

the application of the provision to other persons or circumstances is not affected.

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## CHAPTER 161

[Engrossed Substitute House Bill No. 1637]

### NUCLEAR WASTE BOARD—LONG-TERM DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE

AN ACT Relating to the long-term disposal of high-level radioactive waste; amending section 2, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.020; amending section 3, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.030; amending section 4, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.040; amending section 5, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.050; amending section 6, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.060; amending section 7, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.070; amending section 10, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.900; creating a new section; adding new sections to chapter 43.200 RCW; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. 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) "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).

(4) "Department" means the department of ecology.

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

The ((department of ecology is herein designated as the executive branch agency to)) nuclear waste board shall carry out the authority and responsibility set forth in this chapter((- including)). 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 ((department)) board shall submit a written report at least semi-annually 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.

NEW SECTION. Sec. 3. (1) The board shall be responsible for identifying and reviewing state agency policies relating to the management of radioactive wastes; analyzing recommendations of the advisory council to determine how state agencies may be responsive to the needs of the board in carrying out its duties under this chapter; determining ways in which coordination among state agencies can be improved; carrying out such review activities that will enable the state to effectively evaluate federal actions; reviewing the activities of advisory and technical committees; studying the need for additional advisory and technical committees; and participating in the consultation and concurrence process provided for in the federal waste management act of 1982 and assisting the department to participate in the low-level waste policy act of 1980 and to monitor and comment on decisions of the northwest interstate compact committee on low-level radioactive waste management.

(2) The board shall disseminate or arrange with the federal department of energy or other federal agency to disseminate information received pursuant to its activities under this chapter to the legislature, appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the radioactive waste advisory council, and persons who have requested in writing to receive this information.

(3) The board shall serve as a spokesman on behalf of the citizens of this state before the federal department of energy and other federal agencies on matters related to the disposal of high-level radioactive waste.

(4) The board shall promote and coordinate through the radioactive waste advisory council educational programs which provide information on the nature of high-level radioactive waste, the disposal of these wastes, the activities of the board, the activities of the federal department of energy and other federal agencies related to the disposal of high-level radioactive waste, and the opportunities of the public to participate in procedures and decisions related to the disposal of high-level radioactive waste.

(5) The board shall monitor activity in congress and the federal government related to the disposal of high-level radioactive waste. The board may advise the congressional delegation from this state of action which is needed to protect the interests of the state.

(6) The board may request and delegate to the department the undertaking of any of the activities assigned to the board by the provisions of this chapter. The board may delegate administrative matters to the department to assist the board in carrying out its activities under this chapter.

Sec. 4. Section 3, chapter 19, Laws of 1983 1st ex. sess. 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 ~~((department))~~ board in the furtherance of any of its activities pursuant to this chapter.

Sec. 5. Section 4, chapter 19, Laws of 1983 1st ex. sess. and RCW 43-.200.040 are each amended to read as follows:

(1) There is hereby created a nuclear waste ~~((policy and review))~~ board ~~((to assist the department in carrying out its responsibilities under this chapter))~~. The board shall consist of the following members: The chairman of the advisory council who shall also serve as chairman of the review board, the director of ~~((the department))~~ ecology or the director's designee, the director of the energy office or the director's designee, the commissioner of public lands or the commissioner's designee, the secretary of social and health services or the secretary's designee, the chairman of the energy facility site evaluation council or the chairman's designee, the director of the Washington state water research center or the director's designee, four members of the state senate, appointed by the president of the senate, and four members of the house of representatives, appointed by the speaker, who shall be selected from each of the caucuses in each house, but no more than two members of each house shall be of the same political party. Legislative members shall be ex officio nonvoting members of the board and shall serve while members of the legislature, at the pleasure of the appointing officer.

~~((The board shall be responsible for identifying and reviewing state agency policies relating to the management of radioactive wastes; analyzing recommendations of the advisory council to determine how state agencies may be responsive to the needs of the department in carrying out its duties under this chapter; assisting the department in determining ways in which coordination among state agencies can be improved; carrying out such review activities that will enable the governor to effectively evaluate federal actions; reviewing the activities of advisory and technical committees created by the governor; advising the director on the need for additional advisory and technical committees; and assisting the department to participate in the consultation and concurrence process provided for in the federal waste management act of 1982 and the low-level waste policy act of 1980 and to monitor and comment on decisions of the northwest interstate compact committee on low-level radioactive waste management.))~~

(2) 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. Legislative members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 44.04.120. The legislature shall seek reimbursement from available sources, including the federal government, for legislative expenditures incurred pursuant to the provisions of this ~~((act))~~ chapter.

Sec. 6. Section 5, chapter 19, Laws of 1983 1st ex. sess. and RCW 43-200.050 are each amended to read as follows:

(1) An advisory council is hereby established of not less than fifteen members appointed by the governor to provide advice, counsel, and recommendations to the ~~((department))~~ board on all aspects of the radioactive waste management program. The council shall particularly advise the ~~((department))~~ board 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 ~~((policy and review))~~ board. Members of the council 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 be an ex officio nonvoting member of the council. Terms of council members shall not exceed two years and they shall continue to serve until their successors are appointed. Vacancies shall be filled in the same manner as original appointments. Members may be reappointed. The governor may appoint a replacement for any 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. 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.

Sec. 7. Section 6, chapter 19, Laws of 1983 1st ex. sess. and RCW 43-200.060 are each amended to read as follows:

The ~~((department))~~ board may establish such additional advisory and technical committees as it deems necessary. Members of any advisory or technical committee established under this section may receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

Sec. 8. Section 7, chapter 19, Laws of 1983 1st ex. sess. and RCW 43-200.070 are each amended to read as follows:

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

**NEW SECTION.** Sec. 9. (1) The board shall be the lead agency in negotiations and shall negotiate agreements and modifications to agreements with the federal department of energy. The legislature may appoint one or more representatives to participate in the negotiations. Additionally the board shall consult with the radioactive waste advisory council, the department of ecology, and the legislature during the negotiation of any agreement or modification to an agreement with the federal department of energy.

(2) The board shall conduct more than one public hearing on any proposed agreement or modification to an agreement negotiated under subsection (1) of this section. The board shall provide fourteen days notice of the date and location of hearings conducted under this subsection. The board shall prepare a written summary of testimony presented at hearings conducted under this subsection and shall consider the need for modifications to the negotiated agreement as a result of the hearings.

(3) No agreement or modification to an agreement negotiated under subsection (1) of this section may take effect unless it is recommended to be approved by a majority of the members of the full board.

(4) No agreement or modification to an agreement negotiated under subsection (1) of this section may take effect unless it is reviewed under section 10 of this act.

(5) In performing their responsibilities under this section, the board and its membership shall use good faith efforts and their best judgments to:

(a) Develop an ongoing program to inform the public of its actions and to address concerns of the public as they arise; (b) insure, to the maximum extent feasible, that:

(i) No right or opportunity for participation to which the state is entitled under the Nuclear Waste Policy Act of 1982 (42 U.S.C. Sec. 10101 et seq.) be waived by written agreement;

(ii) The state be afforded adequate remedies in the event of breach of the written agreement;

(iii) Wherever possible, the state obtain through agreement additional rights and privileges which are not inconsistent with the Nuclear Waste Policy Act;

(iv) The written agreement incorporate the funding under provisions of section 116 of the Nuclear Waste Policy Act as a federal contractual obligation with the state of Washington;

(v) The written agreement contains provisions specifying the level of funding that the state will receive from the United States department of energy under the Nuclear Waste Policy Act with respect to but not limited to public health and safety, environmental, socioeconomic, and related impacts which are anticipated at the time of agreements; allows for cost escalation and scope of project changes; and further contains provisions

specifying how the amount of funding will be determined with respect to later environmental, socioeconomic and related impacts;

(vi) The consultation and cooperation agreement provided for in the Nuclear Waste Policy Act be executed by the earliest possible date reasonably attainable in order that the state be adequately protected by such agreement at all points in the federal-state relationship; and

(vii) The Washington state legislature be fully apprised of the status of the negotiation of the written agreement.

**NEW SECTION.** Sec. 10. (1) The board shall submit any written agreement or modification of an agreement recommended to be approved by the board and approved by the federal department of energy to the governor, the speaker of the house of representatives, the president of the senate, and to the chairs of the energy and utilities committees of the house of representatives and the senate.

(2) The energy and utilities committees of the house of representatives and the senate shall review the proposed written agreement or modification to an agreement on behalf of the legislature within thirty days after receipt of the board recommendation under subsection (1) of this section. The committees may recommend approval or disapproval of the written agreement or modification of the agreement via a concurrent resolution if the legislature is in session to the speaker of the house of representatives and the president of the senate for review by the legislature. If the legislature is not in session, the committees may recommend approval or disapproval of the written agreement or modification of the agreement by a written statement from either committee to the speaker of the house and/or the president of the senate.

(3) The board may execute an agreement or modification recommended under subsection (1) of this section at any time after sixty days of receipt of the agreement or modification as provided in subsection (2) of this section unless, prior to its execution, the board receives a disapproval thereto embodied in either a concurrent resolution if the legislature is in session or a written statement from either committee if the legislature is not in session.

**NEW SECTION.** Sec. 11. (1) The board may negotiate what in the board's judgment are technical revisions to any agreement approved under section 10 of this act.

(2) No technical revision to an agreement negotiated under subsection (1) of this section may take effect unless it is recommended to be approved by a majority of the members of the full board.

(3) No technical revision to an agreement negotiated under subsection (1) of this section may take effect unless it is considered approved under section 12 of this act.

**NEW SECTION.** Sec. 12. (1) The board shall submit any technical revision to a written agreement negotiated under section 11(1) of this act,

approved by the board and approved by the federal department of energy or other federal agency, to the presiding officer of each house of the legislature and to the governor.

(2) Each presiding officer shall refer the technical revision to the committee on energy and utilities of the appropriate house within seven working days after the day on which the revision is received. Each presiding officer shall cause a statement to appear in the journal of the appropriate house that a technical revision to an agreement approved under section 10 of this act is submitted for review.

(3) Either committee on energy and utilities may object to the technical revision by taking action in executive session within thirty days after the revision is referred to the committee. If a committee objects to the revision, it shall submit a written notice of the objection to the presiding officer of that house for review by the legislature. The presiding officer shall cause the written notice of the objection to appear in the journal of the appropriate house. If the legislature is not in session, the committees shall transmit a written notice of the objection to the presiding officer of each house.

(4) The governor may object to the technical revision by taking action within thirty days after the revision is received. If the governor objects to the revision, the governor shall submit a written notice of the objection to the presiding officer of each house of the legislature and each presiding officer shall cause the written notice of the objection to appear in the journal of the respective house.

(5) If neither committee nor the governor objects to a technical revision within the thirty-day review period, the revision is considered approved and shall take effect.

NEW SECTION. Sec. 13. (1) If the federal department of energy recommends a site in the state to the president of the United States for the development of a repository for the long-term disposal of high-level radioactive waste, the board shall review the selected site. The review shall include a full review of the adequacy of the selected site. The board shall solicit written comments on the selected site from the radioactive waste advisory council. The board shall use recognized experts in conducting its review. The board shall conduct more than one public hearing concerning the selected site and shall make available to the public arguments and evidence for and against the selected site. The board shall provide at least fourteen days notice of the date and location of the public hearings. The board shall solicit comments from appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the general public, and interested citizen groups on the adequacy of the selected site. The board shall make these comments available to the public.

(2) After completing this review but not later than fifteen days after the date on which the president recommends a site for repository development to the congress, the board shall submit a recommendation to the

speaker of the house of representatives, the president of the senate, the governor, and the committees on energy and utilities of the house of representatives and senate on whether the state should accept the site selected by the federal department of energy. The recommendation to the speaker of the house of representatives and the president of the senate shall be accompanied by a request for the introduction of a concurrent resolution to approve the site selected or by a request for the introduction of a concurrent resolution to disapprove the site.

(3) Pursuant to Article II, section 12 of the state Constitution, the secretary of the senate and the chief clerk of the house of representatives shall poll the members of the legislature if the president recommends a site in the state for the development of a repository for disposal of high-level radioactive waste to determine if the legislature desires a special session to address the repository site selection issue.

(4) The energy and utilities committees of the house of representatives and the senate shall review the board's recommendation within thirty days after receipt of the board's recommendation under subsection (2) of this section. The committees may recommend approval or disapproval of the recommendation or modification of the recommendation via a concurrent resolution if the legislature is in session to the speaker of the house of representatives and the president of the senate for review and action by the full legislature. If the legislature is not in session and has not convened a special session pursuant to subsection (3) of this section, the committees may recommend approval or disapproval of the written agreement or modification of the agreement by a written statement from either committee submitted to the speaker of the house and/or the president of the senate.

(5) After the governor or the legislature take action under subsection (4) of this section, the chief clerk of the house of origin or the governor shall notify the board of the action taken and the board shall send a report to the president of the United States, the members of the United States senate, the members of the United States house of representatives, the federal department of energy, and other appropriate federal agencies. The report shall contain a summary of the review undertaken by the board in accordance with subsection (1) of this section, the recommendation made by the board under subsection (2) of this section, and the action of the legislature under subsection (4) of this section.

NEW SECTION. Sec. 14. The department shall provide administrative and technical staff support as requested by the board. 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 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.

Sec. 15. Section 10, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.900 are each amended to read as follows:

The rules of strict construction do not apply to this ((act)) chapter and it shall be liberally construed in order to carry out the objective for which it is designed, in accordance with the legislative intent to give the ((department of ecology)) board the maximum possible freedom in carrying the provisions of this ((act)) chapter into effect.

NEW SECTION. Sec. 16. Sections 1, 3, and 9 through 14 of this act are each added to chapter 43.200 RCW.

NEW SECTION. Sec. 17. 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. 18. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 29, 1984.

Passed the Senate February 24, 1984.

Approved by the Governor March 8, 1984.

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## CHAPTER 162

[Engrossed Substitute House Bill No. 1655]

### CHILD DAY CARE CENTERS FOR CHILDREN OF STATE EMPLOYEES

AN ACT Relating to child care; adding new sections to chapter 41.04 RCW; creating a new section; and making an appropriation.

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

NEW SECTION. Sec. 1. The legislature recognizes that on-site child day care for employees of public and private organizations is a worthwhile pursuit. To further the goals of affordable, accessible, and quality child care for working parents, the legislature intends to establish a self-supporting child care demonstration project for employees of state government. The legislature recognizes that appropriate child day care services may enhance productivity and lower absenteeism among state employees.

NEW SECTION. Sec. 2. The department of general administration shall identify an amount of suitable space in state-owned or state-leased buildings in the Olympia area for use as child day care centers for the children of state employees.