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**SUBSTITUTE HOUSE BILL 2644**

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**State of Washington**

**56th Legislature**

**2000 Regular Session**

**By** House Committee on Agriculture & Ecology (originally sponsored by Representatives Delvin, Grant, Hankins, Linville and G. Chandler)

Read first time 02/03/2000. Referred to Committee on .

1 AN ACT Relating to the restoration and redevelopment of unfinished  
2 nuclear power project sites for purposes of economic development,  
3 providing for sufficient water supply for restoration and redevelopment  
4 of such sites; and amending RCW 80.50.300.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 80.50.300 and 1996 c 4 s 2 are each amended to read as  
7 follows:

8 (1) This section applies only to unfinished nuclear power projects  
9 (~~that are not located on federal property~~). If a certificate holder  
10 stops construction of a nuclear energy facility before completion,  
11 terminates the project or otherwise resolves not to complete  
12 construction, never introduces or stores fuel for the energy facility  
13 on the site, and never operates the energy facility as designed to  
14 produce energy, the certificate holder may contract, establish  
15 interlocal agreements, or use other formal means to effect the transfer  
16 of site restoration responsibilities, which may include economic  
17 development activities, to any political subdivision or subdivisions of  
18 the state composed of elected officials. The contracts, interlocal  
19 agreements, or other formal means of cooperation may include, but are

1 not limited to provisions effecting the transfer or conveyance of  
2 interests in the site and energy facilities from the certificate holder  
3 to other political subdivisions of the state, including costs of  
4 maintenance and security, capital improvements, and demolition and  
5 salvage of the unused energy facilities and infrastructure.

6 (2) If a certificate holder transfers all or a portion of the site  
7 to a political subdivision or subdivisions of the state composed of  
8 elected officials and located in the same county as the site, the  
9 council shall amend the site certification agreement to release those  
10 portions of the site (~~that are transferred pursuant to this section~~)  
11 that it finds are no longer intended for the development of an energy  
12 facility. For all or a portion of sites that have been transferred to  
13 a political subdivision or subdivisions of the state after September 1,  
14 1999, the political subdivision or subdivisions of the state receiving  
15 transfer of all or a portion of the site shall comply with applicable  
16 provisions of chapter 36.70A RCW.

17 Immediately upon release of all or a portion of the site pursuant  
18 to this section, all responsibilities for maintaining the public  
19 welfare for portions of the site transferred, including but not limited  
20 to health and safety, are transferred to the political subdivision or  
21 subdivisions of the state.

22 (3) The legislature finds that for all or a portion of sites that  
23 have been transferred to a political subdivision or subdivisions of the  
24 state prior to September 1, 1999, ensuring water for site restoration  
25 including economic development, completed pursuant to this section can  
26 best be accomplished by a transfer of existing surface water rights,  
27 and that such a transfer is best accomplished administratively through  
28 procedures set forth in existing statutes and rules. However, if a  
29 transfer of water rights is not possible, the department of ecology  
30 shall, within six months of the transfer of the site or portion thereof  
31 pursuant to subsection (1) of this section, create a trust water right  
32 under chapter 90.42 RCW containing between ten and twenty cubic feet  
33 per second for the benefit of the appropriate political subdivision or  
34 subdivisions of the state. The trust water right shall be used in  
35 fulfilling site restoration responsibilities, including economic  
36 development. The trust water right shall be from existing valid water  
37 rights within the basin where the site is located.

1       (4) For purposes of this section, "political subdivision or  
2 subdivisions of the state" means a city, town, county, public utility  
3 district, port district, or joint operating agency.

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