

HOUSE BILL No. 5807

November 25, 1975, Introduced by Reps. Jondahl, Bullard, Wolpe, Harrison, Mastin, Bennett, Varnum, Brown, Bonior, Hollister and Elliott and referred to the Committee on Public Health.

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:

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

11 Sec. 2. As used in this act:

1 (a) "Moratorium" means a complete and total termination of construction
2 activities, including site preparation and excavation, foundation and contain-
3 ment building construction, and reactor, heat transfer, and turbine generator
4 fabrication.

5 (b) "Nuclear fission power plant" means a facility built for the purpose
6 of producing electricity or process steam using the energy derived from the
7 splitting of heavy atoms or a facility built for the purpose of demonstrating
8 the technical feasibility of electricity and process steam generation using
9 experimental power generating technologies employing the nuclear fission pro-
10 cess as an energy source. A nuclear fission reactor associated with educa-
11 tional institutions and used only for the purpose of research, training, and
12 education, or for the purpose of producing isotopes, shall not be deemed a
13 nuclear fission power plant.

14 (c) "Under construction" means that a federal atomic energy commission
15 construction permit has been issued for the facility, that the inter-
16 national, national, state, and local building permits, sewer connection per-
17 mits, and other permits required for construction have been issued, and that
18 work on the project has actually begun by members of a construction or build-
19 ing trades union.

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

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

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

27 (b) The legislature determines that the need served by the facility

1 cannot be met in a less environmentally degrading manner than through operation
2 of the facility.

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

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

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

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

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