

ACTS, 1982. - Chaps. 502, 503.

deemed valid under the provisions of chapter thirty-one of the General Laws, as of August fifteenth, nineteen hundred and eighty-two.

SECTION 3. This act shall take effect upon its passage.

Approved December 3, 1982.

EMERGENCY LETTER - December 6, 1982 @ 9:51 A.M.

Chap. 502. AN ACT RELATIVE TO CERTAIN BENEFITS UNDER THE EMPLOYMENT SECURITY LAW.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide unemployment benefits to those unemployed during holiday weeks, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. _____

Be it enacted, etc., as follows:

SECTION 1. Chapter 151A of the General Laws is hereby amended by inserting after section 29B the following section:-

Section 29C. The benefits to which an individual would otherwise be entitled under this chapter shall not be reduced by reason of the fact that such individual received holiday pay, so-called in any week of his total or partial unemployment.

SECTION 2. Section one of this act shall take effect as of November twenty-fourth, nineteen hundred and eighty-two.

Approved December 7, 1982.

Chap. 503. AN ACT PERTAINING TO NUCLEAR POWER.

Be it enacted by the People, and by their authority:

Section 1. This Act shall be known as the "Nuclear Power and Waste Disposal Voter Approval and Legislative Certification Act."

Section 2. The purpose of this Act is to establish approval by the voters of the Commonwealth, and certification of certain findings by the General Court, as preconditions for the construction and operation within the Commonwealth of any new nuclear power plant or low-level radioactive waste disposal or

ACTS, 1982. - Chap. 503.

storage facility, and for participation of the Commonwealth in any compact or agreement with any other state or states concerning low-level radioactive waste disposal or storage within the Commonwealth.

Section 3. No new nuclear power plant shall be constructed or operated within the Commonwealth unless:

(a) construction and operation of the proposed nuclear power plant have been approved by a majority of the voters voting thereon in a state-wide general election; and

(b) the General Court has found, and has so certified by resolution duly adopted by majority vote of the members of each House:

(i) that there exists an operating, federally-licensed facility for the timely and economical permanent disposal of high-level radioactive wastes generated by the proposed nuclear power plant;

(ii) that an adequate emergency preparedness plan for the proposed nuclear power plant has been developed, approved, and implemented by the Commonwealth;

(iii) that effective emission standards applicable to the proposed nuclear power plant have been promulgated by the Commonwealth to protect the public against health and safety hazards of radioactive air pollutants traceable to nuclear power plants within the Commonwealth;

(iv) that there exists a demonstrated, federally-approved technology or means for the timely and economical decommissioning, dismantling, and disposal of the proposed nuclear power plant; and

(v) that the proposed nuclear power plant offers the optimal means of meeting energy needs from the combined standpoints of overall cost, reliability, safety, environmental impact, land-use planning, and avoiding potential social and economic dislocation.

Section 4. No facility for the disposal or storage of low-level radioactive wastes shall be constructed or operated within the Commonwealth unless:

(a) construction and operation of the proposed waste facility have been approved by a majority of the voters voting thereon in a state-wide general election; and

(b) the General Court has found, and has so certified by resolution duly adopted by majority vote of the members of each House:

(i) that the particular technology or means to be utilized at the proposed waste facility is superior to all other available technologies or means from the combined standpoints of overall cost, reliability, safety, environmental impact, land-use

ACTS, 1982. - Chap. 503.

planning, and avoiding potential social and economic dislocation; and

(ii) that the site of the proposed waste facility is superior to all other available sites from the combined standpoints of overall cost, reliability, safety, environmental impact, land-use planning, and avoiding potential social and environmental dislocation.

Section 5. The Commonwealth shall not enter into any compact or agreement with any other state or states concerning the disposal or storage of low-level radioactive wastes within the Commonwealth unless:

(a) the compact or agreement has been approved by a majority of the voters voting thereon in a state-wide general election; and

(b) the General Court has found, and has so certified by resolution duly adopted by majority vote of the members of each House:

(i) that construction and operation within the Commonwealth of any facility for the disposal or storage of low-level radioactive wastes pursuant to the proposed compact or agreement shall be subject to the conditions of Section 4 of this Act; and

(ii) that the responsibilities and commitments of the Commonwealth under the proposed compact or agreement are no greater than those of any other party thereto.

Section 6. (a) Any resolution adopted pursuant to Section 3, 4, or 5 of this Act shall include an appendix setting forth in detail the factual basis of each finding certified by the General Court in the resolution.

(b) A resolution adopted by the General Court pursuant to Section 3, 4, or 5 of this Act shall not constitute a determination by the Legislative Branch that the proposal to which the resolution pertains is in the best interests of the People, nor a recommendation by that Branch that the proposal be approved by the voters.

Section 7. (a) A proposal for the construction and operation within the Commonwealth of a new nuclear power plant or facility for the disposal or storage of low-level radioactive wastes may be introduced for consideration by the General Court pursuant to the provisions of this Act upon a proper showing in the General Court, to the fullest extent possible, that the proposed nuclear power plant or waste facility has obtained all federal, state, and local licenses, permits, certificates, variances, and other approvals necessary for the construction thereof.

(b) Whenever the General Court has adopted a resolution pursuant to Section 3, 4, or 5 of this Act, the Secretary of the

ACTS, 1982. - Chap. 503.

Commonwealth shall submit the proposal to which the resolution pertains to the voters of the Commonwealth at the first state-wide general election held at least 120 days following the date of the adoption of the resolution by the Senate or by the House, whichever date is later.

(c) At least 30 days prior to the date of such election, the Secretary of the Commonwealth shall cause to be printed and sent to each person eligible to vote in the Commonwealth, or to the residence of one or more persons eligible to vote in the Commonwealth, the full text of the above resolution, together with a copy of the legislative committee's majority and minority reports, if there be such, with the names of the majority and minority members thereon, a statement of the votes of General Court on the resolution, and a fair, concise summary of the question to be voted upon, as such summary will appear on the ballot; and shall, in such manner as may be provided by law, cause to be prepared and sent other information and arguments for and against the question.

Section 8. (a) The provisions of this Act shall not apply:

(i) to any nuclear power plant or facility for the disposal or storage of low-level radioactive wastes if, prior to August 5, 1981, such power plant or waste facility had obtained all federal, state, and local licenses, permits, certificates, variances, and other approvals necessary for the construction and operation thereof; or

(ii) to any facility solely for the disposal or storage of low-level radioactive wastes generated within the Commonwealth through medical or bio-research applications.

(b) Any compact or agreement into which the Commonwealth has entered with any other state or states between August 5, 1981, and the effective date of this Act, concerning the disposal or storage of low-level radioactive wastes within the Commonwealth, shall be null and void.

(c) As used in this Act, the term "disposal or storage" of low-level radioactive wastes is defined to include incineration, isolation, storage, and disposal of such wastes; and the term "state or states" is defined to include such state or states and political subdivisions thereof.

(d) Nothing in this Act shall be construed to exempt any proposed nuclear power plant, any facility for the disposal or storage of low-level radioactive wastes, or any compact or agreement subject to the provisions of this Act from meeting any licensing, permit, certificate, variance, or other approval requirement of the Commonwealth or political subdivisions thereof.

(e) The provisions of this Act are intended to authorize and

ACTS, 1982. - Chap. 504.

accomplish regulation by the Commonwealth to the full extent permitted by federal law and by the Constitution of the Commonwealth of Massachusetts, and no further.

Section 9. If any section, subsection, or paragraph of this Act shall be held unconstitutional either on its face or as applied, the unconstitutionality of the section, subsection, or paragraph, or of the application thereof, shall not affect the other sections, subsections, and paragraphs of this Act, and the applications thereof; and to that end the sections, subsections, and paragraphs of this Act are intended to be severable.

OFFICE OF THE SECRETARY, Boston, December 8, 1982.

I hereby certify that the foregoing law entitled "AN ACT PERTAINING TO NUCLEAR POWER," was approved by the People at the State Election held on November 2, 1982, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, as amended by Article LXXIV of said Amendments.

MICHAEL JOSEPH CONNOLLY,
Secretary of State.

Chap. 504. AN ACT EXEMPTING CERTAIN POSITIONS IN THE
PUBLIC WORKS DEPARTMENT OF THE TOWN OF
FRANKLIN FROM THE PROVISIONS OF THE CIVIL
SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The positions of assistant town engineer, senior engineering aide, junior engineering aide, draftsman and general construction inspector in the department of public works in the town of Franklin shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any incumbent holding permanent civil