

Chapter 29.98 Construction

Explanatory
note.

- 29.98.010 This section has been added to preserve continuity with the laws which this bill reenacts.
- 29.98.020 Provides that chapter, etc., headings are not part of the law.
- 29.98.030 Severability.
- 29.98.040 Repeals and saving. Except as to certain obsolete or temporary sections, the laws set forth in the schedule of repeals were either repealed previously or are substantially reenacted in this bill.
- 29.98.050 Emergency clause.

CHAPTER 10.

[Second Substitute Senate Bill No. 34.]

NUCLEAR ENERGY.

AN ACT relating to nuclear industry; establishing a revolving fund designated the "perpetual maintenance fund"; amending section 43.31.040, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.31.040; amending section 4, chapter 207, Laws of 1961 and RCW 70.98.040; adding new sections to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.31 RCW; and declaring an emergency.

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

SECTION 1. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.31 RCW a new section to read as follows:

New section.

It is the intent of the legislature that the state through the department of commerce and economic development shall:

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(1) Encourage, promote and cooperate in the development of the use of nuclear energy for peaceful and productive purposes;

Purpose—Scope.

(2) Translate the state's nuclear resources and position in the nuclear energy field from an exclusive federal base to one with a healthy private enterprise component;

(3) Stimulate the nuclear possibilities of the state by catalyzing the interest of industry; agriculture and education around the state's nuclear resources and opportunities;

(4) Acquire and operate property and facilities for the primary purpose of maintaining title or interest as the catalytic agent for activity and direct operation of nuclear energy facilities and byproducts thereof by others;

(5) Encourage the transfer of property and facilities to others who will directly operate nuclear facilities and processes, ensuring perpetual surveillance by the state where required by agreement with the federal government.

SEC. 2. Section 43.31.040, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.31.040 are each amended to read as follows:

RCW 43.31.040 amended.

The department of commerce and economic development shall be organized into divisions, including (1) the industrial development division, (2) the tourist promotion division, (3) the research division, (4) the nuclear energy development division, to be known as the "office of nuclear energy development," and others as required.

Divisions of department—
Supervisors,
assistants.

The director of commerce and economic development may appoint such division supervisors, managers, or executive directors, and clerical supervisors and other assistants as may be necessary for the general administration of the department.

SEC. 3. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.31 RCW a new section to read as follows:

New section.

The department of commerce and economic development through the appropriate division, in order to foster the state's economic growth, shall encourage, promote, and cooperate in the development of the use of nuclear energy for peaceful and productive purposes, and shall coordinate all nuclear development activities engaged in by state agencies and departments. The director shall appoint personnel with sufficient scientific and administrative qualifications

Departmental
duties—
Personnel—
Executive
director.

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to further these purposes and to perform the duties and exercise the powers of the department in this regard. The person appointed as supervisor or manager of the division of nuclear energy development shall be known as the executive director of the office of nuclear energy development.

RCW 70.98.040 amended.

SEC. 4. Section 4, chapter 207, Laws of 1961 and RCW 70.98.040 are each amended to read as follows:

Nuclear energy promotion and development—Scope—Office of nuclear energy development.

The department of commerce and economic development through the division of nuclear energy development, known as the office of nuclear energy development, is hereby designated as the agency of state government for the promotion and development of nuclear energy in this state and shall, in addition to the powers and duties otherwise imposed by law, have the following general 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, and the power to acquire land and facilities for such purposes is specifically delegated to the department.

(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 appropriate 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. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.31 RCW a new section to read as follows:

New section.

The director of commerce and economic development through the division of nuclear energy development, known as the office of nuclear energy development, shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

Director's special powers and duties—Fees—"Perpetual maintenance fund".

(1) Expend such state funds as may be appropriated by the legislature in order to acquire, develop and operate land and facilities which the director believes will foster the development of the state's nuclear economic potential. Such acquisition may be by lease, dedication, purchase, or other arrangement: *Provided, however,* That nothing herein shall be deemed to authorize the state to acquire nuclear facilities or property to engage in competition with organizations or persons. The leasing from the Atomic Energy Commission of one thousand acres of land lying within the boundaries of the Hanford works near Richland, Washington, in a lease executed on September 10, 1964, is an example of the proper exercise of powers within the purposes of this chapter.

(2) Lease, sublease, or sell real and personal properties to public or private bodies on a competitive basis and at a fair market value when the director believes that such transactions will foster the development of the state's nuclear economic potential.

The director may, however, on a competitive basis lease real and personal properties at less than fair

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market value on a short term basis if he believes that the long term gain to the state's economic growth justifies such an agreement. Where the lease or sale requires the lessee or purchaser to use the premises for the operation of a specific type of activity, the notice to bidders shall specify the type of business activity required. Final selection among bidders shall, subject to the provisions herein, be by the director with the advice and consent of the Governor's Advisory Council on Nuclear Energy and Radiation.

(3) Enter into contracts with state and private institutions within the state for the carrying out of basic research in such uses of nuclear energy as may be helpful to the economic development of the state.

(4) Assure the maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state of Washington against nuclear incidents that may occur on privately or state controlled nuclear facilities.

(5) Assume responsibility for perpetual surveillance and/or maintenance of radioactive materials held for waste management purposes at any publicly or privately operated facility located within the state, in the event the parties operating such facilities abandon said responsibility, and whenever the federal government or any of its agencies has not assumed said responsibility.

In order to finance such perpetual surveillance and maintenance as the director may undertake, he may collect fees from private or public parties holding radioactive materials for waste management purposes at a total charge of not less than five cents per cubic foot of space occupied by materials so held, stored, or buried: *Provided*, That in the event the estimated total of such fees will be insufficient to defray the estimated cost of administration of this

responsibility for any next ensuing fiscal biennium, the director may prescribe additional fees, not exceeding fifty cents per cubic foot, as may be necessary to defray estimated waste management expenses for future fiscal bienniums. All such fees, when received by the director, shall be transmitted to the state treasurer, who shall act as custodian. The treasurer shall place the money in a special account, in the nature of a revolving fund, which may be designated "perpetual maintenance fund," to be disbursed on authorization of the director, or his designated representative. Disbursement shall be made in the manner prescribed by chapter 42.24 RCW, and shall be subject to post audit by the state auditor. No appropriations shall be required to permit expenditures and payment of obligations from such fund, but the condition of the fund and its administration by the director shall be reported biennially to the legislature. Moneys in the perpetual maintenance fund shall be invested by the state finance committee in the manner as other state moneys: *Provided, however,* That any interest accruing as a result of investment shall accrue to the perpetual maintenance fund.

Additional moneys as may be specifically appropriated by the legislature, or received from any public or private source, may be placed in the perpetual maintenance fund. The perpetual maintenance fund shall be used exclusively for surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations.

(6) Enter into an agreement with the federal government or any of its authorized agencies to assume perpetual surveillance and/or maintenance of lands leased or purchased from the federal government or any of its authorized agencies and used as a burial or storage site for radioactive wastes.

SEC. 6. This act is necessary for the immediate Emergency. preservation of the public peace, health and safety,

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the support of the state government and its existing public institutions, and shall take effect immediately.

Severability.

SEC. 7. If any provision of this 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. 8. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.31 RCW, a new section to read as follows:

Construction—State as catalytic agent.

This act shall be liberally construed to the end that the acquisition, development and operation of land and facilities will be for the purpose of the state maintaining its title or interest as the catalytic agent for operation of nuclear energy facilities and by-products thereof for basic research and a healthy private enterprise component.

Provisions cumulative—Rights preserved.

SEC. 9. The provisions of this act shall be cumulative and shall not impair or supersede the powers or rights of any person, firm or corporation or political subdivision of the state of Washington under any other law. The rights of all persons, firms, corporations and political subdivisions or operating units of any kind under existing contracts, renewals thereof or supplements thereto, with the United States, or any agency thereof, for power, are hereby preserved and such rights shall not be impaired or modified by any of the provisions of this act or any of the powers granted by this act.

Passed the Senate March 3, 1965.

Passed the House March 4, 1965.

Approved by the Governor March 8, 1965.