

The world fair commission may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, and may enter into contracts, leases, or other revenue producing agreements for the use and benefit of the purposes of the commission and expend the same and any income therefrom in implementing its duties under this chapter. However, no gifts, grants, and endowments shall be accepted for the personal use of any commissioner. As used in this section, gifts, grants and endowments may be temporary or permanent.

NEW SECTION. Sec. 2. 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 House April 26, 1985.

Passed the Senate April 26, 1985.

Approved by the Governor May 13, 1985.

Filed in Office of Secretary of State May 13, 1985.

CHAPTER 275

[Engrossed House Bill No. 54]

NUCLEAR INCIDENTS—LIABILITY

AN ACT Relating to tort liability; and adding new sections to chapter 4.24 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 4.24 RCW to read as follows:

Unless the context clearly requires otherwise the following definitions apply throughout section 2 of this act:

(1) "Nuclear incident" means any occurrence within this state causing, within or without this state, bodily injury, sickness, disease or death; loss or damage to property; or loss of use of property arising out of the resultant radioactive, toxic, explosive, or other hazardous properties of radioactive wastes being stored in or being transported to or from a waste repository in this state.

(2) "Operator" means the entity or entities that have been given responsibility for constructing, operating, or monitoring waste repositories or transporting radioactive waste and may include the United States and its federal agencies.

(3) "Radioactive waste" includes, but is not limited to, high-level radioactive waste, low-level radioactive waste, transuranic radioactive waste, spent nuclear fuel, and radioactive defense waste. It does not include de minimus radioactive waste.

(4) "Spent nuclear fuel" means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

(5) "Waste repository" means any system which is intended or may be used for the disposal or storage of radioactive waste including permanent disposal systems, interim storage systems, monitored retrievable storage systems, defense waste storage systems, test and evaluation facilities, or similar systems.

NEW SECTION. Sec. 2. A new section is added to chapter 4.24 RCW to read as follows:

(1) Operators are liable for failure to exercise ordinary and reasonable care to protect persons and property subject to injury in nuclear incidents. In addition, operators are liable for operational expenses and emergency purchases incurred by local or state governments in responding to nuclear incidents.

(2) If a nuclear incident occurs, there is a presumption that the operator of a waste repository was negligent in constructing, operating, or monitoring the waste repository, or in transporting radioactive waste, and that the operator was an actual cause of the nuclear incident. The presumption may be rebutted by a clear and convincing showing by the operator that the nuclear incident was not the result of the operator's negligence and that the operator's negligence was not an actual cause of the nuclear incident.

(3) This section does not limit the recovery of parties injured by a nuclear incident against the operators of a waste repository under theories of negligence in selecting contractors, failure to retain adequate controls over the waste repository, vicarious liability for contractors, failure to take reasonable precautionary measures with respect to inherently dangerous activities, and other negligence theories. This section does not limit the recovery of parties injured by a nuclear incident against parties other than operators of a waste facility.

Passed the House February 8, 1985.

Passed the Senate April 18, 1985.

Approved by the Governor May 13, 1985.

Filed in Office of Secretary of State May 13, 1985.

CHAPTER 276

[House Bill No. 153]

CHILD SUPPORT ENFORCEMENT

AN ACT Relating to child support enforcement; amending RCW 74.20.040, 74.20A.040, 74.20.330, 74.20A.020, 74.20A.030, 74.20A.080, 74.20A.100, 74.20A.160, 74.20A.180, 74.20A.200, 74.20A.230, 74.20A.240, 74.20A.250, and 74.20A.270; adding a new section to chapter 74.20A RCW; creating a new section; repealing RCW 74.20.020; and prescribing penalties.