

- 11 *claimant's statement that no part of the invoice has been paid.*
 12 Vouchers for postage, stamped envelopes, and postal cards may be
 13 audited as soon as an order therefor is entered.

Approved May 5, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

CHAPTER 79

MIDWEST NUCLEAR COMPACT

S. F. 365

AN ACT to provide for this state to enter into the midwest nuclear compact.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. The midwest nuclear compact, hereinafter called "the
 2 compact", is hereby enacted and entered into with all other states
 3 legally joining therein, in the form substantially as follows:

ARTICLE I—POLICY AND PURPOSE

5 The party states recognize that the proper employment of scienti-
 6 fic and technological discoveries and advances in nuclear and re-
 7 lated fields and direct and collateral application and adaptation of
 8 processes and techniques developed in connection therewith, prop-
 9 erly correlated with the other resources of the region, can assist
 10 substantially in the industrial progress of the midwest and the
 11 further development of the economy of the region. They also recog-
 12 nize that optimum benefit from nuclear and related scientific or
 13 technological resources, facilities and skills requires systematic
 14 encouragement, guidance, assistance, and promotion from the party
 15 states on a cooperative basis. It is the policy of the party states to
 16 undertake such cooperation on a continuing basis. It is the purpose
 17 of this compact to provide the instruments and framework for such a
 18 cooperative effort in nuclear and related fields, to enhance the econ-
 19 omy of the midwest and contribute to the individual and community
 20 well-being of the region's people.

ARTICLE II—THE BOARD

22 (a) There is hereby created an agency of the party states to be
 23 known as the "midwest nuclear board", hereinafter called "the
 24 board". The board shall be composed of one member from each party
 25 state designated or appointed in accordance with the law of the state
 26 which he represents, and serving and subject to removal in accord-
 27 ance with such law. The law of each state also shall make specific
 28 provision for the appointment of alternates who are authorized and
 29 empowered to act for and on behalf of the board member in his
 30 absence. The designating or appointing authority promptly shall
 31 inform the board of the identity of its member thereon, designated
 32 alternate or alternates, and changes therein. If more than one alter-
 33 nate is designated, the designating authority also shall inform the
 34 board of the order in which the alternates are empowered to act.

35 (b) Upon invitation of the board, federal agencies may be repre-
 36 sented on the board without vote, if statutory or administrative pro-
 37 vision within the federal government is made therefor.

38 (c) The board members of the party states shall each be entitled
39 to one vote on the board. No action of the board shall be binding
40 unless taken at a meeting at which a majority of all members repre-
41 senting the party states are present and unless a majority of the
42 total number of votes on the board are cast in favor thereof.

43 (d) The board shall have a seal.

44 (e) The board shall elect annually, from among its members, a
45 chairman, a vice chairman, and a treasurer. The board shall appoint
46 an executive director who shall serve at its pleasure and who also
47 shall act as secretary, and who, together with the treasurer and such
48 other personnel as the board may require, shall be bonded in such
49 amounts as the board may require.

50 (f) Irrespective of the civil service, personnel or other merit
51 system laws of any of the party states, the executive director, with
52 the approval of the board, shall appoint and remove or discharge
53 such personnel as may be necessary for the performance of the
54 board's functions.

55 (g) The board may establish and maintain, independently or in
56 conjunction with any one or more of the party states, a suitable
57 retirement system for its full-time employees. Employees of the
58 board shall be eligible for social security coverage in respect of old
59 age and survivors insurance provided that the board takes such steps
60 as may be necessary pursuant to federal law to participate in such
61 program of insurance as a governmental agency or unit. The board
62 may establish and maintain or participate in such additional pro-
63 grams of employee benefits as may be appropriate.

64 (h) The board may borrow, accept, or contract for the services
65 of personnel from any state or the United States or any subdivision
66 or agency thereof, from any interstate agency, or from any institu-
67 tion, person, firm or corporation.

68 (i) The board may accept for any of its purposes and functions
69 under this compact any and all donations, and grants of money,
70 equipment, supplies, materials, and services, conditional or other-
71 wise, from any state or the United States, or any subdivision or
72 agency thereof, or interstate agency, or from any institution, person,
73 firm, or corporation, and may receive, utilize, and dispose of the
74 same. Any arrangements pursuant to this paragraph or paragraph
75 (h) of this Article shall be detailed in the annual report of the board.
76 Such report shall include the identity of the donor, lender or contrac-
77 tor, the nature of the transaction, and the conditions, if any.

78 (j) The board may establish and maintain such facilities as may
79 be necessary for the transacting of its business. The board may
80 acquire, hold, and convey real and personal property and any interest
81 therein.

82 (k) The board shall adopt bylaws for the conduct of its business,
83 and shall have the power to amend and rescind these bylaws. The
84 board shall publish its bylaws in convenient form, and shall file a
85 copy thereof, and of any amendment thereto, with the designated
86 agency or officer in each of the party states.

87 (l) The board annually shall make to the governor and legislature
88 of each party state, a report covering the activities of the board for
89 the preceding year, and embodying such recommendations as may

90 have been adopted by the board. The board may issue such addi-
91 tional reports as it may deem desirable.

92 ARTICLE III—FINANCE

93 (a) The board shall submit to the governor or designated officer
94 or officers of each party state a budget of its estimated expenditures
95 for such period as may be required by the laws of that jurisdiction
96 for presentation to the legislature thereof.

97 (b) Each of the board's budgets of estimated expenditures shall
98 contain specific recommendations of the amount or amounts to be
99 appropriated by each of the party states. One-half of the total
100 amount of each budget of estimated expenditures shall be appor-
101 tioned among the party states in accordance with the ratio of their
102 populations to the total population of the entire group of party
103 states based on the last decennial federal census; one-quarter of
104 each such budget shall be apportioned among the party states in equal
105 shares; and one-quarter of each such budget shall be apportioned
106 among the party states on the basis of the relative average per
107 capita income of the inhabitants in each of the party states based
108 on the latest computations published by the federal census-taking
109 agency. Subject to appropriation by their respective legislatures,
110 the board shall be provided with such funds by each of the party
111 states as are necessary to provide the means of establishing and
112 maintaining facilities, a staff of personnel, and such activities as
113 may be necessary to fulfill the powers and duties imposed upon and
114 entrusted to the board.

115 (c) The board may meet any of its obligations in whole or in part
116 with funds available to it under Article II (i) of this compact, pro-
117 vided that the board takes specific action setting aside such funds
118 prior to the incurring of any obligation to be met in whole or in part
119 in this manner. Except where the board makes use of funds avail-
120 able to it under Article II (i) hereof, the board shall not incur any
121 obligation prior to the allotment of funds by the party jurisdictions
122 adequate to meet the same.

123 (d) Expenses and other reasonable costs for each member of the
124 board in attending board meetings shall be met by the board.

125 (e) The board shall keep accurate accounts of all receipts and
126 disbursements. The receipts and disbursements of the board shall
127 be subject to the audit and accounting procedures established under
128 its bylaws. However, all receipts and disbursements of funds handled
129 by the board shall be audited yearly by a certified or licensed public
130 accountant and the report of the audit shall be included in and
131 become part of the annual report of the board.

132 (f) The accounts of the board shall be open at any reasonable
133 time for inspection by duly authorized representatives of the party
134 states and by persons authorized by the board.

135 ARTICLE IV—ADVISORY AND TECHNICAL COMMITTEES

136 The board may establish such advisory and technical committees
137 as it may deem necessary, membership on which may include repre-
138 sentatives of industry, labor, commerce, agriculture, medicine,
139 health and education; other professional, scientific, and civic groups
140 and interests; officials of local, state and federal government; and
141 representatives of the general public, and may cooperate with and

142 use the services of any such committees and the organizations which
143 they represent in furthering any of its activities under this compact.

144 ARTICLE V—POWERS

145 The board shall have power to:

146 (a) Encourage and promote cooperation among the party states in
147 the development and utilization of nuclear and related technologies
148 and their application to industry and other fields.

149 (b) Ascertain and analyze on a continuing basis the position of
150 the midwest with respect to the employment in industry of nuclear
151 and related scientific findings and technologies.

152 (c) Encourage the development and use of scientific advances and
153 discoveries in nuclear facilities, energy, materials, products, by-
154 products, and all other appropriate adaptations of scientific and tech-
155 nological advances and discoveries.

156 (d) Collect, correlate, and disseminate information relating to
157 civilian uses of nuclear energy, materials, and products, and other
158 products and processes resulting from the application of related
159 science and technology.

160 (e) Conduct, or cooperate in conducting, programs of training for
161 state and local personnel engaged in any aspects of:

162 1. Nuclear industry, medicine, or education, or the promotion or
163 regulation thereof.

164 2. Applying nuclear scientific advances or discoveries, and any
165 industrial, commercial or other processes resulting therefrom.

166 3. The formulation or administration of measures designed to
167 promote safety in any matter related to the development, use or
168 disposal of nuclear energy, materials, products, by-products, instal-
169 lations, or wastes, or to safety in the production, use and disposal of
170 any other substances peculiarly related thereto.

171 (f) Organize and conduct, or assist and cooperate in organizing
172 and conducting, demonstrations or research in any of the scientific,
173 technological or industrial fields to which this compact relates.

174 (g) Undertake such nonregulatory functions with respect to non-
175 nuclear sources of radiation as may promote the economic develop-
176 ment and general welfare of the midwest.

177 (h) Study industrial, health, safety, and other standards, laws,
178 codes, rules, regulations, and administrative practices in or related
179 to nuclear fields.

180 (i) Recommend such changes in, or amendments or additions to
181 the laws, codes, rules, regulations, administrative procedures and
182 practices or local laws or ordinances of the party states or their sub-
183 divisions in nuclear and related fields, as in its judgment may be
184 appropriate. Any such recommendations shall be made through the
185 appropriate state agency, with due consideration of the desirability
186 of uniformity but shall also give appropriate weight to any special
187 circumstances which may justify variations to meet local conditions.

188 (j) Consider and make recommendations designed to facilitate
189 the transportation of nuclear equipment, materials, products, by-
190 products, wastes, and any other nuclear or related substances, in such
191 manner and under such conditions as will make their availability or
192 disposal practicable on an economic and efficient basis.

193 (k) Consider and make recommendations with respect to the
194 assumption of and protection against liability actually or potentially

195 incurred in any phase of operations in nuclear and related fields.
196 (l) Advise and consult with the federal government concerning
197 the common position of the party states in respect to nuclear and
198 related fields.

199 (m) Cooperate with the atomic energy commission, the national
200 aeronautics and space administration, the office of science and tech-
201 nology, or any agencies successor thereto, any other officer or agency
202 of the United States, and any other governmental unit or agency or
203 officer thereof, and with any private persons or agencies in any of
204 the fields of its interest.

205 (n) Act as licensee, contractor or subcontractor of the United
206 States government or any party state with respect to the conduct of
207 any research activity requiring such license or contract and operate
208 such research facility or undertake any program pursuant thereto,
209 provided that this power shall be exercised only in connection with
210 the implementation of one or more other powers conferred upon the
211 board by this compact.

212 (o) Prepare, publish and distribute, with or without charge, such
213 reports, bulletins, newsletters, or other materials as it deems appro-
214 priate.

215 (p) Ascertain from time to time such methods, practices, circum-
216 stances, and conditions as may bring about the prevention and contro-
217 l of nuclear incidents in the area comprising the party states, to
218 coordinate the nuclear incident prevention and control plans and the
219 work relating thereto of the appropriate agencies of the party states
220 and to facilitate the rendering of aid by the party states to each
221 other in coping with nuclear incidents. The board may formulate
222 and, in accordance with need from time to time, revise a regional
223 plan or regional plans for coping with nuclear incidents within the
224 territory of the party states as a whole or within any subregion or
225 subregions of the geographic area covered by this compact. Any
226 nuclear incident plan in force pursuant to this paragraph shall desig-
227 nate the official or agency in each party state covered by the plan
228 who shall coordinate requests for aid pursuant to Article VI of this
229 compact and the furnishing of aid in response thereto. Unless the
230 party states concerned expressly otherwise agree, the board shall not
231 administer the summoning and dispatching of aid, but this function
232 shall be undertaken directly by the designated agencies and officers
233 of the party states. However, the plan or plans of the board in force
234 pursuant to this paragraph shall provide for reports to the board
235 concerning the occurrence of nuclear incidents and the requests for
236 aid on account thereof, together with summaries of the actual work-
237 ing and effectiveness of mutual aid in particular instances. From
238 time to time, the board shall analyze the information gathered from
239 reports of aid pursuant to Article VI and such other instances of
240 mutual aid as may have come to its attention, so that experience in
241 the rendering of such aid may be available.

ARTICLE VI—MUTUAL AID

242
243 (a) Whenever a party state, or any state or local governmental
244 authorities therein, request aid from any other party state pursuant
245 to this compact in coping with a nuclear incident, it shall be the duty
246 of the requested state to render all possible aid to the requesting state

247 which is consonant with the maintenance of protection of its own
248 people.

249 (b) Whenever the officers or employees of any party state are ren-
250 dering outside aid pursuant to the request of another party state
251 under this compact, the officers or employees of such state shall,
252 under the direction of the authorities of the state to which they are
253 rendering aid, have the same powers, duties, rights, privileges and
254 immunities as comparable officers and employees of the state to
255 which they are rendering aid.

256 (c) No party state or its officers or employees rendering outside
257 aid pursuant to this compact shall be liable on account of any act or
258 omission on their part while so engaged, or on account of the mainte-
259 nance or use of any equipment or supplies in connection therewith.

260 (d) All liability that may arise either under the laws of the re-
261 questing state or under the laws of the aiding state or under the laws
262 of a third state on account of or in connection with a request for aid,
263 shall be assumed and borne by the requesting state.

264 (e) Any party state rendering outside aid pursuant to this com-
265 pact shall be reimbursed by the party state receiving such aid for
266 any loss or damage to, or expense incurred in the operation of any
267 equipment answering a request for aid, and for the cost of all mate-
268 rials, transportation, wages, salaries and maintenance of officers,
269 employees and equipment incurred in connection with such request:
270 provided that nothing herein contained shall prevent any assisting
271 party state from assuming such loss, damage, expense or other cost
272 or from loaning such equipment or from donating such services to
273 the receiving party state without charge or cost.

274 (f) Each party state shall provide for the payment of compensa-
275 tion and death benefits to injured officers and employees and the
276 representatives of deceased officers and employees in case officers or
277 employees sustain injuries or death while rendering outside aid
278 pursuant to this compact, in the same manner and on the same terms
279 as if the injury or death were sustained within the state by or in
280 which the officer or employee was regularly employed.

281 ARTICLE VII—SUPPLEMENTARY AGREEMENTS

282 (a) To the extent that the board has not undertaken an activity
283 or project which would be within its power under the provisions of
284 Article V of this compact, any two or more of the party states,
285 acting by their duly constituted administrative officials, may enter
286 into supplementary agreements for the undertaking and continuance
287 of such an activity or project. Any such agreement shall specify its
288 purpose or purposes; its duration and the procedure for termination
289 thereof or withdrawal therefrom; the method of financing and allo-
290 cating the costs of the activity or project; and such other matters
291 as may be necessary or appropriate. No such supplementary agree-
292 ment entered into pursuant to this Article shall become effective
293 prior to its submission to and approval by the board. The board
294 shall give such approval unless it finds that the supplementary
295 agreement or the activity or project contemplated* thereby is
296 inconsistent with the provisions of this compact or a program or
297 activity conducted by or participated in by the board.

298 (b) Unless all of the party states participate in a supplementary

*According to enrolled Act.

299 agreement, any cost or costs thereof shall be borne separately by the
300 states party thereto. The board, if requested, may administer or
301 otherwise assist in the operation of any supplementary agreement.

302 (c) No party to a supplementary agreement entered into pursuant
303 to this Article shall be relieved thereby of any obligation or duty
304 assumed by said party state under or pursuant to this compact,
305 except that timely and proper performance of such obligation or
306 duty by means of the supplementary agreement may be offered as
307 performance pursuant to the compact.

308 (d) The provisions of this Article shall apply to supplementary
309 agreements and activities thereunder, but shall not be construed to
310 repeal or impair any authority which officers or agencies of party
311 states may have pursuant to other laws to undertake cooperative
312 arrangements or projects.

313 ARTICLE VIII—OTHER LAWS AND RELATIONS

314 Nothing in this compact shall be construed to:

315 (a) Permit or require any person or other entity to avoid or
316 refuse compliance with any law, rule, regulation, order or ordinance
317 of a party state or subdivision thereof now or hereafter made,
318 enacted or in force.

319 (b) Limit, diminish, affect, or otherwise impair jurisdiction exer-
320 cised by the atomic energy commission, any agency successor thereto,
321 or any other federal department, agency or officer pursuant to and
322 in conformity with any valid and operative act of congress; nor
323 limit, diminish, affect, or otherwise impair jurisdiction exercised by
324 any officer or agency of a party state, except to the extent that the
325 provisions of this compact may provide therefor.

326 (c) Alter the relations between and respective internal responsi-
327 bilities of the government of a party state and its subdivisions.

328 (d) Permit or authorize the board to exercise any regulatory
329 authority or to own or operate any nuclear reactor for the commer-
330 cial generation of electric energy; nor shall the board own or operate
331 any nuclear facility or installation on a commercial or profit-making
332 basis.

333 ARTICLE IX—ELIGIBLE PARTIES, ENTRY INTO FORCE AND WITHDRAWAL

334 (a) Any or all of the states of Illinois, Indiana, Iowa, Kansas,
335 Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota,
336 Ohio, South Dakota, and Wisconsin shall be eligible to become party
337 to this compact.

338 (b) As to any eligible party state, this compact shall become
339 effective when its legislature shall have enacted the same into law:
340 provided that it shall not become initially effective until enacted into
341 law by six states.

342 (c) Any party state may withdraw from this compact by enacting
343 a statute repealing the same, but no such withdrawal shall become
344 effective until two years after the governor of the withdrawing state
345 shall have sent formal notice in writing to the governor of each
346 other party state informing said governors of the action of the
347 legislature in repealing the compact and declaring an intention to
348 withdraw. A withdrawing state shall be liable for any obligations
349 which it may have incurred on account of its party status up to the
350 effective date of withdrawal, except that if the withdrawing state
351 has specifically undertaken or committed itself to any performance

352 of an obligation extending beyond the effective date of withdrawal
353 it shall remain liable to the extent of such obligation.

354 ARTICLE X—SEVERABILITY AND CONSTRUCTION

355 The provisions of this compact and of any supplementary agree-
356 ment entered into hereunder shall be severable and if any phrase,
357 clause, sentence or provision of this compact or such supplementary
358 agreement is declared to be contrary to the constitution of any
359 participating state or of the United States or the applicability
360 thereof to any government, agency, person, or circumstance is held
361 invalid, the validity of the remainder of this compact or such supple-
362 mentary agreement and the applicability thereof to any government,
363 agency, person or circumstance shall not be affected thereby. If this
364 compact or any supplementary agreement entered into hereunder
365 shall be held contrary to the constitution of any state participating
366 therein, the compact or such supplementary agreement shall remain
367 in full force and effect as to the remaining states and in full force
368 and effect as to the state affected as to all severable matters. The
369 provisions of this compact and of any supplementary agreement
370 entered into pursuant hereto shall be liberally construed to effectuate
371 the purposes thereof.

1 SEC. 2. The member and any alternate member of the midwest
2 nuclear board representing the state shall be appointed by the gov-
3 ernor.

1 SEC. 3. The midwest nuclear board shall file with the secretary
2 of state copies of its bylaws and any amendments thereto as required
3 under Article II (k) of the compact.

1 SEC. 4. The provisions of chapter eighty-five (85) of the Code
2 and any benefits payable thereunder shall apply and be payable to
3 any persons dispatched to another state pursuant to Article VI of
4 the compact. If the aiding personnel are officers or employees of
5 subdivisions of this state, they shall be entitled to the same work-
6 men's compensation or other benefits in case of injury or death to
7 which they would have been entitled if injured or killed while
8 engaged in coping with a nuclear incident in their jurisdictions of
9 regular employment.

Approved April 10, 1971.

CHAPTER 80

COURT ADMINISTRATORS

S. F. 461

AN ACT relating to supreme court officers and employees and their duties, including court administration, as directed by the supreme court.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter fourteen (14), Code 1971, is amended by add-
2 ing the following new section:
3 "The supreme court shall appoint a code editor who shall serve at
4 the pleasure of the court."