

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 6427**

54th Legislature  
1996 Regular Session

Passed by the Senate February 8, 1996  
YEAS 49 NAYS 0

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**President of the Senate**

Passed by the House February 28, 1996  
YEAS 93 NAYS 0

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6427** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 6427**

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Passed Legislature - 1996 Regular Session

**State of Washington                      54th Legislature                      1996 Regular Session**

**By** Senate Committee on Energy, Telecommunications & Utilities  
(originally sponsored by Senators Snyder, Hargrove, Sutherland, Owen,  
Loveland and Newhouse)

Read first time 02/02/96.

1            AN ACT Relating to the restoration and redevelopment of an  
2 unfinished nuclear energy facility; amending RCW 80.50.010; adding new  
3 sections to chapter 80.50 RCW; adding a new section to chapter 43.21C  
4 RCW; and declaring an emergency.

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

6            **Sec. 1.** RCW 80.50.010 and 1975-'76 2nd ex.s. c 108 s 29 are each  
7 amended to read as follows:

8            The legislature finds that the present and predicted growth in  
9 energy demands in the state of Washington requires the development of  
10 a procedure for the selection and utilization of sites for energy  
11 facilities and the identification of a state position with respect to  
12 each proposed site. The legislature recognizes that the selection of  
13 sites will have a significant impact upon the welfare of the  
14 population, the location and growth of industry and the use of the  
15 natural resources of the state.

16            It is the policy of the state of Washington to recognize the  
17 pressing need for increased energy facilities, and to ensure through  
18 available and reasonable methods, that the location and operation of  
19 such facilities will produce minimal adverse effects on the

1 environment, ecology of the land and its wildlife, and the ecology of  
2 state waters and their aquatic life.

3 It is the intent to seek courses of action that will balance the  
4 increasing demands for energy facility location and operation in  
5 conjunction with the broad interests of the public. Such action will  
6 be based on these premises:

7 (1) To assure Washington state citizens that, where applicable,  
8 operational safeguards are at least as stringent as the criteria  
9 established by the federal government and are technically sufficient  
10 for their welfare and protection.

11 (2) To preserve and protect the quality of the environment; to  
12 enhance the public's opportunity to enjoy the esthetic and recreational  
13 benefits of the air, water and land resources; to promote air  
14 cleanliness; and to pursue beneficial changes in the environment.

15 (3) To provide abundant energy at reasonable cost.

16 (4) To avoid costs of complete site restoration and demolition of  
17 improvements and infrastructure at unfinished nuclear energy sites, and  
18 to use unfinished nuclear energy facilities for public uses, including  
19 economic development, under the regulatory and management control of  
20 local governments and port districts.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 80.50 RCW  
22 to read as follows:

23 (1) This section applies only to unfinished nuclear power projects  
24 that are not located on federal property. If a certificate holder  
25 stops construction of a nuclear energy facility before completion,  
26 terminates the project or otherwise resolves not to complete  
27 construction, never introduces or stores fuel for the energy facility  
28 on the site, and never operates the energy facility as designed to  
29 produce energy, the certificate holder may contract, establish  
30 interlocal agreements, or use other formal means to effect the transfer  
31 of site restoration responsibilities, which may include economic  
32 development activities, to any political subdivision or subdivisions of  
33 the state composed of elected officials. The contracts, interlocal  
34 agreements, or other formal means of cooperation may include, but are  
35 not limited to provisions effecting the transfer or conveyance of  
36 interests in the site and energy facilities from the certificate holder  
37 to other political subdivisions of the state, including costs of

1 maintenance and security, capital improvements, and demolition and  
2 salvage of the unused energy facilities and infrastructure.

3 (2) If a certificate holder transfers all or a portion of the site  
4 to a political subdivision or subdivisions of the state composed of  
5 elected officials and located in the same county as the site, the  
6 council shall amend the site certification agreement to release those  
7 portions of the site that are transferred pursuant to this section.  
8 Immediately upon release of all or a portion of the site pursuant to  
9 this section, all responsibilities for maintaining the public welfare,  
10 including but not limited to health and safety, are transferred to the  
11 political subdivision or subdivisions of the state.

12 (3) The legislature finds that ensuring water for site restoration  
13 including economic development, completed pursuant to this section can  
14 best be accomplished by a transfer of existing surface water rights,  
15 and that such a transfer is best accomplished administratively through  
16 procedures set forth in existing statutes and rules. However, if a  
17 transfer of water rights is not possible, the department of ecology  
18 shall, within six months of the transfer of the site or portion thereof  
19 pursuant to subsection (1) of this section, create a trust water right  
20 under chapter 90.42 RCW containing between ten and twenty cubic feet  
21 per second for the benefit of the appropriate political subdivision or  
22 subdivisions of the state. The trust water right shall be used in  
23 fulfilling site restoration responsibilities, including economic  
24 development. The trust water right shall be from existing valid water  
25 rights within the basin where the site is located.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 80.50 RCW  
27 to read as follows:

28 Council actions pursuant to the transfer of the site or portions of  
29 the site under section 2 of this act are exempt from the provisions of  
30 chapter 43.21C RCW.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.21C RCW  
32 to read as follows:

33 Council actions pursuant to the transfer of the site or portions of  
34 the site under section 2 of this act are exempt from the provisions of  
35 this chapter.

1        NEW SECTION.    **Sec. 5.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 6.**    This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and shall take  
8 effect immediately.

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