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Senate File 651
By REPPERT

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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
2 "the compact", is hereby enacted and entered into with all other
3 states legally joining therein, in the form substantially as
4 follows:

ARTICLE I-POLICY AND PURPOSE

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

ARTICLE II-THE BOARD

23
24 (a) There is hereby created an agency of the party states

25 to be known as the "midwest nuclear board", hereinafter called
26 "the board". The board shall be composed of one (1) member from
27 each party state designated or appointed in accordance with the
28 law of the state which he represents, and serving and subject to
29 removal in accordance with such law. The law of each state also
30 shall make specific provision for the appointment of alternates
31 who are authorized and empowered to act for and on behalf of the
32 board member in his absence. The designating or appointing author-
33 ity promptly shall inform the board of the identity of its mem-
34 ber thereon, designated alternate or alternates, and changes
35 therein. If more than one (1) alternate is designated, the des-
36 ignating authority also shall inform the board of the order in
37 which the alternates are empowered to act.

38 (b) Upon invitation of the board, federal agencies may be
39 represented on the board without vote, if statutory or adminis-
40 trative provision within the federal government is made therefor.

41 (c) The board members of the party states shall each be en-
42 titled to one (1) vote on the board. No action of the board
43 shall be binding unless taken at a meeting at which a majority
44 of all members representing the party states are present and un-
45 less a majority of the total number of votes on the board are
46 cast in favor thereof.

47 (d) The board shall have a seal.

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

54 (f) Irrespective of the civil service, personnel or other
55 merit system laws of any of the party states, the executive di-
56 rector, with the approval of the board, shall appoint and remove
57 or discharge such personnel as may be necessary for the perfor-
58 mance of the board's functions.

59 (g) The board may establish and maintain, independently or

60 in conjunction with any one (1) or more of the party states, a
61 suitable retirement system for its full-time employees. Employ-
62 ees of the board shall be eligible for social security coverage
63 in respect of old age and survivors insurance provided that the
64 board takes such steps as may be necessary pursuant to federal
65 law to participate in such program of insurance as a governmental
66 agency or unit. The board may establish and maintain or partici-
67 pate in such additional programs of employee benefits as may be
68 appropriate.

69 (h) The board may borrow, accept, or contract for the ser-
70 vices of personnel from any state or the United States or any
71 subdivision or agency thereof, from any interstate agency, or
72 from any institution, person, firm or corporation.

73 (i) The board may accept for any of its purposes and func-
74 tions under this compact any and all donations, and grants of
75 money, equipment, supplies, materials, and services, conditional
76 or otherwise, from any state or the United States, or any sub-
77 division or agency thereof, or interstate agency, or from any
78 institution, person, firm, or corporation, and may receive, uti-
79 lize, and dispose of the same. Any arrangements pursuant to
80 this paragraph or paragraph (h) of this Article shall be detailed
81 in the annual report of the board. Such report shall include
82 the identity of the donor, lender or contractor, the nature of
83 the transaction, and the conditions, if any.

84 (j) The board may establish and maintain such facilities as
85 may be necessary for the transacting of its business. The board
86 may acquire, hold, and convey real and personal property and
87 any interest therein.

88 (k) The board shall adopt bylaws for the conduct of its busi-
89 ness, and shall have the power to amend and rescind these by-
90 laws. The board shall publish its bylaws in convenient form,
91 and shall file a copy thereof, and of any amendment thereto,
92 with the designated agency or officer in each of the party
93 states.

94 (1) The board annually shall make to the governor and legis-

95 lature of each party state, a report covering the activities of
96 the board for the preceding year, and embodying such recommenda-
97 tions as may have been adopted by the board. The board may issue
98 such additional reports as it may deem desirable.

99

ARTICLE III-FINANCE

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

104 (b) Each of the board's budgets of estimated expenditures
105 shall contain specific recommendations of the amount or amounts
106 to be appropriated by each of the party states. One-half (1/2)
107 of the total amount of each budget of estimated expenditures
108 shall be apportioned among the party states in accordance with
109 the ratio of their populations to the total population of the
110 entire group of party states based on the last decennial federal
111 census; one-quarter (1/4) of each such budget shall be apportioned
112 among the party states in equal shares; and one-quarter (1/4) of
113 each such budget shall be apportioned among the party states on
114 the basis of the relative average per capita income of the in-
115 habitants in each of the party states based on the latest computa-
116 tions published by the federal census-taking agency. Subject to
117 appropriation by their respective legislatures, the board shall
118 be provided with such funds by each of the party states as are
119 necessary to provide the means of establishing and maintaining
120 facilities, a staff of personnel, and such activities as may be
121 necessary to fulfill the powers and duties imposed upon and en-
122 trusted to the board.

123 (c) The board may meet any of its obligations in whole or in
124 part with funds available to it under Article II (i) of this com-
125 pact, provided that the board takes specific action setting aside
126 such funds prior to the incurring of any obligation to be met in
127 whole or in part in this manner. Except where the board makes
128 use of funds available to it under Article II (i) hereof, the
129 board shall not incur any obligation prior to the allotment of

130 funds by the party jurisdictions adequate to meet the same.

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

133 (e) The board shall keep accurate accounts of all receipts
134 and disbursements. The receipts and disbursements of the board
135 shall be subject to the audit and accounting procedures estab-
136 lished under its bylaws. However, all receipts and disbursements
137 of funds handled by the board shall be audited yearly by a cert-
138 ified or licensed public accountant and the report of the audit
139 shall be included in and become part of the annual report of the
140 board.

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

144 ARTICLE IV-ADVISORY AND TECHNICAL COMMITTEES

145 The board may establish such advisory and technical committees
146 as it may deem necessary, membership on which may include repre-
147 sentatives of industry, labor, commerce, agriculture, medicine,
148 health and education; other professional, scientific, and civic
149 groups and interests; officials of local, state and federal gov-
150 ernment; and representatives of the general public, and may co-
151 operate with and use the services of any such committees and the
152 organizations which they represent in furthering any of its ac-
153 tivities under this compact.

154 ARTICLE V-POWERS

155 The board shall have power to:

156 (a) Encourage and promote cooperation among the party states
157 in the development and utilization of nuclear and related tech-
158 nologies and their application to industry and other fields.

159 (b) Ascertain and analyze on a continuing basis the position
160 of the midwest with respect to the employment in industry of nu-
161 clear and related scientific findings and technologies.

162 (c) Encourage the development and use of scientific advances
163 and discoveries in nuclear facilities, energy, materials, prod-
164 ucts, by-products, and all other appropriate adaptations of

165 scientific and technological advances and discoveries.

166 (d) Collect, correlate, and disseminate information relating
167 to civilian uses of nuclear energy, materials, and products,
168 and other products and processes resulting from the application
169 of related science and technology.

170 (e) Conduct, or cooperate in conducting, programs of train-
171 ing for state and local personnel engaged in any aspects of:

172 1. Nuclear industry, medicine, or education, or the promotion
173 or regulation thereof.

174 2. Applying nuclear scientific advances or discoveries, and
175 any industrial, commercial or other processes resulting there-
176 from.

177 3. The formulation or administration of measures designed to
178 promote safety in any matter related to the development, use or
179 disposal of nuclear energy, materials, products, by-products,
180 installations, or wastes, or to safety in the production, use
181 and disposal of any other substances peculiarly related thereto.

182 (f) Organize and conduct, or assist and cooperate in organiz-
183 ing and conducting, demonstrations or research in any of the sc-
184 ientific, technological or industrial fields to which this com-
185 pact relates.

186 (g) Undertake such nonregulatory functions with respect to
187 non-nuclear sources of radiation as may promote the economic de-
188 velopment and general welfare of the midwest.

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

192 (i) Recommend such changes in, or amendments or additions to
193 the laws, codes, rules, regulations, administrative procedures
194 and practices or local laws or ordinances of the party states
195 or their subdivisions in nuclear and related fields, as in its
196 judgment may be appropriate. Any such recommendations shall be
197 made through the appropriate state agency, with due consideration
198 of the desirability of uniformity but shall also give appropriate
199 weight to any special circumstances which may justify variations

200 to meet local conditions.

201 (j) Consider and make recommendations designed to facilitate
202 the transportation of nuclear equipment, materials, products, by-
203 products, wastes, and any other nuclear or related substances,
204 in such manner and under such conditions as will make their avail-
205 ability or disposal practicable on an economic and efficient basis.

206 (k) Consider and make recommendations with respect to the
207 assumption of and protection against liability actually or poten-
208 tially incurred in any phase of operations in nuclear and related
209 fields.

210 (l) Advise and consult with the federal government concern-
211 ing the common position of the party states in respect to nuclear
212 and related fields.

213 (m) Cooperate with the atomic energy commission, the national
214 aeronautics and space administration, the office of science and
215 technology, or any agencies successor thereto, any other officer
216 or agency of the United States, and any other governmental unit
217 or agency or officer thereof, and with any private persons or
218 agencies in any of the fields of its interest.

219 (n) Act as licensee, contractor or sub-contractor of the United
220 States government or any party state with respect to the conduct
221 of any research activity requiring such license or contract and
222 operate such research facility or undertake any program pursuant
223 thereto, provide that this power shall be exercised only in con-
224 nection with the implementation of one or more other powers con-
225 ferred upon the board by this compact.

226 (o) Prepare, publish and distribute, with or without charge,
227 such reports, bulletins, newsletters or other materials as it
228 deems appropriate.

229 (p) Ascertain from time to time such methods, practices, cir-
230 cumstances, and conditions as may bring about the prevention and
231 control of nuclear incidents in the area comprising the party
232 states, to coordinate the nuclear incident prevention and control
233 plans and the work relating thereto of the appropriate agencies of
234 the party states and to facilitate the rendering of aid by the

235 party states to each other in coping with nuclear incidents.
236 The board may formulate and, in accordance with need from time
237 to time, revise a regional plan or regional plans for coping with
238 nuclear incidents within the territory of the party states as a
239 whole or within any subregion or subregions of the geographic
240 area covered by this compact. Any nuclear incident plan in force
241 pursuant to this paragraph shall designate the official or agency
242 in each party state covered by the plan who shall coordinate re-
243 quests for aid pursuant to Article VI of this compact and the
244 furnishing of aid in response thereto. Unless the party states
245 concerned expressly otherwise agree, the board shall not administer
246 the summoning and dispatching of aid, but this function shall be
247 undertaken directly by the designated agencies and officers of
248 the party states. However, the plan or plans of the board in
249 force pursuant to this paragraph shall provide for reports to
250 the board concerning the occurrence of nuclear incidents and the
251 requests for aid on account thereof, together with summaries of
252 the actual working and effectiveness of mutual aid in particular
253 instances. From time to time, the board shall analyze the infor-
254 mation gathered from reports of aid pursuant to Article VI and
255 such other instances of mutual aid as may have come to its atten-
256 tion, so that experience in the rendering of such aid may be
257 available.

ARTICLE VI-MUTUAL AID

258
259 (a) Whenever a party state, or any state or local governmental
260 authorities therein, request aid from any other party state pur-
261 suant to this compact in coping with a nuclear incident, it shall
262 be the duty of the requested state to render all possible aid to
263 the requesting state which is consonant with the maintenance of
264 protection of its own people.

265 (b) Whenever the officers or employees of any party state
266 are rendering outside aid pursuant to the request of another
267 party state under this compact, the officers or employees of such
268 state shall, under the direction of the authorities of the state
269 to which they are rendering aid, have the same powers, duties,

270 rights, privileges and immunities as comparable officers and em-
271 ployees of the state to which they are rendering aid.

272 (c) No party state or its officers or employees rendering
273 outside aid pursuant to this compact shall be liable on account
274 of any act or omission on their part while so engaged, or on
275 account of the maintenance or use of any equipment or supplies
276 in connection therewith.

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

282 (e) Any party state rendering outside aid pursuant to this
283 compact shall be reimbursed by the party state receiving such
284 aid for any loss or damage to, or expense incurred in the opera-
285 tion of any equipment answering a request for aid, and for the
286 cost of all materials, transportation, wages, salaries and main-
287 tenance of officers, employees and equipment incurred in connec-
288 tion with such request: provided that nothing herein contained
289 shall prevent any assisting party state from assuming such loss,
290 damage, expense or other cost or from loaning such equipment or
291 from donating such services to the receiving party state without
292 charge or cost.

293 (f) Each party state shall provide for the payment of compen-
294 sation and death benefits to injured officers and employees and
295 the representatives of deceased officers and employees in case
296 officers or employees sustain injuries or death while rendering
297 outside aid pursuant to this compact, in the same manner and on
298 the same terms as if the injury or death were sustained within
299 the state by or in which the officer or employee was regularly
300 employed.

301 ARTICLE VII-SUPPLEMENTARY AGREEMENTS

302 (a) To the extent that the board has not undertaken an ac-
303 tivity or project which would be within its power under the pro-
304 visions of Article V of this compact, any two (2) or more of the

305 party states, acting by their duly constituted administrative
306 officials, may enter into supplementary agreements for the under-
307 taking and continuance of such an activity or project. Any such
308 agreement shall specify its purpose or purposes; its duration
309 and the procedure for termination thereof or withdrawal there-
310 from; the method of financing and allocating the costs of the
311 activity or project; and such other matters as may be necessary
312 or appropriate. No such supplementary agreement entered into
313 pursuant to this Article shall become effective prior to its sub-
314 mission to and approval by the board. The board shall give such
315 approval unless it finds that the supplementary agreement or the
316 activity or project contemplated thereby is inconsistent with
317 the provisions of this compact or a program or activity conducted
318 by or participated in by the board.

319 (b) Unless all of the party states participate in a supple-
320 mentary agreement, any cost or costs thereof shall be borne sep-
321 arately by the states party thereto. The board, if requested,
322 may administer or otherwise assist in the operation of any sup-
323plementary agreement.

324 (c) No party to a supplementary agreement entered into pur-
325 suant to this Article shall be relieved thereby of any obligation
326 or duty assumed by said party state under or pursuant to this
327 compact, except that timely and proper performance of such obliga-
328 tion or duty by means of the supplementary agreement may be of-
329 fered as performance pursuant to the compact.

330 (d) The provisions of this Article shall apply to supplemen-
331 tary agreements and activities thereunder, but shall not be con-
332 strued to repeal or impair any authority which officers or agencies
333 of party states may have pursuant to other laws to undertake co-
334 operative arrangements or projects.

335 ARTICLE VIII-OTHER LAWS AND RELATIONS

336 Nothing in this compact shall be construed to:

337 (a) Permit or require any person or other entity to avoid or
338 refuse compliance with any law, rule, regulation, order or ordi-
339 nance of a party state or subdivision thereof now or hereafter

340 made, enacted or in force.

341 (b) Limit, diminish, affect, or otherwise impair jurisdiction
342 exercised by the atomic energy commission, any agency successor
343 thereto, or any other federal department, agency or officer pur-
344 suant to and in conformity with any valid and operative act of
345 congress; nor limit, diminish, affect, or otherwise impair juris-
346 diction exercised by any officer or agency of a party state,
347 except to the extent that the provisions of this compact may pro-
348 vide therefor.

349 (c) Alter the relations between and respective internal re-
350 sponsibilities of the government of a party state and its sub-
351 divisions.

352 (d) Permit or authorize the board to exercise any regulatory
353 authority or to own or operate any nuclear reactor for the com-
354 mercial generation of electric energy; nor shall the board own
355 or operate any nuclear facility or installation on a commercial
356 or profit-making basis.

357 ARTICLE IX-ELIGIBLE PARTIES, ENTRY INTO FORCE AND WITHDRAWAL

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

362 (b) As to any eligible party state, this compact shall be-
363 come effective when its legislature shall have enacted the same
364 into law: provided that it shall not become initially effective
365 until enacted into law by six (6) states.

366 (c) Any party state may withdraw from this compact by enact-
367 ing a statute repealing the same, but no such withdrawal shall
368 become effective until two (2) years after the governor of the
369 withdrawing state shall have sent formal notice in writing to
370 the governor of each other party state informing said governors
371 of the action of the legislature in repealing the compact and
372 declaring an intention to withdraw. A withdrawing state shall
373 be liable for any obligations which it may have incurred on
374 account of its party status up to the effective date of withdrawal,

375 except that if the withdrawing state has specifically undertaken
376 or committed itself to any performance of an obligation extending
377 beyond the effective date of withdrawal it shall remain liable
378 to the extent of such obligation.

379 ARTICLE X-SEVERABILITY AND CONSTRUCTION

380 The provisions of this compact and of any supplementary agree-
381 ment entered into hereunder shall be severable and if any phrase,
382 clause, sentence or provision of this compact or such supplemen-
383 tary agreement is declared to be contrary to the constitution of
384 any participating state or of the United States or the applic-
385 ability thereof to any government, agency, person, or circum-
386 stance is held invalid, the validity of the remainder of this
387 compact or such supplementary agreement and the applicability
388 thereof to any government, agency, person or circumstance shall
389 not be affected thereby. If this compact or any supplementary
390 agreement entered into hereunder shall be held contrary to the
391 constitution of any state participating therein, the compact or
392 such supplementary agreement shall remain in full force and ef-
393 fect as to the remaining states and in full force and effect as
394 to the state affected as to all severable matters. The provi-
395 sions of this compact and of any supplementary agreement entered
396 into pursuant hereto shall be liberally construed to effectuate
397 the purposes thereof.

1 Sec. 2. The member of the midwest nuclear board representing
2 the state shall be appointed by the governor. The member so
3 appointed shall designate an alternate as required under Article
4 II (a) of the compact who shall serve in the absence of or at
5 the pleasure of the board member.

1 Sec. 3. The midwest nuclear board shall file with the secre-
2 tary of state copies of its bylaws and any amendments thereto as
3 required 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

5 of subdivisions of this state, they shall be entitled to the same
6 workmen's compensation or other benefits in case of injury or
7 death to which they would have been entitled if injured or killed
8 while engaged in coping with a nuclear incident in their juris-
9 dictions of regular employment.

