

state owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d) and (e) hereinafore, creating a like emergency.

Sec. 4. Section 1, chapter 239, Laws of 1981 and RCW 28A.56.200 are each amended to read as follows:

(1) In cases where high school students resident in a nonhigh school district are to be educated in a high school district, the board of directors of the nonhigh school district shall, by mutual agreement with the serving district(s), designate the serving high school ((serving)) district or districts which its high school students shall attend. A nonhigh school district shall designate a district as a serving high school district when more than thirty-three and one-third percent of the high school students residing within the boundaries of the nonhigh school district are enrolled in the serving district.

(2) Students residing in a nonhigh school district shall be allowed to attend a high school other than in the designated serving district referred to in subsection (1) of this section(~~(-PROVIDED, That)~~), ~~however~~ the nonhigh school board of directors shall not be required to contribute to building programs in any such high school district. Contribution shall be made only to those ~~((high school))~~ districts which are designated ~~((by the local nonhigh school board of directors for attendance by their high school students))~~ as serving high school districts at the time the county auditor is requested by the high school district to place a measure on the ballot regarding a proposal or proposals for the issuance of bonds or the authorization of an excess tax levy to provide capital funds for building programs. The nonhigh school district shall be subject to the capital fund aid provisions contained in this chapter with respect to the designated high school serving district(s).

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 17, 1989.

Passed the House April 11, 1989.

Approved by the Governor May 11, 1989.

Filed in Office of Secretary of State May 11, 1989.

CHAPTER 322

[Substitute Senate Bill No. 6033]

NUCLEAR AND RADIOACTIVE WASTE MANAGEMENT—DEPARTMENT OF ECOLOGY—DUTIES

AN ACT Relating to radioactive affairs; amending RCW 43.200.015, 43.200.020, 43.200.030, 43.200.050, 43.200.070, and 43.200.150; repealing RCW 43.200.025, 43.200.040,

43.200.050, 43.200.060, 43.200.090, 43.200.100, 43.200.110, 43.200.120, 43.200.130, 43.200.140, 43.200.142, 43.200.144, 43.200.150, 43.200.160, and 43.200.904; and providing contingent effective dates.

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

Sec. 1. Section 1, chapter 161, Laws of 1984 as amended by section 1, chapter 293, Laws of 1985 and RCW 43.200.015 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) ~~("Board" means the nuclear waste board established in RCW 43.200.040.~~

(2) ~~"Federal department of energy" means the federal department of energy or any successor agency assigned responsibility for the long-term disposal of high-level radioactive waste.~~

(3) ~~"Nuclear regulatory commission" means the United States nuclear regulatory commission or any successor agency responsible for approving construction of a repository for the long-term disposal of high-level radioactive waste and spent nuclear fuel.~~

(4) ~~"Hanford candidate site" means the site identified by the United States department of energy as a potentially acceptable site for the disposal of spent nuclear fuel and high-level radioactive waste pursuant to the nuclear waste policy act of 1982.~~

(5)) "High-level radioactive waste" means "high-level radioactive waste" as the term is defined in 42 U.S.C. Sec. 10101 (P.L. 97-425).

((6)) (2) "Low-level radioactive waste" means waste material that contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level waste does not include waste containing more than one hundred nanocuries of transuranic contaminants per gram of material, nor spent ((reactor)) nuclear fuel, nor material classified as either high-level radioactive waste or waste that is unsuited for disposal by near-surface burial under any applicable federal regulations.

((7)) (3) "Radioactive waste" means both high-level and low-level radioactive waste.

((8)) (4) "Spent nuclear fuel" means spent nuclear fuel as the term is defined in 42 U.S.C. Sec. 10101.

((9)) (5) "Department" means the department of ecology.

Sec. 2. Section 2, chapter 19, Laws of 1983 1st ex. sess. as amended by section 2, chapter 161, Laws of 1984 and RCW 43.200.020 are each amended to read as follows:

~~((The nuclear waste board shall carry out the authority and responsibility set forth in this chapter.))~~ The department of ecology is designated as the executive branch agency for participation in the federal nuclear waste policy act of 1982 and the federal low-level radioactive waste policy act of

1980, however the legislature retains an autonomous role with respect to participation in all aspects of the federal nuclear waste policy act of 1982. The ~~((board and the))~~ department may receive federal financial assistance for carrying out radioactive waste management activities, including assistance for expenses, salaries, travel, and monitoring and evaluating the program of repository exploration and siting undertaken by the federal government.

~~((The board shall submit a written report at least semiannually to the governor and to each member of the legislature on the radioactive waste program, its progress in carrying out its responsibilities, and any recommendations for legislative or administrative action that will improve the state's management and control activity in maximizing public health and safety.))~~

Sec. 3. Section 3, chapter 19, Laws of 1983 1st ex. sess. as amended by section 4, chapter 161, Laws of 1984 and RCW 43.200.030 are each amended to read as follows:

All departments, agencies, and officers of this state and its subdivisions shall cooperate with the ~~((board))~~ department of ecology in the furtherance of any of its activities pursuant to this chapter.

Sec. 4. Section 5, chapter 19, Laws of 1983 1st ex. sess. as amended by section 6, chapter 161, Laws of 1984 and RCW 43.200.050 are each amended to read as follows:

(1) An advisory council is hereby established of ~~((not less than fifteen))~~ nineteen members, eleven of whom shall be appointed by the governor ((to provide advice)) and eight of whom shall be legislators. The advisory council shall advise, counsel, and make recommendations to the ((board)) department on all aspects of the radioactive waste management program. The council shall particularly advise the ((board)) department on maximizing opportunities for public involvement in the program, soliciting public input, and assisting in the need for wide understanding of the issues involved in nuclear waste management. The governor shall appoint the chairman of the advisory council ((who shall also serve as chairman of the nuclear waste board)).

(2) The nonlegislative members of the council appointed by the governor shall be selected from all areas of the state and shall include a broad range of citizens((-representatives of local governments, and representatives of such other interests as the governor determines will best further the purposes of this chapter)). A representative of an affected Indian tribe ((may)) shall be ((an ex-officio nonvoting)) appointed by the governor as a member of the council. Terms of the nonlegislative council members shall not exceed two years and they shall continue to serve until their successors are appointed. Vacancies in a nonlegislative position shall be filled in the same manner as original appointments. ((Members may be reappointed.)) The

governor may reappoint a nonlegislative member and may appoint a replacement for ((any)) a nonlegislative council member who is temporarily unable to fulfill the responsibilities required of a council member. The replacement shall serve at the pleasure of the governor. Nonlegislative members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

(3) Four members from the house of representatives shall be appointed to the council by the speaker of the house of representatives and four members from the senate shall be appointed by the president of the senate. No more than two members of each house may be of the same political party. The legislative members shall serve at the pleasure of the appointing officer. The legislative members shall receive reimbursement for travel expenses in accordance with RCW 44.04.120.

(4) The council shall hold its meetings at various locations within the state.

Sec. 5. Section 7, chapter 19, Laws of 1983 1st ex. sess. as last amended by section 5, chapter 2, Laws of 1986 and RCW 43.200.070 are each amended to read as follows:

The ~~((board and/or the))~~ department of ecology shall adopt such rules as are necessary to carry out responsibilities under this chapter. The department of ecology is authorized to adopt such rules as are necessary to carry out its responsibilities under chapter 43.145 RCW.

Sec. 6. Section 14, chapter 161, Laws of 1984 as amended by section 4, chapter 293, Laws of 1985 and RCW 43.200.150 are each amended to read as follows:

The department shall provide administrative and technical staff support as requested by the ~~((board))~~ advisory council established by RCW 43.200.050. ~~((As directed by the board, the department shall be responsible for obtaining and coordinating technical expertise necessary for board participation in nuclear waste programs and shall be responsible for ongoing technical coordination and administration of program activities.))~~ Other state agencies shall assist the ~~((board))~~ council in fulfilling its duties to the fullest extent possible. The ~~((board and/or the))~~ department may contract with other state agencies to obtain expertise or input uniquely available from that agency. ~~((The board may contract with private parties to obtain expertise or input necessary to perform any study required in this chapter, for which it shall seek funding from the federal government.))~~

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 161, Laws of 1984 and RCW 43.200.025;

(2) Section 4, chapter 19, Laws of 1983 1st ex. sess., section 5, chapter 161, Laws of 1984, section 91, chapter 287, Laws of 1984 and RCW 43-200.040;

(3) Section 5, chapter 19, Laws of 1983 1st ex. sess. as last amended by section 4 of this act and RCW 43.200.050;

(4) Section 6, chapter 19, Laws of 1983 1st ex. sess., section 7, chapter 161, Laws of 1984 and RCW 43.200.060;

(5) Section 14, chapter 19, Laws of 1983 1st ex. sess. and RCW 43-200.090;

(6) Section 9, chapter 161, Laws of 1984 and RCW 43.200.100;

(7) Section 10, chapter 161, Laws of 1984 and RCW 43.200.110;

(8) Section 11, chapter 161, Laws of 1984 and RCW 43.200.120;

(9) Section 12, chapter 161, Laws of 1984 and RCW 43.200.130;

(10) Section 13, chapter 161, Laws of 1984 and RCW 43.200.140;

(11) Section 2, chapter 293, Laws of 1985, section 85, chapter 505, Laws of 1987 and RCW 43.200.142;

(12) Section 3, chapter 293, Laws of 1985 and RCW 43.200.144;

(13) Section 14, chapter 161, Laws of 1984 as last amended by section 6 of this act and RCW 43.200.150;

(14) Section 5, chapter 293, Laws of 1985 and RCW 43.200.160; and

(15) Section 6, chapter 293, Laws of 1985 and RCW 43.200.904.

NEW SECTION. Sec. 8. If the Hanford federal agreement and consent order announced February 27, 1989, is executed within ninety days after the end of the legislative session in which this bill is passed by the legislature, section 7 (1), (2), (4) through (12), (14), and (15) of this act shall take effect ninety days after the end of the legislative session in which this bill is passed by the legislature. If the Hanford federal agreement and consent order is not executed during that ninety-day period, section 7 (1), (2), (4) through (12), (14), and (15) of this act shall take effect on the date the agreement and consent order is executed, or June 30, 1990, whichever is earlier. Section 7 (3) and (13) of this act shall take effect June 30, 1994.

Passed the Senate April 17, 1989.

Passed the House April 11, 1989.

Approved by the Governor May 11, 1989.

Filed in Office of Secretary of State May 11, 1989.

CHAPTER 323

[Substitute Senate Bill No. 5357]

INSURANCE EDUCATION PROVIDERS—REGULATION

AN ACT Relating to insurance education providers; amending RCW 48.17.560 and 48-17.120; adding new sections to chapter 48.17 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

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