HOUSE BILL No. 5807


A bill to regulate radioactive pollution and energy generations; and to establish a moratorium on certain new nuclear fission power plants.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. Pursuant to sections 50 and 51 of article 4 of the state constitution of 1963, the legislature finds that it is in the compelling interest of the state of Michigan to protect the health and safety of all living things within its boundaries at all times by minimizing radioactive emissions to the environment. As long as the state provides for its own energy needs in a manner that does not discriminate against other states and does not endanger national security, that state may choose to completely prohibit the location of nuclear power generating facilities in the state and to use, instead, other methods of power generation that are better suited to protecting its people and environment.

Sec. 2. As used in this act:
(a) "Moratorium" means a complete and total termination of construction activities, including site preparation and excavation, foundation and containment building construction, and reactor, heat transfer, and turbine generator fabrication.

(b) "Nuclear fission power plant" means a facility built for the purpose of producing electricity or process steam using the energy derived from the splitting of heavy atoms or a facility built for the purpose of demonstrating the technical feasibility of electricity and process steam generation using experimental power generating technologies employing the nuclear fission process as an energy source. A nuclear fission reactor associated with educational institutions and used only for the purpose of research, training, and education, or for the purpose of producing isotopes, shall not be deemed a nuclear fission power plant.

(c) "Under construction" means that a federal atomic energy commission construction permit has been issued for the facility, that the international, national, state, and local building permits, sewer connection permits, and other permits required for construction have been issued, and that work on the project has actually begun by members of a construction or building trades union.

Sec. 3. There shall be a 5-year moratorium on the construction of nuclear power plants in this state. This moratorium shall be applicable to all nuclear fission power plants not under construction on the day this act becomes effective.

Sec. 4. Five years after the effective date of this act, fission nuclear power plants may be constructed in this state if:

(a) The facility meets safety, human dosage, and other standards.

(b) The legislature determines that the need served by the facility
cannot be met in a less environmentally degrading manner than through operation of the facility.

(c) The radioactive wastes from the facility can be contained and stored or disposed of during the period the material is radioactive with reasonable assurance that leakage or discharge into the natural environment will not occur.

(d) The emergency core cooling system and other systems used in a facility are properly designed and will function as required.

(e) Adequate safeguards have been taken to insure the safe transportation of radioactive materials used in the facility.

Sec. 5. A violation of this act may be enjoined by the attorney general. It shall not be a defense to such an action that the state has adequate remedies at law.

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