WEST VIRGINIA LEGISLATURE
FIRST EXTRAORDINARY SESSION, 1956

ENROLLED

HOUSE BILL No. 2

(By Mr. Speaker, Mr. Flannery)

PASSED August 9, 1956

In Effect from Passage

Elased in the Office of the Secretary of State of West Virginia
AUG 17 1956
D. PITT O'BRIEN
SECRETARY OF STATE
AN ACT to amend the code of West Virginia, one thousand nine
hundred thirty-one, as amended, by adding thereto a new
chapter, numbered and designated thirty-seven-a, consisting of sections one through six, article one, enacting zoning
restrictions governing the use of electrical equipment and
the emanation of electrical impulses therefrom within a
ten-mile radius of any radio astronomy facility in the state
of West Virginia.

WHEREAS, The National Science Foundation has selected, sub-
ject to zoning and other arrangements, Green Bank, Poca-
hontas county, West Virginia, as the site for the installation
and operation of a major radio astronomy facility in the state
of West Virginia; and
WHEREAS, To avoid interference caused by emanations of electrical impulses from electrical equipment functioning in the area surrounding the proposed site, it is necessary that such area be zoned to avoid interfering electrical emanations; and

WHEREAS, It is in the public interest to encourage the economic improvement and development of all areas in this state and to promote educational and scientific research within this state; and

WHEREAS, The establishment of said radio astronomy facility in an undeveloped area in this state will encourage and contribute to the economic improvement and development of such area and will promote educational and scientific research within this state; and

WHEREAS, The establishment and operation of said radio astronomy facility within the state of West Virginia will lend great prestige to this state and stimulate tourist trade to said area; and

WHEREAS, The establishment and operation of said radio astronomy facility within the state of West Virginia is contingent upon the area within ten miles of the site thereof being substantially free of emanations from unshielded electrical
equipment of such field strength as to interfere with the efficient and proper functioning of said radio astronomy facility; and

WHEREAS, The restrictions necessary to insure freedom from such emanations in such area are reasonable and proper and the benefits to be derived therefrom are substantial; therefore

Be it enacted by the Legislature of West Virginia:

That the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new chapter, numbered and designated thirty-seven-a, consisting of sections one through six, article one, to read as follows:

CHAPTER 37-A. ZONING


Section 1. Short Title.—This article shall be known as the "Radio Astronomy Zoning Act."

Sec. 2. Restrictions Within Two Miles of Facility.—It shall be illegal to operate or cause to be operated any electrical equipment within a two-mile radius of the reception equipment of any radio astronomy facility if such operation causes interference with reception by said radio astronomy facility of radio waves emanating from any nonterrestrial source.
Sec. 3. Restrictions Within Ten Miles of Facility.—It shall be unlawful to operate or cause to be operated any electrical equipment within a radius of ten miles of the reception equipment of any radio astronomy facility, if the instantaneous peak field strength of the emanation from such electrical equipment is in excess of:

Ten microvolts per meter measured at a distance of ten feet from such electrical equipment, if such electrical equipment is located less than three miles from said reception equipment; ten microvolts per meter measured at a distance of fifteen feet from such electrical equipment, if such electrical equipment is located less than four miles from said reception equipment; ten microvolts per meter measured at a distance of twenty feet from such electrical equipment, if such electrical equipment is located less than five miles from said reception equipment; five microvolts per meter measured at a distance of fifty feet from such electrical equipment, if such electrical equipment is located less than six miles from said reception equipment; six microvolts per meter measured at a distance of fifty feet from such electrical equipment,
if such electrical equipment is located less than seven
miles from said reception equipment; seven microvolts
per meter measured at a distance of fifty feet from such
electrical equipment, if such electrical equipment is
located less than eight miles from said reception equip-
ment; eight microvolts per meter measured at a distance
of fifty feet from such electrical equipment, if such elec-
trical equipment is located less than nine miles from such
reception equipment; nine microvolts per meter measured
at a distance of fifty feet from such electrical equipment,
if such electrical equipment is located less than ten miles
from said reception equipment: Provided, however, That
notwithstanding the provisions of this section, it shall not
be unlawful to operate or cause to be operated any elec-
trical equipment so constructed or shielded as not to cause
interference with the reception by such radio astronomy
facility of radio waves emanating from a nonterrestrial
source.

Sec. 4. Exemption for Existing Equipment.—Nothing in
this article shall be construed to render unlawful the
continued operation of electrical equipment within a ten-
mile radius of a radio astronomy site if such equipment
existed within such distance of such site previous to the
commencement of operation of such radio astronomy
facility; or if such equipment is intended as a replace-
ment for such existing equipment.

Sec. 5. Penal Provisions.—Any person knowingly oper-
ating or causing to be operated electrical equipment in
violation of the provisions of this article shall be subject
to a fine of fifty dollars plus an additional fine of fifty
dollars for each day such electrical equipment is know-
ingly operated after receipt by such person of written
notice from the prosecuting attorney of the county in
which the radio astronomy facility is situated that such
operation is in violation of the provisions of this article.

Sec. 6. Injunctive Relief.—The operation of any electri-
cal equipment in violation of this article shall be enjoined
by the circuit court of the county in which such electrical
equipment is located upon petition filed by the prosecut-
ing attorney of such county or by the attorney general
of this state irrespective of any other legal remedy
available.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frank L. Campbell
Chairman Senate Committee

W. T. Brotherton, Jr.
Chairman House Committee

Originated in the House of Delegates

Takes effect... from... passage.

S C Warren
Clerk of the Senate

C A Blankenship
Clerk of the House of Delegates

Ralph Beam
President of the Senate

W E Land
Speaker House of Delegates

The within approved... this the 17

day of... August... 1956.

William O. Berkland
Governor.

Filed in the Office of the Secretary of State
West Virginia
AUG 17 1956
D. Pitt O'Seen
Secretary of State