

## CHAPTER 1

[House Bill No. 2130]

HIGH-LEVEL NUCLEAR WASTE REPOSITORIES—SITE SELECTION PROCESS—  
REFERENDUM 40

AN ACT Relating to the site selection process for a high-level nuclear waste repository; adding a new chapter to Title 29 RCW; adding a new chapter to Title 43 RCW; creating a new section; and providing for submission of this act to a vote of the people.

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

NEW SECTION. Sec. 1. The Legislature and the People of the State of Washington find that:

(1) In order to solve the problem of high-level radioactive waste disposal, Congress established a process for selecting two sites for the safe, permanent, and regionally equitable disposal of such waste.

(2) The process of selecting three sites as final candidates, including the Hanford reservation, for a first high-level nuclear waste repository by the United States Department of Energy violated the intent and the mandate of Congress.

(3) The United States Department of Energy has prematurely deferred consideration of numerous potential sites and disposal media that its own research indicates are more appropriate, safer, and less expensive.

(4) Placement of a repository at Hanford without methodical and independently verified scientific evaluation will pose a threat to the health and safety of the people and the environment of this state.

(5) The selection process is flawed and not credible because it did not include independent experts in the selection of the sites and in the review of that selection, as recommended by the National Academy of Sciences.

(6) By postponing indefinitely all site specific work for a second repository, the United States Department of Energy has not complied with the intent of Congress expressed in the Nuclear Waste Policy Act, Public Law 97-425, and the fundamental compromise which enabled its enactment.

NEW SECTION. Sec. 2. In order to achieve complete compliance with federal law and protect the health, safety, and welfare of the People of the State of Washington, the Governor, the Legislature, other state-wide elected officials, and the Nuclear Waste Board shall use all legal means necessary to:

(1) Suspend the preliminary site selection process for a high-level nuclear waste repository, including the process of site characterization, until there is compliance with the intent of the Nuclear Waste Policy Act;

(2) Reverse the Secretary of Energy's decision to postpone indefinitely all site specific work on locating and developing a second repository for high-level nuclear waste;

(3) Insist that the United States Department of Energy's site selection process, when resumed, considers all acceptable geologic media and results in safe, scientifically justified, and regionally and geographically equitable high-level nuclear waste disposal;

(4) Demand that federal budget actions fully and completely follow the intent of the Nuclear Waste Policy Act; and

(5) Continue to pursue alliances with other states and interested parties, particularly with Pacific Northwest governors, legislatures, and other parties, affected by the site selection and transportation of high-level nuclear waste.

NEW SECTION. Sec. 3. (1) The Legislature and the People find that the federal Nuclear Waste Policy Act provides that within sixty days of the President's recommendation of a site for a high-level nuclear waste repository, a state may disapprove the selection of such site in that state.

(2) The Legislature and the People desire, if the Governor and Legislature do not issue a notice of disapproval within twenty-one days of the President's recommendation, that the people of this state have the opportunity to vote upon disapproval.

NEW SECTION. Sec. 4. (1) Within seven days after any recommendation by the President of the United States of a site in the State of Washington to be a high-level nuclear waste repository under 42 U.S.C. Sec. 10136, the Governor shall set the date for a special state-wide election to vote on disapproval of the selection of such site. The special election shall be no more than fifty days after the date of the recommendation of the President of the United States.

(2) If either the Governor or the Legislature submits a notice of disapproval to the United States Congress within twenty-one days of the date of the recommendation by the President of the United States, then the Governor is authorized to cancel the special election pursuant to subsection (1) of this section.

NEW SECTION. Sec. 5. The State of Washington shall assume the costs of any special election called under section 4 of this act in the same manner as provided in RCW 29.13.047 and 29.13.048.

NEW SECTION. Sec. 6. The Secretary of State shall promptly notify the county auditors of the date of the special election and certify to them the text of the ballot title for this special election. The general election laws shall apply to the election required by section 4 of this act to the extent that they are not inconsistent with sections 3 through 8 of this act. Statutory deadlines relating to certification, canvassing, and the voters' pamphlet may be modified for the election held pursuant to section 4 of this act by the Secretary of State through emergency rules adopted under RCW 29.04.080.

NEW SECTION. Sec. 7. The ballot title for the special election called under section 4 of this act shall be "Shall the Governor be required to notify

Congress of Washington's disapproval of the President's recommendation of [name of site] as a national high-level nuclear waste repository?"

NEW SECTION. Sec. 8. If the Governor or the Legislature fails to prepare and submit a notice of disapproval to the United States Congress within fifty-five days of the President's recommendation and a majority of the voters in the special election held pursuant to section 4 of this act favored such notice of disapproval, then the vote of the people shall be binding on the Governor. The Governor shall prepare and submit the notice of disapproval to the United States Congress pursuant to 42 U.S.C. Sec. 10136.

NEW SECTION. Sec. 9. Sections 1 and 2 of this act shall constitute a new chapter in Title 43 RCW. Sections 3 through 8 of this act shall constitute a new chapter in Title 29 RCW.

NEW SECTION. Sec. 10. Within ten days of the effective date of this act, the Secretary of State shall transmit copies of this act, including the voter referendum results, to the President of the United States, the United States Department of Energy, the President of the United States Senate, the Speaker of the House of Representatives, each member of Congress, and the Governors and Legislatures of the other forty-nine states.

NEW SECTION. Sec. 11. This act shall be submitted to the People of the State of Washington for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof. The ballot title for this act shall be: "Shall state officials continue challenges to the federal selection process for high-level nuclear waste repositories and shall a means be provided for voter disapproval of any Washington site?"

Passed the House August 1, 1986.

Passed the Senate August 1, 1986.

Filed in Office of Secretary of State August 1, 1986.