

(2) Section 1, chapter 166, Laws of 1977 ex. sess., section 140, chapter 3, Laws of 1983 and RCW 47.60.650.

Passed the House March 19, 1987.

Passed the Senate April 13, 1987.

Approved by the Governor April 23, 1987.

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CHAPTER 184

[House Bill No. 843]

URANIUM OR THORIUM MILLS—STATE'S AUTHORITY TO COLLECT MONEY FOR DECOMMISSIONING AND SURVEILLANCE MODIFIED

AN ACT Relating to collection of money for the radiation perpetual maintenance fund; amending RCW 70.121.020, 70.121.050, 70.121.100, 70.121.110, and 70.121.130; and adding new sections to chapter 70.121 RCW.

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

Sec. 1. Section 2, chapter 110, Laws of 1979 ex. sess. as amended by section 1, chapter 78, Laws of 1982 and RCW 70.121.020 are each amended to read as follows:

Unless the context clearly requires a different meaning, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Secretary" means the secretary of social and health services.

(3) "Site" means the restricted area as defined by the United States nuclear regulatory commission.

(4) "Tailings" means the residue remaining after extraction of uranium or thorium from the ore whether or not the residue is left in piles, but shall not include ore bodies nor ore stock piles.

(5) "License" means a radioactive materials license issued under chapter 70.98 RCW and the rules adopted under chapter 70.98 RCW.

(6) "Termination of license" means the cancellation of the license after permanent cessation of operations. Temporary interruptions or suspensions of production due to economic or other conditions are not a permanent cessation of operations.

(7) "Milling" means grinding, cutting, working, or concentrating ore which has been extracted from the earth by mechanical (conventional) or chemical (in situ) processes.

(8) "Obligor-licensee" means any person who obtains a license to operate a uranium or thorium mill in the state of Washington or any person who owns the property on which the mill operates and who owes money to the state for the licensing fee, for reclamation of the site, for perpetual surveillance and maintenance of the site, or for any other obligation owed the state under this chapter.

(9) "Statement of claim" means the document recorded or filed pursuant to this chapter, which names an obligor-licensee, names the state as obligee, describes the obligation owed to the state, and describes property owned by the obligor-licensee on which a lien will attach for the benefit of the state, and which creates the lien when filed.

Sec. 2. Section 5, chapter 110, Laws of 1979 ex. sess. and RCW 70-121.050 are each amended to read as follows:

On a quarterly basis on and after January 1, 1980, there shall be levied and the department shall collect a charge of five cents per pound on each pound of uranium or thorium compound milled out of the raw ore. (~~The total charges collected from a licensee shall not exceed one million dollars.~~) All moneys paid to the department from these charges shall be deposited in a special security fund in the treasury of the state of Washington to be known as the "radiation perpetual maintenance fund". This security fund shall be used by the department when a licensee has ceased to operate and the site may still contain, or have associated with the site at which the licensed activity was conducted in spite of full compliance with RCW 70-121.030, radioactive material which will require further maintenance, surveillance, or other care. If, with respect to a licensee, the department determines that the estimated total of these charges will be less than or greater than that required to defray the estimated cost of administration of this responsibility, the department may prescribe such an increased or decreased charge as is considered necessary for this purpose(~~(, but in any case such charge may not exceed one million dollars)~~). If, at termination of the license, the department determines that by the applicable standards and practices then in effect, the charges which have been collected from the licensee and earnings generated therefrom are in excess of the amount required to defray the cost of this responsibility, the department may refund the excess portion to the licensee. If, at termination of the license or cessation of operation, the department determines, by the applicable standards and practices then in effect, that the charges which have been collected from the licensee and earnings generated therefrom are together insufficient to defray the cost of this responsibility, the department may collect the excess portion from the licensee.

Moneys in the radiation perpetual maintenance fund shall be invested by the state (~~(finance committee)~~) investment board in the manner as other state moneys.

NEW SECTION. Sec. 3. A new section is added to chapter 70.121 RCW to read as follows:

If a licensee fails to pay the department within a reasonable time money owed to the state under this chapter, the obligation owed to the state shall constitute a lien on all property, both real and personal, owned by the obligor-licensee when the department records or files, pursuant to this section, a statement of claim against the obligor-licensee. The statement of

claim against the obligor–licensee shall name the obligor–licensee, name the state as obligee, describe the obligation, and describe the property to be held in security for the obligation.

Statements of claim creating a lien on real property, fixtures, timber, agricultural products, oil, gas, or minerals shall be recorded with the county auditor in each county where the property is located. Statements of claim creating a lien in personal property, whether tangible or intangible, shall be filed with the department of licensing.

A lien recorded or filed pursuant to this section has priority over any lien, interest, or other encumbrance previously or thereafter recorded or filed concerning any property described in the statement of claim, to the extent allowed by federal law.

A lien created pursuant to this section shall continue in force until extinguished by foreclosure or bankruptcy proceedings or until a release of the lien signed by the secretary is recorded or filed in the place where the statement of claim was recorded or filed. The secretary shall sign and record or file a release only after the obligation owed to the state under this chapter, together with accrued interest and costs of collection has been paid.

NEW SECTION. Sec. 4. A new section is added to chapter 70.121 RCW to read as follows:

The attorney general shall use all available methods of obtaining funds owed to the state under this chapter. The attorney general shall foreclose on liens made pursuant to this section, obtain judgments against obligor–licensees and pursue assets of the obligor–licensees found outside the state, consider pursuing the assets of parent corporations and shareholders where an obligor–licensee corporation is an underfinanced corporation, and pursue any other legal remedy available.

Sec. 5. Section 10, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.100 are each amended to read as follows:

The secretary or the secretary's duly authorized representative shall require the posting of a bond by licensees to be used exclusively to provide funds in the event of abandonment, default, or other inability of the licensee to meet the requirements of the department. The secretary may establish bonding requirements by classes of licensees and by range of monetary amounts. In establishing these requirements, the secretary shall consider the potential for contamination, injury, cost of disposal, and reclamation of the property. The amount of the bond shall be sufficient to pay the costs of reclamation and perpetual maintenance.

Sec. 6. Section 11, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.110 are each amended to read as follows:

A bond shall be accepted by the department if it is a bond issued by a fidelity or surety company admitted to do business in the state of Washington(~~(, a personal bond secured by such collateral as the secretary~~

deems satisfactory, or a cash bond)) and the fidelity or surety company is found by the state finance commission to be financially secure at licensing and licensing renewals, if it is a personal bond secured by such collateral as the secretary deems satisfactory and in accordance with RCW 70.121.100, or if it is a cash bond.

Sec. 7. Section 13, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.130 are each amended to read as follows:

All state, local, or other governmental agencies, or subdivisions thereof, are exempt from the bonding requirements of this chapter. ~~((The secretary may by rule exempt classes of licensees from the bonding requirements of this chapter when the secretary finds that the exemption will not result in a significant risk to the public health and safety.))~~

Passed the House March 9, 1987.

Passed the Senate April 14, 1987.

Approved by the Governor April 23, 1987.

Filed in Office of Secretary of State April 23, 1987.

CHAPTER 185

[Substitute House Bill No. 1069]

WORKER'S COMPENSATION—OBSOLETE REFERENCES CORRECTED

AN ACT Relating to correcting obsolete references to workmen's compensation; amending RCW 28B.10.567, 28B.16.112, 35A.40.200, 38.40.030, 38.52.090, 38.52.180, 38.52.290, 41.06.163, 41.24.150, 41.26.130, 41.26.150, 41.26.270, 41.40.300, 43.21F.420, 43.22.030, 43.43.040, 48.11.070, 48.12.110, 48.12.120, 48.12.130, 48.12.140, 48.15.160, 48.19.010, 48.20.002, 48.20.202, 48.20.212, 48.20.222, 48.32.020, 48.32.100, 51.12.130, 51.28.025, 51.32.025, 51.32.072, 59.18.100, 60.44.010, 72.05.152, 72.60.100, 74.04.430, and 84.52.0531; and creating a new section.

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

NEW SECTION. Sec. 1. In 1977, in two separate pieces of legislation relating to industrial insurance, the Washington legislature changed certain references from "workmen's" or "workman's" compensation to "workers'" compensation. The purpose of this act is to correct remaining obsolete references to "workmen's compensation" and "workmen."

Sec. 2. Section 1, chapter 81, Laws of 1975-'76 2nd ex. sess. as amended by section 26, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.567 are each amended to read as follows:

The boards of regents of the state universities and board of trustees of the regional universities and the board of trustees of The Evergreen State College are authorized and empowered, under such rules and regulations as any such board may prescribe for the duly sworn police officers employed by any such board as members of a police force established pursuant to RCW 28B.10.550, to provide for the payment of death or disability benefits or medical expense reimbursement for death, disability, or injury of any such