

## **ARTICLE XXVI NUCLEAR DETONATIONS**

Section 1. Nuclear detonations prohibited - exceptions.

Section 2. Election required.

Section 3. Certification of indemnification required.

Section 4. Article self-executing.

Section 5. Severability.

### **Section 1. Nuclear detonations prohibited - exceptions.**

No nuclear explosive device may be detonated or placed in the ground for the purpose of detonation in this state except in accordance with this article.

**Source: L. 74:** Entire article was added, effective upon proclamation of the Governor, December 20, 1974, but does not appear in the session laws.

### **Section 2. Election required.**

Before the emplacement of any nuclear explosive device in the ground in this state, the detonation of that device shall first have been approved by the voters through enactment of an initiated or referred measure authorizing that detonation, such measure having been ordered, proposed, submitted to the voters, and approved as provided in section 1 of article V of this constitution.

**Source: L. 74:** Entire article was added, effective upon proclamation of the Governor, December 20, 1974, but does not appear in the session laws.

### **Section 3. Certification of indemnification required.**

Before the detonation or emplacement for the purpose of detonation of any nuclear explosive device, a competent state official or agency designated by the governor shall first have certified that sufficient and secure financial resources exist in the form of applicable insurance, self-insurance, indemnity bonds, indemnification agreements, or otherwise, without utilizing state funds, to compensate in full all parties that might foreseeably suffer damage to person or property from ground motion, ionizing radiation, other pollution, or other hazard attributable to such detonation. Damage is attributable to such detonation without regard to negligence and without regard to any concurrent or intervening cause.

**Source: L. 74:** Entire article was added, effective upon proclamation of the Governor,

December 20, 1974, but does not appear in the session laws.

**Section 4. Article self-executing.**

This article shall be in all respects self-executing; but, the general assembly may by law provide for its more effective enforcement and may by law also impose additional restrictions or conditions upon the emplacement or detonation of any nuclear explosive device.

**Source: L. 74:** Entire article was added, effective upon proclamation of the Governor, December 20, 1974, but does not appear in the session laws.

**Section 5. Severability.**

If any provision of this article, or its application in any particular case, is held invalid, the remainder of the article and its application in all other cases shall remain unimpaired.

**Source: L. 74:** Entire article was added, effective upon proclamation of the Governor, December 20, 1974, but does not appear in the session laws.

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