

HB 2261

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

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ENROLLED

Com. Sub. For
HOUSE BILL No. 2261

(By Delegate *Prunty*)

— • —

Passed *March 9* 1996

In Effect *Ninety Days From* Passage

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2261

(BY DELEGATE PRUNTY)

[Passed March 9, 1996; in effect ninety days from passage.]

AN ACT to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twenty-seven-a, relating to public health; establishing a ban on the construction of nuclear power plants; legislative findings and purposes; a limited ban on construction of nuclear power plants; application to the public service commission for construction or initiation.

Be it enacted by the Legislature of West Virginia:

That chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article twenty-seven-a, to read as follows:

ARTICLE 27A. BAN ON CONSTRUCTION OF NUCLEAR POWER PLANTS.

§16-27A-1. Legislative findings and purposes.

1 The Legislature finds and declares that the use of
2 nuclear fuels and nuclear power poses an undue hazard to
3 the health, safety and welfare of the people of the state of

4 West Virginia, especially until there is an effective method
5 to safely and permanently dispose of the radioactive
6 wastes generated thereby. Therefore, it is the intent of the
7 Legislature and the purpose of this article to ban the con-
8 struction of any nuclear power plant, nuclear factory or
9 nuclear electric power generating plant until such time as
10 the proponents of any such facility can adequately dem-
11 onstrate that a functional and effective national facility,
12 which safely, successfully and permanently disposes of
13 radioactive wastes, has been developed; that the construc-
14 tion of any nuclear facility in this state will be economical-
15 ly feasible for West Virginia rate payers; and that such
16 facility shall comply with all applicable environmental
17 protection laws, rules and requirements. For the purposes
18 of this article, "nuclear power" means energy produced in
19 any nuclear power plant, nuclear factory or nuclear elec-
20 tric power generating plant capable of a thermal output
21 greater than one megawatt but shall not include electricity
22 carried over interstate transmission lines.

**§16-27A-2. Limited ban on construction of nuclear power
plants; application to the public service com-
mission for construction or initiation.**

1 (a) No nuclear power plant, nuclear factory or nuclear
2 electric power generating plant may be constructed or
3 initiated until the public service commission has approved
4 the application for the same in accordance with the provi-
5 sions of chapter twenty-four, article two of this code.

6 (b) Any person or organization seeking to construct
7 or initiate any nuclear power plant, nuclear factory or
8 nuclear electric power generating plant in this state shall,
9 prior to any construction or initiation, submit to the public
10 service commission an application for approval, together
11 with the documentation required by this section.

12 (c) An application for the construction or initiation of
13 any nuclear power plant, nuclear factory or nuclear elec-
14 tric power generating plant shall not be considered for
15 approval unless it contains documented reports or certifi-
16 cation that:

17 (1) A functional and effective national facility which

18 safely, successfully and permanently disposes of any and
19 all radioactive wastes associated with operating any such
20 nuclear power plant, nuclear factory or nuclear electric
21 power generating plant has been developed and that such
22 facility has been proven safe, functional and effective by a
23 minimum of twenty-four months' operation or experience;
24 and

25 (2) The construction of any nuclear facility in this
26 state will be economically feasible for West Virginia rate
27 payers; and

28 (3) The proposed nuclear facility shall comply with
29 all applicable environmental protection laws, rules and
30 requirements.

A handwritten signature in dark ink, appearing to be "Carl H. ...", is written over a faint, circular official stamp. The signature is cursive and somewhat stylized.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Schoonover
Chairman Senate Committee

Rudy Seacrest
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Harrell B. Bland
Clerk of the Senate

Bregory W. Bragg
Clerk of the House of Delegates
Earl Ray Ingram
President of the Senate

Robert C. Byrd
Speaker of the House of Delegates

The within as approved this the 1st
day of April, 1996.

James E. Caperton
Governor

PRESENTED TO THE
GOVERNOR

Date 3/19/96

Time 3:30 pm