

In order to encourage the improvement of grazing ranges by holders of grazing permits, the land commissioner shall consider (1) extension of grazing permit periods to a maximum of ~~((five))~~ ten years, and (2) reduction of grazing fees, in situations where the permittee contributes or agrees to contribute to the improvement of the range, financially, by labor, or otherwise.

NEW SECTION. Sec. 22. There is added to chapter 255, Laws of 1927 and to chapter 79.01 RCW a new section to read as follows:

RCW 79.01.092, 79.01.096, 79.01.136, 79.01.140, 79.01.148, 79.01.244, 79.01.248, 79.01.252, 79.01.256, 79.01.260, 79.01.264, 79.01.268, 79.01.724, 79.12.570, and 79.28.080 and sections 10 and 17 of this 1979 act do not apply to state tidelands, shorelands, harbor areas, and the beds of navigable waters.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

- (1) Section 68, chapter 255, Laws of 1927, section 30, chapter 257, Laws of 1959 and RCW 79.01.272;
- (2) Section 69, chapter 255, Laws of 1927, section 31, chapter 257, Laws of 1959 and RCW 79.01.276;
- (3) Section 70, chapter 255, Laws of 1927 and RCW 79.01.280;
- (4) Section 72, chapter 255, Laws of 1927, section 33, chapter 257, Laws of 1959 and RCW 79.01.288;
- (5) Section 36, chapter 255, Laws of 1927 and RCW 79.01.144;
- (6) Section 2, chapter 203, Laws of 1949 and RCW 79.12.580;
- (7) Section 3, chapter 203, Laws of 1949 and RCW 79.12.590; and
- (8) Section 3, chapter 85, Laws of 1923 and RCW 79.28.060.

NEW SECTION. Sec. 24. 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. 25. The provisions of this 1979 amendatory act shall take effect September 26, 1979.

Passed the Senate April 25, 1979.

Passed the House April 23, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

CHAPTER 110

[Engrossed Substitute Senate Bill No. 2197]

MILL TAILINGS LICENSING AND PERPETUAL CARE ACT OF 1979

AN ACT Relating to energy and utilities; adding a new chapter to Title 70 RCW; and prescribing an effective date.

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

NEW SECTION. Section 1. The legislature finds that:

(1) The milling of uranium and thorium creates potential hazards to the health of the citizens of the state of Washington in that potentially hazardous radioactive isotopes, decay products of uranium and thorium, naturally occurring in relatively dispersed geologic formations, are brought to one location on the surface and pulverized in the process of mining and milling uranium and thorium.

(2) These radioactive isotopes, in addition to creating a field of gamma radiation in the vicinity of the tailings area, also exude potentially hazardous radioactive gas and particulates into the atmosphere from the tailings areas, and contaminate the milling facilities, thereby creating hazards which will be present for many generations.

(3) The public health and welfare of the citizens demands that the state assure that the public health be protected by requiring that: (a) prior to the termination of any radioactive materials license, all milling facilities and associated tailings piles will be decommissioned in such a manner as to bring the potential public health hazard to a minimum; and (b) such environmental radiation monitoring as is necessary to verify the status of decommissioned facilities will be conducted.

NEW SECTION. Sec. 2. 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.

NEW SECTION. Sec. 3. (1) Any person who proposes to operate a uranium or thorium mill within the state of Washington after January 1, 1980, shall obtain a license from the department to mill thorium and uranium. The period of the license shall be determined by the secretary and shall be initially valid for not more than two years and renewable thereafter for periods of not more than five years. No license may be granted unless:

(a) The owner or operator of the mill submits to the department a plan for reclamation and disposal of tailings and for decommissioning the site

that conforms to the criteria and standards then in effect for the protection of the public safety and health; and

(b) The owner of the mill agrees to transfer or revert to the appropriate state or federal agency upon termination of the license all lands, buildings, and grounds, and any interests therein, necessary to fulfill the purposes of this chapter except where the lands are held in trust for or are owned by any Indian tribe.

(2) Any person operating a uranium or thorium mill on the effective date of this act shall, at the time of application for renewal of his license to mill thorium or uranium, comply with the following conditions for continued operation of the mill:

(a) The owner or operator of the mill shall submit to the department a plan for reclamation and disposal of tailings and for decommissioning the site that conforms to the criteria and standards then in effect for the protection of the public safety and health; and

(b) The owner of the mill shall agree to transfer or revert to the appropriate state or federal agency upon termination of the license all lands, buildings, and grounds, and any interests therein, necessary to fulfill the purposes of this chapter except where the lands are held in trust for or are owned by any Indian tribe.

(3) The department shall, after public notice and opportunity for written comment, hold a public hearing to consider the adequacy of the proposed plan to protect the safety and health of the public required by subsections (1) and (2) of this section. The proceedings shall be recorded and transcribed. The public hearing shall provide the opportunity for cross-examination by both the department and the person proposing the plan required under this section. The department shall make a written determination as to the licensing of the mill which is based upon the findings included in the determination and upon the evidence presented during the public comment period. The determination is subject to judicial review. If a declaration of nonsignificance is issued for a license renewal application under rules adopted under chapter 43.21C RCW, the public hearing is not required.

(4) The department shall set a schedule of license and amendment fees predicated on the cost of reviewing the license application and of monitoring for compliance with the conditions of the license. A permit for construction of a uranium or thorium mill may be granted by the secretary prior to licensing.

NEW SECTION. Sec. 4. The secretary or his representative shall monitor the operations of the mill for compliance with the conditions of the license by the owner or operator. The mill owner or operator shall be responsible for compliance, both during the lifetime of the facility and at shutdown, including but not limited to such requirements as fencing and posting the site; contouring, covering, and stabilizing the pile; and for decommissioning the facility.

NEW SECTION. Sec. 5. 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 section 3 of this act, 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.

Moneys in the radiation perpetual maintenance fund shall be invested by the state finance committee in the manner as other state moneys.

NEW SECTION. Sec. 6. In order to provide for the proper care and surveillance of sites under section 5 of this act, the state may acquire by gift or transfer from any government agency, corporation, partnership, or person, all lands, buildings, and grounds necessary to fulfill the purposes of this chapter. Any such gift or transfer shall be subject to approval by the department. In exercising the authority of this section, the department shall take into consideration the status of the ownership of the land and interests therein and the ability of the licensee to transfer title and custody thereof to the state.

NEW SECTION. Sec. 7. Recognizing the uncertainty of the existence of a person or corporation in perpetuity, and recognizing that ultimate responsibility to protect the public health and safety must be reposed in a solvent government, without regard to the existence of any particular agency or department thereof, all lands, buildings, and grounds acquired by the state under section 6 of this act shall be owned in fee simple by the state and dedicated in perpetuity to the purposes stated in section 6 of this act. All radioactive material received at a site and located therein at the time of acquisition of ownership by the state shall become the property of the state.

NEW SECTION. Sec. 8. If a person licensed by any governmental agency other than the state or if any other governmental agency desires to transfer a site to the state for the purpose of administering or providing perpetual care, a lump sum payment shall be made to the radiation perpetual maintenance fund. The amount of the deposit shall be determined by the department taking into consideration the factors stated in section 5 of this act.

NEW SECTION. Sec. 9. Each licensee under this chapter, as a condition of his license, shall submit to whatever reasonable on-site inspections and on-site monitoring as required in order for the department to carry out its responsibilities and duties under this chapter. Such on-site inspections and monitoring shall be conducted without the necessity of any further approval or any permit or warrant therefor.

NEW SECTION. Sec. 10. 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.

NEW SECTION. Sec. 11. 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.

NEW SECTION. Sec. 12. All bonds forfeited shall be paid to the department for deposit in the radiation perpetual maintenance fund. All moneys in this fund may only be expended by the department as necessary for the protection of the public health and safety and shall not be used for normal operating expenses of the department.

NEW SECTION. Sec. 13. 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.

NEW SECTION. Sec. 14. This chapter is cumulative and not exclusive, and no part of this chapter shall be construed to repeal any existing law specifically enacted for the protection of the public health and safety.

NEW SECTION. Sec. 15. This chapter may be known as the "Mill Tailings Licensing and Perpetual Care Act of 1979".

NEW SECTION. Sec. 16. 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. 17. Sections 1 through 15 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 18. This act shall take effect on January 1, 1980.

Passed the Senate April 24, 1979.

Passed the House April 12, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

CHAPTER 111

[Substitute Senate Bill No. 2422]

PHYSICIANS—CHIROPRACTORS—PROFESSIONAL DISCIPLINE

AN ACT Relating to professional discipline; amending section 3, chapter 202, Laws of 1955 as last amended by section 1, chapter 61, Laws of 1975 and RCW 18.72.030; amending section 6, chapter 202, Laws of 1955 and RCW 18.72.060; amending section 10, chapter 202, Laws of 1955 as amended by section 42, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.72.100; amending section 13, chapter 202, Laws of 1955 and RCW 18.72.130; amending section 15, chapter 202, Laws of 1955 as amended by section 4, chapter 61, Laws of 1975 and RCW 18.72.150; amending section 16, chapter 202, Laws of 1955 and RCW 18.72.160; amending section 17, chapter 202, Laws of 1955 and RCW 18.72.170; amending section 23, chapter 202, Laws of 1955 and RCW 18.72.230; amending section 24, chapter 202, Laws of 1955 and RCW 18.72.240; amending section 25, chapter 202, Laws of 1955 as amended by section 1, chapter 58, Laws of 1969 and RCW 18.72.250; amending section 3, chapter 61, Laws of 1975 and RCW 18.72.275; amending section 3, chapter 171, Laws of 1967 as last amended by section 1, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.030; amending section 4, chapter 171, Laws of 1967 as amended by section 13, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.040; amending section 21, chapter 171, Laws of 1967 and RCW 18.26.210; amending section 7, chapter 171, Laws of 1967 as last amended by section 33, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.26.070; adding new sections to chapter 18.72 RCW; repealing section 20, chapter 202, Laws of 1955 and RCW 18.72.200; repealing section 21, chapter 202, Laws of 1955 and RCW 18.72.210; repealing section 22, chapter 202, Laws of 1955 and RCW 18.72.220; repealing section 31, chapter 202, Laws of 1955 and RCW 18.72.310; and declaring an emergency.

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

Section 1. Section 3, chapter 202, Laws of 1955 as last amended by section 1, chapter 61, Laws of 1975 and RCW 18.72.030 are each amended to read as follows:

The term "unprofessional conduct" as used in this chapter and chapter 18.71 RCW ((18.71.120 and 18.71.140)) shall mean the following items or any one or combination thereof:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption, whether the same be committed in the course of his or her relations as a physician, or otherwise, and whether the same constitutes a crime or not; and if the act constitutes a crime, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action. Upon