WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996

ENROLLED

Com. Sub. For

HOUSE BILL No. 2261

(By Delegate )

Passed March 9, 1996

In Effect Ninety Days From Passage
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 nuclear fuels and nuclear power poses an undue hazard to the health, safety and welfare of the people of the state of
West Virginia, especially until there is an effective method
to safely and permanently dispose of the radioactive
wastes generated thereby. Therefore, it is the intent of the
Legislature and the purpose of this article to ban the con-
struction of any nuclear power plant, nuclear factory or
nuclear electric power generating plant until such time as
the proponents of any such facility can adequately dem-
onstrate that a functional and effective national facility,
which safely, successfully and permanently disposes of
radioactive wastes, has been developed; that the construc-
tion of any nuclear facility in this state will be economical-
ly feasible for West Virginia rate payers; and that such
facility shall comply with all applicable enviromental
protection laws, rules and requirements. For the purposes
of this article, "nuclear power" means energy produced in
any nuclear power plant, nuclear factory or nuclear elec-
tric power generating plant capable of a thermal output
greater than one megawatt but shall not include electricity
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.

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

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

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

(1) A functional and effective national facility which
safely, successfully and permanently disposes of any and
all radioactive wastes associated with operating any such
nuclear power plant, nuclear factory or nuclear electric
power generating plant has been developed and that such
facility has been proven safe, functional and effective by a
minimum of twenty-four months' operation or experience;
and

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

(3) The proposed nuclear facility shall comply with
all applicable environmental protection laws, rules and
requirements.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 1st day of April, 1991.

Governor