THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1850  Session of 1975

INTRODUCED BY MESSRS. REED, BERLIN, TURNER, WAGNER AND SHELHAMER,
OCTOBER 15, 1975

REFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT, OCTOBER 15, 1975

AN ACT

1 Imposing a moratorium on the construction of nuclear energy
2 generating plants; establishing a joint bipartisan committee
3 to investigate the nuclear energy field; establishing a
4 Nuclear Energy Review Commission and providing for local
5 referendums.
6
7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

8 Section 1. Legislative Findings.--The General Assembly
9 recognizes that critical questions have been raised in the
10 public and in the scientific community regarding the safety of
11 nuclear fission power plants. Radioactive wastes from such
12 plants do not disintegrate for thousands of years and their
13 proper storage is a matter of great public concern for public
14 safety. The construction of such plants and the involvement of
15 the Commonwealth in reviewing such construction is of
16 importance.
17
18 Section 2. Moratorium on Construction.--A moratorium on the
19 groundbreaking and new construction of nuclear fission power
20 plants in the Commonwealth is hereby imposed for a period of
three years. Such ban shall not effect those plants already under construction at the effective date of this act.

Section 3. Committee; Powers and Duties.--(a) The General Assembly shall establish a joint bipartisan committee known as the Joint State Nuclear Energy Committee for the purpose of examining the critical questions relating to the safety of nuclear fission power plants and the feasibility of additional construction of such plants in the Commonwealth.

(b) The committee shall be composed of the President pro tempore of the Senate and six Senators to be named by the President pro tempore, three from the majority party and three from the minority party; the Speaker of the House of Representatives and six Representatives to be named by the Speaker, three from the majority party and three from the minority party, and the Lieutenant Governor who shall serve as chairman of the committee and who shall vote only when necessary to break a tie.

(c) The committee shall hold public hearings, issue subpoenas, report to the General Assembly before the termination of the three-year moratorium as to their findings on the matter of public safety of nuclear fission power plants and the disposal of radioactive wastes, other pertinent issues and information and make recommendations to the General Assembly concerning legislative actions.

Section 4. Nuclear Energy Review Commission; Powers and Duties.--(a) At the conclusion of the three-year moratorium, there is hereby created a Nuclear Energy Review Commission for the Commonwealth comprised of the following individuals: The Lieutenant Governor, the Speaker of the House of Representatives or his designee, the President pro tempore of the Senate or his
designee, the Secretary of Community Affairs, the Secretary of
Environmental Resources, the Secretary of Health and seven
private citizens to be named by the Governor.

(b) The commission will have the responsibility to issue
permits, inspect existing nuclear fission power plants, inspect
nuclear fission power plants during construction and to act upon
all matters of public safety relating to nuclear fission power
plants.

(c) The commission shall be notified of any plans to
construct any new nuclear fission power plants or to add to
existing nuclear fission powers plants located in the
Commonwealth. Upon receipt of such notice, the commission shall
schedule public hearings in the area to be affected for the
purpose of receiving relevant information regarding all aspects
of the planned construction. Local governmental, planning and
health agency representatives of the area affected and other
interested parties shall be notified of the hearing and its
purpose.

(d) After evaluating all the information obtained the
commission shall issue a decision on the issuance of a permit
with adequate reasons for its decision contained therein.

(e) Any final decision of the commission may be appended to
the Commonwealth Court for review.

Section 7. Plant Conditions Required.—The following
conditions must be met prior to the new construction or further
construction of such plants:

(1) That such plants have effective safety systems, including
but not limited to emergency core cooling systems, and that such
safety systems be tested and proven effective through on-site
tests or comparative tests of the same systems at operating
(2) That radioactive wastes from the plant shall be stored, moved or disposed of with no reasonable chance of intentional or unintentional escape or emission of radioactivity into the natural environment.

(3) That the construction shall not adversely effect surrounding communities, natural environment or the orderly development of the area.

Section 8. Referendum Required.—(a) Before any nuclear fission power plant is constructed in an area, the approval of the electorate of the affected areas shall be required whenever a petition requesting that the question of the construction of the nuclear fission power plant be placed upon the ballot is presented to the county board of election, if the construction is within the boundaries of only that county, or to the Secretary of the Commonwealth, if the construction shall be located in more than one county.

(b) The form of the question shall be as follows:

| Shall the ______________ Company be permitted to construct a nuclear fission power plant in the County of ______________? | Yes | No |

A majority of the electors voting shall decide the question and such decision shall be binding.

(c) The petition to cause the question to appear on the ballot shall be signed by 5% or more of the registered electorate of the county or counties to be affected. The petition shall be filed no later than 60 days before the proposed election.

Section 9. This act shall take effect immediately.
From the Reader of the Conference on Alternative State & Local Public Policies held June 10-13, 1976 in Austin, Texas. The reader was edited and compiled by Derek Shearer, California Public Policy Center Los Angeles, California and Lee Webb, Professor of Public Policy, Goddard College Plainfield, Vermont.

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