

on such petition shall be served upon the recipient and the department not less than ten days before the date set for such hearing. Such petition may be filed with the clerk of superior court and all process issued and served without payment of costs. If upon the hearing of such petition the court is satisfied that it is for the best interest of the child or children, and all parties concerned, that such guardian be appointed, he shall order such appointment, and may require such guardian to render to the court a detailed itemized account of expenditures of such assistance payments at such time as the court may deem advisable.

It is the intention of this act that the guardianship herein provided for shall be a special and limited guardianship solely for the purpose of safeguarding the assistance grants made to dependent children. Such guardianship shall terminate upon the termination of such assistance grant, or sooner on order of the court, upon good cause shown.

Passed the Senate February 22, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

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## CHAPTER 207.

[ Sub. S. B. 427. ]

### REGULATION OF SOURCES OF IONIZING RADIATION.

AN ACT relating to the development, regulation, and utilization of sources of ionizing radiation; prohibiting the operation of certain devices; providing penalties; and repealing chapter 92, Laws of 1957 and RCW 43.39.010 through 43.39.120.

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

SECTION 1. *Declaration of Policy.* It is the policy of the state of Washington in furtherance of its responsibility to protect the public health and safety and to encourage, insofar as consistent with this

responsibility, the industrial and economic growth of the state:

(1) To institute and maintain a regulatory program for sources of ionizing radiation so as to provide for (a) compatibility with the standards and regulatory programs of the federal government, (b) a single, effective system of regulation within the state, and (c) a system consonant insofar as possible with those of other states; and

(2) To institute and maintain a program to encourage widespread participation in the development and utilization of sources of ionizing radiation and atomic energy for peaceful purposes to the maximum extent consistent with the health and safety of the public.

SEC. 2. *Purpose.* It is the purpose of this act to effectuate the policies set forth in section 1 by providing for:

(1) A program of effective regulation of sources of ionizing radiation for the protection of the public health and safety;

(2) A program to promote an orderly regulatory pattern within the state, among the states and between the federal government and the state and facilitate intergovernmental cooperation with respect to use and regulation of sources of ionizing radiation to the end that duplication of regulation may be minimized;

(3) A program to establish procedures for assumption and performance of certain regulatory responsibilities with respect to byproduct, source, and special nuclear materials;

(4) A program to permit maximum utilization of sources of ionizing radiation consistent with the health and safety of the public.

SEC. 3. *Definitions.* (1) *Byproduct material* means any radioactive material (except special nuclear material) yielded in or made radioactive by

exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(2) *Ionizing radiation* means gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(3) *Person* means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than federal government agencies licensed by the United States Atomic Energy Commission, or any successor thereto.

(4) *Source material* means (a) uranium, thorium, or any other material which the governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such; or (b) ores containing one or more of the foregoing materials, in such concentration as the governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material in such concentration to be source material.

(5) *Special nuclear material* means (a) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the governor declares by order to be special nuclear material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (b) any material artificially enriched by any of the foregoing, but does not include source material.

(6) *Registration* means registration with the state department of health by any person possessing a source of ionizing radiation in accordance with rules, regulations and standards adopted by the department of health.

(7) *Radiation source* means any type of device or substance which is capable of producing or emitting ionizing radiation.

SEC. 4. *Nuclear energy promotion and development.* The department of commerce and economic development is hereby designated as the agency of state government for the promotion and development of nuclear energy in this state. The department of commerce and economic development, by and through the director or his duly authorized officers or employees, shall, subject to the supervision and direction of the governor, have the following functions, powers, and duties:

(1) To advise the governor and the legislature with regard to the status of nuclear energy research, development, and education, and to make recommendations to the governor and the legislature designed to assure increasing progress in this field within the state.

(2) To advise and assist the governor and the legislature in developing and promoting a state policy for nuclear energy research, development, and education.

(3) To sponsor or conduct studies, collect and disseminate information, and issue periodic reports with regard to nuclear energy research, development, and education and proposals for further progress in the field of nuclear energy.

(4) To foster and support research and education relating to nuclear energy through contracts or other appropriate means of assistance.

(5) To gather, maintain, and disseminate available information concerning sites throughout the

state and the advantages of locating nuclear energy industries within the state.

(6) To keep the public informed with respect to nuclear energy development within the state and the activities of the state relating thereto.

SEC. 5. *State radiation control agency.* (1) The department of health is hereby designated as the state radiation control agency, hereinafter referred to as the agency.

(2) The director of the state department of health shall be director of the agency, hereinafter referred to as the director, who shall perform the functions vested in the agency pursuant to the provisions of this act.

(3) The agency shall appoint a State Radiological Control Officer, and in accordance with the laws of the state, fix his compensation and prescribe his powers and duties. Such officer shall be competent to evaluate radiological health hazards associated with the many uses of radioactive material and other sources of ionizing radiation. He shall at least have a baccalaureate degree, be trained in the physical and/or life sciences, and shall have had experience in health physics.

(4) In accordance with the laws of the state, the agency may appoint, employ, fix the compensation, and prescribe the powers and duties of such other individuals, including consultants and advisory councils and committees, as may be necessary to carry out the provisions of this act. The personnel engaged in field activities of evaluation and inspection shall at least have a baccalaureate degree in the physical or life sciences, or the equivalent, and be trained in health physics.

(5) The agency shall for the protection of the public health and safety:

(a) Develop programs for evaluation of hazards associated with use of ionizing radiation;

(b) Develop programs with due regard for com-

patibility with federal programs for regulation of byproduct, source, and special nuclear materials;

(c) Formulate and, with the approval of the technical advisory board, adopt, promulgate, and repeal codes, rules and regulations relating to control of sources of ionizing radiation;

(d) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions, and with groups concerned with control of sources of ionizing radiation;

(e) Have the authority to accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the federal government and from other sources, public or private;

(f) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of sources of ionizing radiation;

(g) Collect and disseminate information relating to control of sources of ionizing radiation, including:

(i) Maintenance of a file of all licenses issued in this state by the United States Atomic Energy Commission, or any successor thereto;

(ii) Maintenance of a file of registrants possessing sources of ionizing radiation requiring registration under the provisions of this act and any administrative or judicial action pertaining thereto; and

(iii) Maintenance of a file of all rules and regulations relating to regulation of sources of ionizing radiation, pending or promulgated, and proceedings thereon.

(h) In connection with any contested case as defined by RCW 34.04.010 or any other administrative proceedings as provided for in this act, have the power to issue subpoenas in order to compel the at-

tendance of necessary witnesses and/or the production of records or documents.

SEC. 6. *Technical advisory board on radiation control.* The director of health, with the approval of the governor, shall appoint a technical advisory board to serve in an advisory capacity to the agency, which shall furnish technical advice to the agency and shall advise with reference to matters of policy affecting administration of this act, and approve the rules and regulations provided for herein. The board shall be comprised of nine individuals including representatives of the healing arts, research, industrial and other recognized users of ionizing radiation or experts in the field of physiological affects of ionizing radiation: *Provided*, That no more than two individuals shall represent any single profession or scientific discipline.

The director of the agency shall be ex officio chairman of the board without vote except in cases of a tie. The state radiation control officer shall be a member of the board ex officio without vote and serve as secretary to the board. The members' term of office shall be four years except that the terms of those first appointed shall expire as follows: Two at the end of one year after effective date, two at the end of two years after such date, two at the end of three years after such date, and three after the end of four years after such date as designated by the director at the time of appointment. If a vacancy occurs, the director shall appoint a member for the remaining portion of that term.

The board shall hold meetings at the call of the chairman or upon request of any four members. The members of the board shall serve without compensation but shall be reimbursed by the agency for the actual expenses incurred in the discharge of their official duties.

SEC. 7. *Advisory council on nuclear energy and radiation.* (1) There is hereby created an advisory

council on nuclear energy and radiation, hereinafter referred to as the council, consisting of seven members appointed by the governor and serving at his pleasure. Membership on the advisory council shall include, but not be limited to, representatives from industry, labor, the healing arts, research and education. In addition the directors of the department of health, department of labor and industries, department of agriculture, and the department of commerce and economic development shall serve as ex officio members of the council. The governor shall designate from his appointees a member to serve as chairman of the council. Members of the council shall receive no salary or compensation for services but shall be reimbursed for actual expenses incurred while engaged in the business of the council.

(2) The council shall:

(a) Review and evaluate policies and programs of the state relating to ionization radiation.

(b) Make recommendations to the governor and furnish such advice as may be required on matters relating to development, utilization, and regulation of sources of ionizing radiation.

(c) Make an annual report to the governor.

(d) Review, after any agency, agencies, board or commission has held any public hearing required by this act or chapter 34.04 RCW prior to promulgation and filing with the code reviser, the proposed rules and regulations of the state radiation control agency and all other boards, agencies, and commissions of this state relating to use and control of sources of ionizing radiation to determine that such rules and regulations are consistent with rules and regulations of other agencies, boards, and commissions of the state. Proposed rules and regulations shall not be filed with the code reviser until sixty days after submission to the board unless the board waives all or any part of such sixty day period.

(e) When the board determines that any proposed rules or regulations or parts thereof are inconsistent with rules and regulations of other agencies, boards, or commissions of the state, the board will so advise the governor and the appropriate agency, agencies, boards or commissions, and consult with them in an effort to resolve any such inconsistencies.

(f) Have the power to employ, compensate, and prescribe the powers and duties of such individuals as may be necessary to properly carry out the duties of the council from whatever funds which may be made available to the council for such purpose, including the power to employ an executive secretary to perform the administrative functions of the council.

SEC. 8. *Registration of sources of ionizing radiation.*

(1) The agency may require registration of all sources of ionizing radiation.

(2) The agency may exempt certain sources of ionizing radiation or kinds of uses or users from the registration requirements set forth in this section when the agency makes a finding after approval of the technical advisory board that the exemption of such sources of ionizing radiation or kinds of uses or users will not constitute a significant risk to the health and safety of the public.

(3) Rules and regulations promulgated pursuant to this act may provide for recognition of other state or federal licenses as the agency shall deem desirable, subject to such registration requirements as the agency may prescribe.

SEC. 9. *Inspection.* The agency or its duly authorized representative shall have the power to enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with or violation of the pro-

visions of this act and rules and regulations issued thereunder, except that entry into areas under the exclusive jurisdiction of the federal government, or security areas under the direct or indirect jurisdiction of the federal government, shall be effected only with the concurrence of the federal government or its duly designated representative.

SEC. 10. *Records.* (1) The agency shall require each person who possesses or uses a source of ionizing radiation to maintain necessary records relating to its receipt, use, storage, transfer, or disposal and such other records as the agency may require which will permit the determination of the extent of occupational and public exposure from the radiation source. Copies of these records shall be submitted to the agency on request. These requirements are subject to such exemptions as may be provided by rules.

(2) The agency may by rule and regulation establish standards requiring that personnel monitoring be provided for any employee potentially exposed to ionizing radiation and may provide for the reporting to any employee of his radiation exposure record.

SEC. 11. *Federal-state agreements.* The governor, on behalf of this state, is authorized to enter into agreements with the federal government providing for discontinuance of certain of the federal government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by this state pursuant to this act.

SEC. 12. *Inspection agreements and training programs.* (1) The agency is authorized to enter into an agreement or agreements with the federal government, other states, or interstate agencies, whereby this state will perform on a cooperative basis with the federal government, other states, or interstate agencies, inspections or other functions relating to control of sources of ionizing radiation.

(2) The agency may institute training programs

for the purpose of qualifying personnel to carry out the provisions of this act and may make said personnel available for participation in any program or programs of the federal government, other states, or interstate agencies in furtherance of the purposes of this act.

SEC. 13. *Administrative procedure.* In any proceeding under this act for the issuance or modification or repeal of rules and regulations relating to control of sources of ionizing radiation, the agency shall comply with the requirements of RCW 34.04-.020.

Notwithstanding any other provision of this act, whenever the agency finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, the agency may, in accordance with RCW 34.04.030 without notice or hearing, issue a regulation or order reciting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. As specified in RCW 34.04.030, such regulations or orders shall be effective immediately.

SEC. 14. *Injunction proceedings.* Notwithstanding the existence or use of any other remedy, whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of this act, or any rule, regulation, or order issued thereunder, the attorney general upon the request of the agency, after notice to such person and opportunity to comply, may make application to the appropriate court for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing by the agency that such person has engaged in, or is about to engage in, any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

SEC. 15. *Prohibited uses.* It shall be unlawful for any person to use, manufacture, produce, transport, transfer, receive, acquire, own, or possess any source of ionizing radiation unless registered with, or exempted by the agency in accordance with the provisions of this act.

SEC. 16. *Impounding of materials.* The agency shall have the authority in the event of an emergency to impound or order the impounding of sources of ionizing radiation in the possession of any person who is not equipped to observe or fails to observe the provisions of this act or any rules or regulations issued thereunder.

SEC. 17. *Prohibition fluoroscopic x-ray shoefitting devices.* The operation or maintenance of any x-ray, fluoroscopic, or other equipment or apparatus employing roentgen rays, in the fitting of shoes or other footwear or in the viewing of bones in the feet is prohibited. This prohibition does not apply to any licensed physician, surgeon, chiroprapist, or any person practicing a licensed healing art, or any technician working under the direct and immediate supervision of such persons.

SEC. 18. *Exemptions.* This act shall not apply to the following sources or conditions:

(1) Electrical equipment that is not intended primarily to produce radiation, and that, by nature of design, does not produce radiation at the point of nearest approach at a weekly rate higher than one-tenth the appropriate limit for any critical organ exposed. The production testing or production servicing of such equipment shall not be exempt.

(2) Radiation machines during process of manufacture, or in storage or transit: *Provided*, That this exclusion shall not apply to functional testing of such machines.

(3) Any radioactive material while being transported in conformity with regulations adopted by

the Atomic Energy Commission, or any successor thereto, or the Interstate Commerce Commission, and specifically applicable to the transportation of such radioactive materials.

(4) No exemptions under this section are granted for those quantities or types of activities which do not comply with the established rules and regulations promulgated by the Atomic Energy Commission, or any successor thereto.

SEC. 19. *Professional uses.* Nothing in this act shall be construed to limit the kind or amount of radiation that may be intentionally applied to a person for diagnostic or therapeutic purposes by or under the immediate direction of a licensed practitioner of the healing arts acting within the scope of his professional license.

SEC. 20. *Penalties.* Any person who violates any of the provisions of this act or rules, regulations, or orders in effect pursuant thereto shall be guilty of a gross misdemeanor.

SEC. 21. *Severability.* If any part, or parts of this act shall be held unconstitutional, the remaining provisions shall be given full force and effect, as completely as if the part held unconstitutional had not been included herein, if any such remaining part or parts can then be administered for the declared purposes of this act.

SEC. 22. *Repeal.* Chapter 92, Laws of 1957 and RCW 43.39.010 through 43.39.120 are each hereby repealed.

SEC. 23. *Effective date.* The provisions of this act relating to the control of byproduct, source and special nuclear materials shall become effective on the effective date of the agreement between the federal government and this state as authorized in section 11 of this act. All other provisions of this act shall become effective on the 30th day of June, 1961.

SEC. 24. *Recommended legislation.* The agency and the council shall study, formulate, and recommend to the legislature from time to time specific recommendations to further the purposes of this act.

SEC. 25. *Section headings not part of law.* Section headings as used in this act do not constitute any part of the law.

Passed the Senate March 4, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

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## CHAPTER 208.

[ S. B. 430. ]

### CORPORATIONS—RESTATEMENT OF ARTICLES.

AN ACT relating to private business corporations; providing for a restatement of the articles of incorporation and the filing and effect thereof; adding a new section to chapter 185, Laws of 1933 and to chapter 23.01 RCW; and amending section 17, chapter 70, Laws of 1937 and RCW 23.52.040.

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

New section

SECTION 1. There is added to chapter 185, Laws of 1933 and to chapter 23.01 RCW a new section to read as follows:

Business corporations act.  
Restatement of articles of incorporation  
—Procedure  
—Effect.

(1) A domestic corporation may, at any time, by resolution of its board of directors and without the necessity of approval by its shareholders, restate in a single document the entire text of its articles of incorporation, as previously amended, supplemented or restated, by filing in the office of the secretary of state a document entitled "Restated Articles of Incorporation of (insert name of corporation)" which shall set forth the articles as amended and supplemented to the date of the restated articles.

(2) The restated articles of incorporation shall not alter or amend the original articles or any amendment thereto in any substantive respect and shall