than as specified in subsection (1) of this section. A substantial part of this portion shall be used for public education and awareness programs to control litter and to promote awareness of the Model Litter Control and Recycling Act; and
- (3) Not less than twenty percent nor more than thirty percent to accomplish the recycling purposes of this chapter. A substantial part of this portion shall be used for public education and awareness programs to foster private local recycling efforts and to promote awareness of the Model Litter Control and Recycling Act.

NEW SECTION. Sec. 10. Section 19, chapter 307, Laws of 1971 ex. sess., section 8, chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70-.93.190 are each repealed.

NEW SECTION. Sec. 11. If any provision of this 1979 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 1979 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 February 16, 1979.

Passed the House March 2, 1979.

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CHAPTER 95

[Engrossed Substitute Senate Bill No. 2149]

THE TRANSITIONAL BILINGUAL INSTRUCTION ACT OF 1979

AN ACT Relating to education; providing for bilingual instruction in the common schools; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and making effective dates.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. This act shall be known and cited as "The Transitional Bilingual Instruction Act of 1979". The legislature finds that there are large numbers of children who come from homes where the primary language is other than English. Experience has shown that classes which are taught in English are inadequate to meet the needs of these children. The legislature finds that a bilingual education program can meet the needs of these children. Pursuant to the policy of this state to insure equal educational opportunity to every child in this state, it is the purpose of this act to provide for the implementation of bilingual education programs in the public schools, and to provide supplemental financial assistance to help local school districts to meet the extra costs of these programs.

NEW SECTION. Sec. 2. As used in this act, unless the context thereof indicates to the contrary:

(1) "Transitional bilingual instruction" means a system of instruction which uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable the pupil to achieve competency in English. Concepts and information are introduced in the primary language and reinforced in the second language: **PROVIDED**, That the program shall include testing in the subject matter in English.