

Energy: Mullins, Chair; Baxter, Black, Clark and Sullivan.

By Base 2/22 (p. 489)

FILED FEB 7 1983

SENATE FILE 195

BY COMMITTEE ON ENERGY
Approved 1/21 (p. 355)

Passed Senate, Date 2-14-83 (p. 413) Passed House, Date 3-1-83 (p. 536)
Vote: Ayes 49 Nays 0 Vote: Ayes 95 Nays 0
Approved March 13, 1983 (p. 743)

A BILL FOR

1 An Act to enact the midwest interstate low-level radioactive
2 waste compact.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 195 FISCAL NOTE

REQUESTED BY SENATOR GALLAGHER

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 195 pursuant to Joint Rule 17.

Senate File 195 is an Act to enact the midwest interstate low-level radioactive waste compact.

Federal law requires the states to arrange for disposal of their low-level radioactive waste by 1985. The midwest compact provides for one of the options to respond to this mandate.

The midwest compact creates a commission composed of one person from each member state. There would be an initial one-time fee of \$50,000 payable upon joining the compact. Once a facility is operational, the commission would be sustained by user's fees or a surcharge based on volume and degree of hazard.

The estimated costs for Iowa membership in the midwest low-level radioactive waste compact are:

	FY '84	FY '85
Membership	\$ 50,000	0
Travel & Support	3,400	8,400
Total	\$ 53,400	8,400

If Iowa were to be selected as the host state for the disposal site, there could be additional costs and revenues which can not be estimated at this time. (75SS, 83-184, AHS)

SOURCE: DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF PLANNING AND PROGRAMMING

FILED: BY LEGISLATIVE FISCAL BUREAU
FEBRUARY 14, 1983 DENNIS C. PROUTY, DIRECTOR

S.F. 195

1 Section 1. NEW SECTION. LOW-LEVEL RADIOACTIVE WASTE
2 COMPACT. The midwest interstate low-level radioactive waste
3 compact is entered into and enacted into law with all
4 jurisdictions legally joining therein, in the form
5 substantially as follows:

6 ARTICLE I--POLICY AND PURPOSE

7 There is created the "Midwest Interstate Low-Level
8 Radioactive Waste Compact".

9 The states party to this compact recognize that the congress
10 of the United States, by enacting the Low-Level Radioactive
11 Waste Policy Act (42 U.S.C. 2021), has provided for and
12 encouraged the development of low-level radioactive waste
13 compacts as a tool for managing such waste. The party states
14 acknowledge that congress declared that each state is
15 responsible for providing for the availability of capacity
16 either within or outside the state for the disposal of low-
17 level radioactive waste generated within its borders, except
18 for waste generated as a result of certain defense activities
19 of the federal government or federal research and development
20 activities. The party states also recognize that the
21 management of low-level radioactive waste is handled most
22 efficiently on a regional basis; and that the safe and
23 efficient management of low-level radioactive waste generated
24 within the region requires that sufficient capacity to manage
25 such waste be properly provided.

26 a. It is the policy of the party states to enter into
27 a regional low-level radioactive waste management compact
28 for the purpose of:

- 29 1. Providing the instrument and framework for a cooperative
30 effort;
- 31 2. Providing sufficient facilities for the proper
32 management of low-level radioactive waste generated in the
33 region;
- 34 3. Protecting the health and safety of the citizens of
35 the region;

- 1 4. Limiting the number of facilities required to
2 effectively and efficiently manage low-level radioactive waste
3 generated in the region;
- 4 5. Encouraging the reduction of the amounts of low-level
5 radioactive waste generated in the region;
- 6 6. Distributing the costs, benefits, and obligations of
7 successful low-level radioactive waste management equitably
8 among the party states and among generators and other persons
9 who use regional facilities to manage their waste; and
- 10 7. Ensuring the ecological and economical management of
11 low-level radioactive wastes.
- 12 b. Implicit in the congressional consent to this compact
13 is the expectation by the congress and the party states that
14 the appropriate federal agencies will actively assist the
15 compact commission and the individual party states to this
16 compact by:
- 17 1. Expeditious enforcement of federal rules, regulations,
18 and laws;
- 19 2. Imposition of sanctions against those found to be in
20 violation of federal rules, regulations, and laws; and
- 21 3. Timely inspection of their licensees to determine their
22 compliance with these rules, regulations, and laws.

23 ARTICLE II--DEFINITIONS

- 24 As used in this compact, unless the context clearly requires
25 a different construction:
- 26 a. "Care" means the continued observation of a facility
27 after closure for the purposes of detecting a need for
28 maintenance, ensuring environmental safety, and determining
29 compliance with applicable licensure and regulatory
30 requirements and including the correction of problems which
31 are detected as a result of that observation.
- 32 b. "Commission" means the midwest interstate low-level
33 radioactive waste commission.
- 34 c. "Decommissioning" means the measures taken at the end
35 of a facility's operating life to assure the continued

1 protection of the public from any residual radioactivity or
2 other potential hazards present at a facility.

3 d. "Disposal" means the isolation of waste from the
4 biosphere in a permanent facility designed for that purpose.

5 e. "Eligible state" means a state qualified to be a party
6 state to this compact as provided in article VIII.

7 f. "Facility" means a parcel of land or site, together
8 with the structures, equipment, and improvements on or
9 appurtenant to the land or site, which is used or is being
10 developed for the treatment, storage, or disposal of low-level
11 radioactive waste.

12 g. "Generator" means a person who produces or possesses
13 low-level radioactive waste in the course of or incident to
14 manufacturing, power generation, processing, medical diagnosis
15 and treatment, research, or other industrial or commercial
16 activity and who, to the extent required by law, is licensed
17 by the United States nuclear regulatory commission or a party
18 state, to produce or possess such waste. "Generator" does
19 not include a person who provides a service by arranging for
20 the collection, transportation, treatment, storage, or disposal
21 of wastes generated outside the region.

22 h. "Host state" means any state which is designated by
23 the commission to host a regional facility.

24 i. "Low-level radioactive waste" or "waste" means
25 radioactive waste not classified as high-level radioactive
26 waste, transuranic waste, spent nuclear fuel, or by-product
27 material as defined in section 11(e)(2) of the Atomic Energy
28 Act of 1954.

29 j. "Management plan" means the plan adopted by the
30 commission for the storage, transportation, treatment, and
31 disposal of waste within the region.

32 k. "Party state" means any eligible state which enacts
33 the compact into law.

34 l. "Person" means any individual, corporation, business
35 enterprise, or other legal entity either public or private

1 and any legal successor, representative, agent, or agency
2 of that individual, corporation, business enterprise, or legal
3 entity.

4 m. "Region" means the area of the party states.

5 n. "Regional facility" means a facility which is located
6 within the region and which is established by a party state
7 pursuant to designation of that state as a host state by the
8 commission.

9 o. "Site" means the geographic location of a facility.

10 p. "State" means a state of the United States, the District
11 of Columbia, the Commonwealth of Puerto Rico, the Virgin
12 Islands or any other territorial possession of the United
13 States.

14 q. "Storage" means the temporary holding of waste for
15 treatment or disposal.

16 r. "Treatment" means any method, technique or process,
17 including storage for radioactive decay, designed to change
18 the physical, chemical or biological characteristics or
19 composition of any waste in order to render the waste safer
20 for transport or management, amenable to recovery, convertible
21 to another usable material or reduced in volume.

22 s. "Waste management" means the storage, transportation,
23 treatment, or disposal of waste.

24 ARTICLE III--THE COMMISSION

25 a. There is created the midwest interstate low-level
26 radioactive waste commission. The commission consists of
27 one voting member from each party state. The governor of
28 each party state shall notify the commission in writing of
29 its member and any alternates. An alternate may act on behalf
30 of the member only in that member's absence. The method for
31 selection and the expenses of each commission member shall
32 be the responsibility of the member's respective state.

33 b. Each commission member is entitled to one vote. No
34 action of the commission is binding unless a majority of the
35 total membership cast their vote in the affirmative.

1 c. The commission shall elect annually from among its
2 members a chairperson. The commission shall adopt and publish,
3 in convenient form, bylaws and policies which are not
4 inconsistent with this compact, including procedures which
5 substantially conform with the provisions of the federal
6 Administrative Procedure Act (5 U.S.C. secs. 500 to 559) in
7 regard to notice, conduct, and recording of meetings; access
8 by the public to records; provision of information to the
9 public; conduct of adjudicatory hearings; and issuance of
10 decisions.

11 d. The commission shall meet at least once annually and
12 shall also meet upon the call of the chairperson or a
13 commission member.

14 e. All meetings of the commission shall be open to the
15 public with reasonable advance notice. The commission may,
16 by majority vote, close a meeting to the public for the purpose
17 of considering sensitive personnel or legal strategy matters.
18 However, all commission actions and decisions shall be made
19 in open meetings and appropriately recorded.

20 f. The commission may establish advisory committees for
21 the purpose of advising the commission on any matters
22 pertaining to waste management.

23 g. The office of the commission shall be in a party state.
24 The commission may appoint or contract for and compensate
25 such limited staff necessary to carry out its duties and
26 functions. The staff shall serve at the commission's pleasure
27 with the exception that staff hired as the result of securing
28 federal funds shall be hired and governed under applicable
29 federal statutes and regulations. In selecting any staff,
30 the commission shall assure that the staff has adequate
31 experience and formal training to carry out the functions
32 assigned to it by the commission.

33 h. The commission may:

34 1. Enter into an agreement with any person, state, or
35 group of states for the right to use regional facilities for

1 waste generated outside the region and for the right to use
2 facilities outside the region for waste generated within the
3 region. The right of any person to use a regional facility
4 for waste generated outside of the region requires an
5 affirmative vote of a majority of the commission, including
6 the affirmative vote of the member of the host state in which
7 any affected regional facility is located.

8 2. Approve the disposal of waste generated within the
9 region at a facility other than a regional facility.

10 3. Appear as an intervenor or party in interest before
11 any court of law or any federal, state, or local agency,
12 board, or commission in any matter related to waste management.
13 In order to represent its views, the commission may arrange
14 for any expert testimony, reports, evidence, or other
15 participation.

16 4. Review the emergency closure of a regional facility,
17 determine the appropriateness of that closure, and take
18 whatever actions are necessary to ensure that the interests
19 of the region are protected.

20 5. Take any action which is appropriate and necessary
21 to perform its duties and functions as provided in this
22 compact.

23 6. Suspend the privileges or revoke the membership of
24 a party state by a two-thirds vote of the membership in
25 accordance with article VIII.

26 1. The commission shall:

27 1. Receive and act on the petition of a nonparty state
28 to become an eligible state.

29 2. Submit an annual report to, and otherwise communicate
30 with, the governors and the appropriate officers of the
31 legislative bodies of the party states regarding the activities
32 of the commission.

33 3. Hear, negotiate, and, as necessary, resolve by final
34 decision disputes which may arise between the party states
35 regarding this compact.

1 4. Adopt and amend, by a two-thirds vote of the membership,
2 in accordance with the procedures and criteria developed
3 pursuant to article IV, a regional management plan which
4 designates host states for the establishment of needed regional
5 facilities.

6 5. Adopt an annual budget.

7 j. Funding of the budget of the commission shall be
8 provided as follows:

9 1. Each state, upon becoming a party state, shall pay
10 fifty thousand dollars or one thousand dollars per cubic meter
11 shipped from that state in 1980, whichever is lower, to the
12 commission which shall be used for the administrative costs
13 of the commission.

14 2. Each state hosting a regional facility shall levy
15 surcharges on all users of the regional facility based upon
16 its portion of the total volume and characteristics of wastes
17 managed at that facility. The surcharges collected at all
18 regional facilities shall:

19 (a) Be sufficient to cover the annual budget of the
20 commission; and

21 (b) Represent the financial commitments of all party
22 states to the commission; and

23 (c) Be paid to the commission, provided, that each host
24 state collecting surcharges may retain a portion of the
25 collection sufficient to cover its administrative costs of
26 collection, and that the remainder be sufficient only to cover
27 the approved annual budget of the commission.

28 k. The commission shall keep accurate accounts of all
29 receipts and disbursements. The commission shall contract
30 with an independent certified public accountant to annually
31 audit all receipts and disbursements of commission funds,
32 and to submit an audit report to the commission. The audit
33 report shall be made a part of the annual report of the
34 commission required by this article.

35 1. The commission may accept for any of its purposes and

1 functions and may utilize and dispose of any donations, grants
2 of money, equipment, supplies, materials and services from
3 any state or the United States, or any subdivision or agency
4 thereof, or interstate agency, or from any institution, person,
5 firm, or corporation. The nature, amount, and condition,
6 if any, attendant upon any donation or grant accepted or
7 received by the commission together with the identity of the
8 donor, grantor, or lender, shall be detailed in the annual
9 report of the commission.

10 m. The commission is not liable for any costs associated
11 with any of the following:

- 12 1. The licensing and construction of any facility;
- 13 2. The operation of any facility;
- 14 3. The stabilization and closure of any facility;
- 15 4. The care of any facility;
- 16 5. The extended institutional control, after care of any
17 facility; or
- 18 6. The transportation of waste to any facility.

19 n. 1. The commission is a legal entity separate and
20 distinct from the party states and is liable for its actions
21 as a separate and distinct legal entity. Liabilities of the
22 commission are not liabilities of the party states. Members
23 of the commission are not personally liable for actions taken
24 by them in their official capacity.

25 2. Except as provided under section m and section n,
26 subsection 1, nothing in this compact alters liability for
27 any act, omission, course of conduct, or liability resulting
28 from any causal or other relationships.

29 o. Any person aggrieved by a final decision of the
30 commission may obtain judicial review of such decision in
31 any court of jurisdiction by filing in such court a petition
32 for review within sixty days after the commission's final
33 decision.

34 ARTICLE IV--REGIONAL MANAGEMENT PLAN

35 The commission shall adopt a regional management plan

1 designed to ensure the safe and efficient management of waste
2 generated within the region. In adopting a regional waste
3 management plan the commission shall:

4 a. Adopt procedures for determining, consistent with
5 considerations for public health and safety, the type and
6 number of regional facilities which are presently necessary
7 and which are projected to be necessary to manage waste
8 generated within the region;

9 b. Develop and consider policies promoting source reduction
10 of waste generated within the region;

11 c. Develop and adopt procedures and criteria for
12 identifying a party state as a host state for a regional
13 facility. In developing these criteria, the commission shall
14 consider all the following:

15 1. The health, safety, and welfare of the citizens of
16 the party states.

17 2. The existence of regional facilities within each party
18 state.

19 3. The minimization of waste transportation.

20 4. The volumes and types of wastes generated within each
21 party state.

22 5. The environmental, economic, and ecological impacts
23 on the air, land, and water resources of the party states.

24 d. Conduct such hearings, and obtain such reports, studies,
25 evidence, and testimony required by its approved procedures
26 prior to identifying a party state as a host state for a
27 needed regional facility;

28 e. Prepare a draft management plan, including procedures,
29 criteria, and host states, including alternatives, which shall
30 be made available in a convenient form to the public for
31 comment. Upon the request of a party state, the commission
32 shall conduct a public hearing in that state prior to the
33 adoption of the management plan. The management plan shall
34 include the commission's response to public and party state
35 comment.

1 ARTICLE V--RIGHTS AND OBLIGATIONS OF PARTY STATES

2 a. Each party state shall act in good faith in the
3 performance of acts and courses of conduct which are intended
4 to ensure the provision of facilities for regional availability
5 and usage in a manner consistent with this compact.

6 b. Each party state has the right to have all wastes
7 generated within its borders managed at regional facilities
8 subject to the provisions contained in article IX, section

9 c. All party states have an equal right of access to any
10 facility made available to the region by any agreement entered
11 into by the commission pursuant to article III.

12 c. Party states or generators may negotiate for the right
13 of access to a facility outside the region and may export
14 waste outside the region subject to commission approval under
15 article III.

16 d. To the extent permitted by federal law, each party
17 state may enforce any applicable federal and state laws,
18 regulations, and rules pertaining to the packaging and trans-
19 portation of waste generated within or passing through its
20 borders. Nothing in this section shall be construed to require
21 a party state to enter into any agreement with the United
22 States nuclear regulatory commission.

23 e. Each party state shall provide to the commission any
24 data and information the commission requires to implement
25 its responsibilities. Each party state shall establish the
26 capability to obtain any data and information required by
27 the commission.

28 ARTICLE VI--DEVELOPMENT AND OPERATION OF FACILITIES

29 a. Any party state may volunteer to become a host state,
30 and the commission may designate that state as a host state
31 upon a two-thirds vote to its members.

32 b. If all regional facilities required by the regional
33 management plan are not developed pursuant to section a, or
34 upon notification that an existing regional facility will
35 be closed, the commission may designate a host state.

1 c. Each party state designated as a host state is respon-
2 sible for determining possible facility locations within its
3 borders. The selection of a facility site shall not conflict
4 with applicable federal and host state laws, regulations,
5 and rules not inconsistent with this compact and shall be
6 based on factors including, but not limited to, geological,
7 environmental, and economic viability of possible facility
8 locations.

9 d. Any party state designated as a host state may request
10 the commission to relieve that state of the responsibility
11 to serve as a host state. The commission may relieve a party
12 state of this responsibility only upon a showing by the
13 requesting party state that no feasible potential regional
14 facility site of the type it is designated to host exists
15 within its borders.

16 e. After a state is designated a host state by the commis-
17 sion, it is responsible for the timely development and
18 operation of a regional facility.

19 f. To the extent permitted by federal and state law, a
20 host state shall regulate and license any facility within
21 its borders and ensure the extended care of that facility.

22 g. The commission may designate a party state as a host
23 state while a regional facility is in operation if the
24 commission determines that an additional regional facility
25 is or may be required to meet the needs of the region. The
26 commission shall make this designation following the procedures
27 established under article IV.

28 h. Designation of a host state is for a period of twenty
29 years or the life of the regional facility which is established
30 under that designation, whichever is longer. Upon request
31 of a host state, the commission may modify the period of its
32 designation.

33 i. A host state may establish a fee system for any regional
34 facility within its borders. The fee system shall be
35 reasonable and equitable. This fee system shall provide the

1 host state with sufficient revenue to cover any costs,
2 including but not limited to the planning, siting, licensure,
3 operation, decommissioning, extended care, and long-term
4 liability, associated with such facilities. This fee system
5 may also include reasonable revenue beyond the costs incurred
6 for the host state, subject to approval by the commission.
7 A host state shall submit an annual financial audit of the
8 operation of the regional facility to the commission. The
9 fee system may include incentives for source reduction and
10 may be based on the hazard of the waste as well as the volume.

11 j. A host state shall ensure that a regional facility
12 located within its borders which is permanently closed is
13 properly decommissioned. A host state shall also provide
14 for the care of a closed or decommissioned regional facility
15 within its borders so that the public health and safety of
16 the state and region are ensured.

17 k. A host state intending to close a regional facility
18 located within its borders shall notify the commission in
19 writing of its intention and the reasons. Notification shall
20 be given to the commission at least five years prior to the
21 intended date of closure. This section shall not prevent
22 an emergency closing of a regional facility by a host state
23 to protect its air, land, and water resources and the health
24 and safety of its citizens. However, a host state which has
25 an emergency closing of a regional facility shall notify the
26 commission in writing within three working days of its action
27 and shall, within thirty working days of its action,
28 demonstrate justification for the closing.

29 l. If a regional facility closes before an additional
30 or new facility becomes operational, waste generated within
31 the region may be shipped temporarily to any location agreed
32 on by the commission until a regional facility is operational.

33 m. A party state which is designated as a host state by
34 the commission and fails to fulfill its obligations as a host
35 state may have its privileges under the compact suspended

1 or membership in the compact revoked by the commission.

2 ARTICLE VII--OTHER LAWS AND REGULATIONS

3 a. Nothing in this compact:

4 1. Abrogates or limits the applicability of any act of
5 congress or diminishes or otherwise impairs the jurisdiction
6 of any federal agency expressly conferred thereon by the
7 congress;

8 2. Prevents the enforcement of any other law of a party
9 state which is not inconsistent with this compact;

10 3. Prohibits any storage or treatment of waste by the
11 generator on its own premises;

12 4. Affects any administrative or judicial proceeding
13 pending on the effective date of this compact;

14 5. Alters the relations between and the respective internal
15 responsibility of the government of a party state and its
16 subdivisions;

17 6. Affects the generation, treatment, storage, or disposal
18 of waste generated by the atomic energy defense activities
19 of the secretary of the United States department of energy
20 or successor agencies or federal research and development
21 activities as defined in 42 U.S.C. sec. 2021; or

22 7. Affects the rights and powers of any party state or
23 its political subdivisions to the extent not inconsistent
24 with this compact, to regulate and license any facility or
25 the transportation of waste within its borders or affects
26 the rights and powers of any party state or its political
27 subdivisions to tax or impose fees on the waste managed at
28 any facility within its border.

29 8. Requires a party state to enter into any agreement
30 with the United States nuclear regulatory commission.

31 9. Alters or limits liability of transporters of waste,
32 owners, and operators of sites for their acts, omissions,
33 conduct, or relationships in accordance with applicable laws.

34 b. For purposes of this compact, all state laws or parts
35 of laws in conflict with this compact are hereby superseded

1 to the extent of the conflict.

2 c. No law, rule, or regulation of a party state or of
3 any of its subdivisions or instrumentalities may be applied
4 in a manner which discriminates against the generators of
5 another party state.

6 ARTICLE VIII--ELIGIBLE PARTIES, WITHDRAWAL, REVOCATION,
7 ENTRY INTO FORCE, TERMINATION

8 a. Eligible parties to this compact are the states of
9 Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland,
10 Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio,
11 South Dakota, Virginia, and Wisconsin. Eligibility terminates
12 on July 1, 1984.

13 b. Any state not eligible for membership in the compact
14 may petition the commission for eligibility. The commission
15 may establish appropriate eligibility requirements. These
16 requirements may include, but are not limited to, an
17 eligibility fee or designation as a host state. A petitioning
18 state becomes eligible for membership in the compact upon
19 the approval of the commission, including the affirmative
20 vote of all host states. Any state becoming eligible upon
21 the approval of the commission becomes a member of the compact
22 in the same manner as any state eligible for membership at
23 the time this compact enters into force.

24 c. An eligible state becomes a party state when the state
25 enacts the compact into law and pays the membership fee
26 required in article III, section i, subsection 1.

27 d. The commission is formed upon the appointment of commis-
28 sion members and the tender of the membership fee payable
29 to the commission by three party states. The governor of
30 the first state to enact this compact shall convene the initial
31 meeting of the commission. The commission shall cause
32 legislation to be introduced in the congress which grants
33 the consent of the congress to this compact, and shall take
34 action necessary to organize the commission and implement
35 the provisions of this compact.

1 e. Any party state may withdraw from this compact by
2 repealing the authorizing legislation but no withdrawal may
3 take effect until five years after the governor of the
4 withdrawing state gives notice in writing of the withdrawal
5 to the commission and to the governor of each party state.
6 Withdrawal does not affect any liability already incurred
7 by or chargeable to a party state prior to the time of such
8 withdrawal. Any host state which grants a disposal permit
9 for waste generated in a withdrawing state shall void the
10 permit when the withdrawal of that state is effective.

11 f. Any party state which fails to comply with the terms
12 of this compact or fails to fulfill its obligations may have
13 its privileges suspended or its membership in the compact
14 revoked by the commission in accordance with article III,
15 section h, subsection 6. Revocation takes effect one year
16 from the date the affected party state receives written notice
17 from the commission of its action. All legal rights of the
18 affected party state established under this compact cease
19 upon the effective date of revocation but any legal obligations
20 of that party state arising prior to revocation continue until
21 they are fulfilled. The chairperson of the commission shall
22 transmit written notice of a revocation of a party state's
23 membership in the compact immediately following the vote of
24 the commission to the governor of the affected party state,
25 all other governors of the party states and the congress of
26 the United States.

27 g. This compact becomes effective July 1, 1983, or at
28 any date subsequent to July 1, 1983, upon enactment by at
29 least three eligible states. However, article IX, section
30 b shall not take effect until the congress has by law consented
31 to this compact. The congress shall have an opportunity to
32 withdraw such consent every five years. Failure of the
33 congress to affirmatively withdraw its consent has the effect
34 of renewing consent for an additional five-year period. The
35 consent given to this compact by the congress shall extend

1 to any future admittance of new party states under sections
2 b and c of this article and to the power of the region to
3 ban the shipment of waste from the region pursuant to article
4 III.

5 h. The withdrawal of a party state from this compact under
6 section e of this article or the revocation of a state's
7 membership in this compact under section f of this article
8 does not affect the applicability of this compact to the
9 remaining party states.

10 i. A state which has been designated by the commission
11 to be a host state has ninety days from receipt by the governor
12 of written notice of designation to withdraw from the compact
13 without any right to receive refund of any funds already paid
14 pursuant to this compact, and without any further payment.
15 Withdrawal becomes effective immediately upon notice as
16 provided in section e. A designated host state which withdraws
17 from the compact after ninety days and prior to fulfilling
18 its obligations shall be assessed a sum the commission
19 determines to be necessary to cover the costs borne by the
20 commission and remaining party states as a result of that
21 withdrawal.

22 ARTICLE IX--PENALTIES

23 a. Each party state shall prescribe and enforce penalties
24 against any person who is not an official of another state
25 for violation of any provision of this compact.

26 b. Unless otherwise authorized by the commission pursuant
27 to article III, section h after January 1, 1986, it is a vio-
28 lation of this compact:

29 1. For any person to deposit at a regional facility waste
30 not generated within the region;

31 2. For any regional facility to accept waste not generated
32 within the region;

33 3. For any person to export from the region waste which
34 is generated within the region; or

35 4. For any person to dispose of waste at a facility other

1 than a regional facility.

2 c. Each party state acknowledges that the receipt by a
3 host state of waste packaged or transported in violation of
4 applicable laws, rules, and regulations may result in the
5 imposition of sanctions by the host state which may include
6 suspension or revocation of the violator's right of access
7 to the facility in the host state.

8 d. Each party state has the right to seek legal recourse
9 against any party state which acts in violation of this
10 compact.

11 ARTICLE X--SEVERABILITY AND CONSTRUCTION

12 The provisions of this compact shall be severable and if
13 any phrase, clause, sentence, or provision of this compact
14 is declared by a court of competent jurisdiction to be contrary
15 to the constitution of any participating state or of the
16 United States or the applicability thereof to any government,
17 agency, person, or circumstance is held invalid, the validity
18 of the remainder of this compact and the applicability thereof
19 to any government, agency, person, or circumstance shall not
20 be affected thereby. If any provision of this compact shall
21 be held contrary to the constitution of any state participating
22 therein, the compact shall remain in full force and effect
23 as to the state affected as to all severable matters.

24 EXPLANATION

25 This bill adopts the midwest interstate compact on low-
26 level radioactive waste. The language in the compact is the
27 result of negotiations among the fifteen states eligible for
28 membership. Federal law requires the states to arrange for
29 disposal of their low-level radioactive waste by 1985. In
30 response to this mandate and faced with the alternatives of
31 a) ceasing to generate low-level radioactive waste or b)
32 providing instate disposal facilities for generators, many
33 states have negotiated compacts designed to jointly address
34 disposal problems.

35 The midwest compact creates a commission composed of one

1 person from each member state. A fee of \$50,000 or \$1000
2 per cubic foot of waste shipped from instate in 1980, whichever
3 is less, is payable upon joining the compact. Once a facility
4 is operational, the commission would be sustained by users'
5 fees or a surcharge based on volume and degree of hazard.
6 The deadline for initial membership is July 1, 1984. After
7 that time, the terms of membership could change.

8 The commission would designate a host state which would
9 be responsible for establishing a disposal facility. The
10 host state has general authority to regulate a facility and
11 to establish reasonable fees with commission approval.
12 Designation as a host state lasts for twenty years or the
13 life of the facility whichever is longer. Member states must
14 use the regional facility and on-site disposal is prohibited.

15 The bill is effective July 1 following enactment.

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SENATE FILE 195

AN ACT

TO ENACT THE MIDWEST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. LOW-LEVEL RADIOACTIVE WASTE COMPACT. The midwest interstate low-level radioactive waste compact is entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

ARTICLE I--POLICY AND PURPOSE

There is created the "Midwest Interstate Low-Level Radioactive Waste Compact".

The states party to this compact recognize that the congress of the United States, by enacting the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021), has provided for and encouraged the development of low-level radioactive waste compacts as a tool for managing such waste. The party states

acknowledge that congress declared that each state is responsible for providing for the availability of capacity either within or outside the state for the disposal of low-level radioactive waste generated within its borders, except for waste generated as a result of certain defense activities of the federal government or federal research and development activities. The party states also recognize that the management of low-level radioactive waste is handled most efficiently on a regional basis; and that the safe and efficient management of low-level radioactive waste generated within the region requires that sufficient capacity to manage such waste be properly provided.

a. It is the policy of the party states to enter into a regional low-level radioactive waste management compact for the purpose of:

1. Providing the instrument and framework for a cooperative effort;
2. Providing sufficient facilities for the proper management of low-level radioactive waste generated in the region;
3. Protecting the health and safety of the citizens of the region;
4. Limiting the number of facilities required to effectively and efficiently manage low-level radioactive waste generated in the region;
5. Encouraging the reduction of the amounts of low-level radioactive waste generated in the region;
6. Distributing the costs, benefits, and obligations of successful low-level radioactive waste management equitably among the party states and among generators and other persons who use regional facilities to manage their waste; and
7. Ensuring the ecological and economical management of low-level radioactive wastes.

b. Implicit in the congressional consent to this compact is the expectation by the congress and the party states that

the appropriate federal agencies will actively assist the compact commission and the individual party states to this compact by:

1. Expeditionary enforcement of federal rules, regulations, and laws;
2. Imposition of sanctions against those found to be in violation of federal rules, regulations, and laws; and
3. Timely inspection of their licensees to determine their compliance with these rules, regulations, and laws.

ARTICLE II--DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

- a. "Care" means the continued observation of a facility after closure for the purposes of detecting a need for maintenance, ensuring environmental safety, and determining compliance with applicable licensure and regulatory requirements and including the correction of problems which are detected as a result of that observation.
- b. "Commission" means the midwest interstate low-level radioactive waste commission.
- c. "Decommissioning" means the measures taken at the end of a facility's operating life to assure the continued protection of the public from any residual radioactivity or other potential hazards present at a facility.
- d. "Disposal" means the isolation of waste from the biosphere in a permanent facility designed for that purpose.
- e. "Eligible state" means a state qualified to be a party state to this compact as provided in article VIII.
- f. "Facility" means a parcel of land or site, together with the structures, equipment, and improvements on or appurtenant to the land or site, which is used or is being developed for the treatment, storage, or disposal of low-level radioactive waste.
- g. "Generator" means a person who produces or possesses low-level radioactive waste in the course of or incident to

manufacturing, power generation, processing, medical diagnosis and treatment, research, or other industrial or commercial activity and who, to the extent required by law, is licensed by the United States nuclear regulatory commission or a party state, to produce or possess such waste. "Generator" does not include a person who provides a service by arranging for the collection, transportation, treatment, storage, or disposal of wastes generated outside the region.

h. "Host state" means any state which is designated by the commission to host a regional facility.

i. "Low-level radioactive waste" or "waste" means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material as defined in section 11(c)(2) of the Atomic Energy Act of 1954.

j. "Management plan" means the plan adopted by the commission for the storage, transportation, treatment, and disposal of waste within the region.

k. "Party state" means any eligible state which enacts the compact into law.

l. "Person" means any individual, corporation, business enterprise, or other legal entity either public or private and any legal successor, representative, agent, or agency of that individual, corporation, business enterprise, or legal entity.

m. "Region" means the area of the party states.

n. "Regional facility" means a facility which is located within the region and which is established by a party state pursuant to designation of that state as a host state by the commission.

o. "Site" means the geographic location of a facility.

p. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands or any other territorial possession of the United States.

g. "Storage" means the temporary holding of waste for treatment or disposal.

r. "Treatment" means any method, technique or process, including storage for radioactive decay, designed to change the physical, chemical or biological characteristics or composition of any waste in order to render the waste safer for transport or management, amenable to recovery, convertible to another usable material or reduced in volume.

s. "Waste management" means the storage, transportation, treatment, or disposal of waste.

ARTICLE III--THE COMMISSION

a. There is created the midwest interstate low-level radioactive waste commission. The commission consists of one voting member from each party state. The governor of each party state shall notify the commission in writing of its member and any alternates. An alternate may act on behalf of the member only in that member's absence. The method for selection and the expenses of each commission member shall be the responsibility of the member's respective state.

b. Each commission member is entitled to one vote. No action of the commission is binding unless a majority of the total membership cast their vote in the affirmative.

c. The commission shall elect annually from among its members a chairperson. The commission shall adopt and publish, in convenient form, bylaws and policies which are not inconsistent with this compact, including procedures which substantially conform with the provisions of the federal Administrative Procedure Act (5 U.S.C. secs. 500 to 559) in regard to notice, conduct, and recording of meetings; access by the public to records; provision of information to the public; conduct of adjudicatory hearings; and issuance of decisions.

d. The commission shall meet at least once annually and shall also meet upon the call of the chairperson or a commission member.

e. All meetings of the commission shall be open to the public with reasonable advance notice. The commission may, by majority vote, close a meeting to the public for the purpose of considering sensitive personnel or legal strategy matters. However, all commission actions and decisions shall be made in open meetings and appropriately recorded.

f. The commission may establish advisory committees for the purpose of advising the commission on any matters pertaining to waste management.

g. The office of the commission shall be in a party state. The commission may appoint or contract for and compensate such limited staff necessary to carry out its duties and functions. The staff shall serve at the commission's pleasure with the exception that staff hired as the result of securing federal funds shall be hired and governed under applicable federal statutes and regulations. In selecting any staff, the commission shall assure that the staff has adequate experience and formal training to carry out the functions assigned to it by the commission.

h. The commission may:

1. Enter into an agreement with any person, state, or group of states for the right to use regional facilities for waste generated outside the region and for the right to use facilities outside the region for waste generated within the region. The right of any person to use a regional facility for waste generated outside of the region requires an affirmative vote of a majority of the commission, including the affirmative vote of the member of the host state in which any affected regional facility is located.

2. Approve the disposal of waste generated within the region at a facility other than a regional facility.

3. Appear as an intervenor or party in interest before any court of law or any federal, state, or local agency, board, or commission in any matter related to waste management. In order to represent its views, the commission may arrange

for any expert testimony, reports, evidence, or other participation.

4. Review the emergency closure of a regional facility, determine the appropriateness of that closure, and take whatever actions are necessary to ensure that the interests of the region are protected.

5. Take any action which is appropriate and necessary to perform its duties and functions as provided in this compact.

6. Suspend the privileges or revoke the membership of a party state by a two-thirds vote of the membership in accordance with article VIII.

1. The commission shall:

1. Receive and act on the petition of a nonparty state to become an eligible state.

2. Submit an annual report to, and otherwise communicate with, the governors and the appropriate officers of the legislative bodies of the party states regarding the activities of the commission.

3. Hear, negotiate, and, as necessary, resolve by final decision disputes which may arise between the party states regarding this compact.

4. Adopt and amend, by a two-thirds vote of the membership, in accordance with the procedures and criteria developed pursuant to article IV, a regional management plan which designates host states for the establishment of needed regional facilities.

5. Adopt an annual budget.

1. Funding of the budget of the commission shall be provided as follows:

1. Each state, upon becoming a party state, shall pay fifty thousand dollars or one thousand dollars per cubic meter shipped from that state in 1980, whichever is lower, to the commission which shall be used for the administrative costs of the commission.

2. Each state hosting a regional facility shall levy surcharges on all users of the regional facility based upon its portion of the total volume and characteristics of wastes managed at that facility. The surcharges collected at all regional facilities shall:

(a) Be sufficient to cover the annual budget of the commission; and

(b) Represent the financial commitments of all party states to the commission; and

(c) Be paid to the commission, provided, that each host state collecting surcharges may retain a portion of the collection sufficient to cover its administrative costs of collection, and that the remainder be sufficient only to cover the approved annual budget of the commission.

4. The commission shall keep accurate accounts of all receipts and disbursements. The commission shall contract with an independent certified public accountant to annually audit all receipts and disbursements of commission funds, and to submit an audit report to the commission. The audit report shall be made a part of the annual report of the commission required by this article.

1. The commission may accept for any of its purposes and functions and may utilize and dispose of any donations, grants of money, equipment, supplies, materials and services from any state or the United States, or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation. The nature, amount, and condition, if any, attendant upon any donation or grant accepted or received by the commission together with the identity of the donor, grantor, or lender, shall be detailed in the annual report of the commission.

2. The commission is not liable for any costs associated with any of the following:

1. The licensing and construction of any facility;

2. The operation of any facility;
 3. The stabilization and closure of any facility;
 4. The care of any facility;
 5. The extended institutional control, after care of any facility; or
 6. The transportation of waste to any facility.
- n. 1. The commission is a legal entity separate and distinct from the party states and is liable for its actions as a separate and distinct legal entity. Liabilities of the commission are not liabilities of the party states. Members of the commission are not personally liable for actions taken by them in their official capacity.
2. Except as provided under section m and section n, subsection 1, nothing in this compact alters liability for any act, omission, course of conduct, or liability resulting from any causal or other relationships.
- o. Any person aggrieved by a final decision of the commission may obtain judicial review of such decision in any court of jurisdiction by filing in such court a petition for review within sixty days after the commission's final decision.

ARTICLE IV--REGIONAL MANAGEMENT PLAN

The commission shall adopt a regional management plan designed to ensure the safe and efficient management of waste generated within the region. In adopting a regional waste management plan the commission shall:

- a. Adopt procedures for determining, consistent with considerations for public health and safety, the type and number of regional facilities which are presently necessary and which are projected to be necessary to manage waste generated within the region;
- b. Develop and consider policies promoting source reduction of waste generated within the region;
- c. Develop and adopt procedures and criteria for identifying a party state as a host state for a regional

facility. In developing these criteria, the commission shall consider all the following:

1. The health, safety, and welfare of the citizens of the party states.
 2. The existence of regional facilities within each party state.
 3. The minimization of waste transportation.
 4. The volumes and types of wastes generated within each party state.
 5. The environmental, economic, and ecological impacts on the air, land, and water resources of the party states.
- d. Conduct such hearings, and obtain such reports, studies, evidence, and testimony required by its approved procedures prior to identifying a party state as a host state for a needed regional facility;
- e. Prepare a draft management plan, including procedures, criteria, and host states, including alternatives, which shall be made available in a convenient form to the public for comment. Upon the request of a party state, the commission shall conduct a public hearing in that state prior to the adoption of the management plan. The management plan shall include the commission's response to public and party state comment.

ARTICLE V--RIGHTS AND OBLIGATIONS OF PARTY STATES

- a. Each party state shall act in good faith in the performance of acts and courses of conduct which are intended to ensure the provision of facilities for regional availability and usage in a manner consistent with this compact.
- b. Each party state has the right to have all wastes generated within its borders managed at regional facilities subject to the provisions contained in article IX, section
- c. All party states have an equal right of access to any facility made available to the region by any agreement entered into by the commission pursuant to article III.

c. Party states or generators may negotiate for the right of access to a facility outside the region and may export waste outside the region subject to commission approval under article III.

d. To the extent permitted by federal law, each party state may enforce any applicable federal and state laws, regulations, and rules pertaining to the packaging and transportation of waste generated within or passing through its borders. Nothing in this section shall be construed to require a party state to enter into any agreement with the United States nuclear regulatory commission.

e. Each party state shall provide to the commission any data and information the commission requires to implement its responsibilities. Each party state shall establish the capability to obtain any data and information required by the commission.

ARTICLE VI--DEVELOPMENT AND OPERATION OF FACILITIES

a. Any party state may volunteer to become a host state, and the commission may designate that state as a host state upon a two-thirds vote to its members.

b. If all regional facilities required by the regional management plan are not developed pursuant to section a, or upon notification that an existing regional facility will be closed, the commission may designate a host state.

c. Each party state designated as a host state is responsible for determining possible facility locations within its borders. The selection of a facility site shall not conflict with applicable federal and host state laws, regulations, and rules not inconsistent with this compact and shall be based on factors including, but not limited to, geological, environmental, and economic viability of possible facility locations.

d. Any party state designated as a host state may request the commission to relieve that state of the responsibility to serve as a host state. The commission may relieve a party

state of this responsibility only upon a showing by the requesting party state that no feasible potential regional facility site of the type it is designated to host exists within its borders.

e. After a state is designated a host state by the commission, it is responsible for the timely development and operation of a regional facility.

f. To the extent permitted by federal and state law, a host state shall regulate and license any facility within its borders and ensure the extended care of that facility.

g. The commission may designate a party state as a host state while a regional facility is in operation if the commission determines that an additional regional facility is or may be required to meet the needs of the region. The commission shall make this designation following the procedures established under article IV.

h. Designation of a host state is for a period of twenty years or the life of the regional facility which is established under that designation, whichever is longer. Upon request of a host state, the commission may modify the period of its designation.

i. A host state may establish a fee system for any regional facility within its borders. The fee system shall be reasonable and equitable. This fee system shall provide the host state with sufficient revenue to cover any costs, including but not limited to the planning, siting, licensure, operation, decommissioning, extended care, and long-term liability, associated with such facilities. This fee system may also include reasonable revenue beyond the costs incurred for the host state, subject to approval by the commission. A host state shall submit an annual financial audit of the operation of the regional facility to the commission. The fee system may include incentives for source reduction and may be based on the hazard of the waste as well as the volume.

j. A host state shall ensure that a regional facility

located within its borders which is permanently closed is properly decommissioned. A host state shall also provide for the care of a closed or decommissioned regional facility within its borders so that the public health and safety of the state and region are ensured.

k. A host state intending to close a regional facility located within its borders shall notify the commission in writing of its intention and the reasons. Notification shall be given to the commission at least five years prior to the intended date of closure. This section shall not prevent an emergency closing of a regional facility by a host state to protect its air, land, and water resources and the health and safety of its citizens. However, a host state which has an emergency closing of a regional facility shall notify the commission in writing within three working days of its action and shall, within thirty working days of its action, demonstrate justification for the closing.

l. If a regional facility closes before an additional or new facility becomes operational, waste generated within the region may be shipped temporarily to any location agreed on by the commission until a regional facility is operational.

m. A party state which is designated as a host state by the commission and fails to fulfill its obligations as a host state may have its privileges under the compact suspended or membership in the compact revoked by the commission.

ARTICLE VII--OTHER LAWS AND REGULATIONS

a. Nothing in this compact:

1. Abrogates or limits the applicability of any act of congress or diminishes or otherwise impairs the jurisdiction of any federal agency expressly conferred thereon by the congress;

2. Prevents the enforcement of any other law of a party state which is not inconsistent with this compact;

3. Prohibits any storage or treatment of waste by the generator on its own premises;

4. Affects any administrative or judicial proceeding pending on the effective date of this compact;

5. Alters the relations between and the respective internal responsibility of the government of a party state and its subdivisions;

6. Affects the generation, treatment, storage, or disposal of waste generated by the atomic energy defense activities of the secretary of the United States department of energy or successor agencies or federal research and development activities as defined in 42 U.S.C. sec. 2021; or

7. Affects the rights and powers of any party state or its political subdivisions to the extent not inconsistent with this compact, to regulate and license any facility or the transportation of waste within its borders or affects the rights and powers of any party state or its political subdivisions to tax or impose fees on the waste managed at any facility within its border.

8. Requires a party state to enter into any agreement with the United States nuclear regulatory commission.

9. Alters or limits liability of transporters of waste, owners, and operators of sites for their acts, omissions, conduct, or relationships in accordance with applicable laws.

b. For purposes of this compact, all state laws or parts of laws in conflict with this compact are hereby superseded to the extent of the conflict.

c. No law, rule, or regulation of a party state or of any of its subdivisions or instrumentalities may be applied in a manner which discriminates against the generators of another party state.

ARTICLE VIII--ELIGIBLE PARTIES, WITHDRAWAL, REVOCATION, ENTRY INTO FORCE, TERMINATION

a. Eligible parties to this compact are the states of Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Virginia, and Wisconsin. Eligibility terminates on July 1, 1984.

b. Any state not eligible for membership in the compact may petition the commission for eligibility. The commission may establish appropriate eligibility requirements. These requirements may include, but are not limited to, an eligibility fee or designation as a host state. A petitioning state becomes eligible for membership in the compact upon the approval of the commission, including the affirmative vote of all host states. Any state becoming eligible upon the approval of the commission becomes a member of the compact in the same manner as any state eligible for membership at the time this compact enters into force.

c. An eligible state becomes a party state when the state enacts the compact into law and pays the membership fee required in article III, section 1, subsection 1.

d. The commission is formed upon the appointment of commission members and the tender of the membership fee payable to the commission by three party states. The governor of the first state to enact this compact shall convene the initial meeting of the commission. The commission shall cause legislation to be introduced in the congress which grants the consent of the congress to this compact, and shall take action necessary to organize the commission and implement the provisions of this compact.

e. Any party state may withdraw from this compact by repealing the authorizing legislation but no withdrawal may take effect until five years after the governor of the withdrawing state gives notice in writing of the withdrawal to the commission and to the governor of each party state. Withdrawal does not affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal. Any host state which grants a disposal permit for waste generated in a withdrawing state shall void the permit when the withdrawal of that state is effective.

f. Any party state which fails to comply with the terms of this compact or fails to fulfill its obligations may have

its privileges suspended or its membership in the compact revoked by the commission in accordance with article III, section 1, subsection 6. Revocation takes effect one year from the date the affected party state receives written notice from the commission of its action. All legal rights of the affected party state established under this compact cease upon the effective date of revocation but any legal obligations of that party state arising prior to revocation continue until they are fulfilled. The chairperson of the commission shall transmit written notice of a revocation of a party state's membership in the compact immediately following the vote of the commission to the governor of the affected party state, all other governors of the party states and the congress of the United States.

g. This compact becomes effective July 1, 1983, or at any date subsequent to July 1, 1983, upon enactment by at least three eligible states. However, article IX, section b shall not take effect until the congress has by law consented to this compact. The congress shall have an opportunity to withdraw such consent every five years. Failure of the congress to affirmatively withdraw its consent has the effect of renewing consent for an additional five-year period. The consent given to this compact by the congress shall extend to any future admittance of new party states under sections b and c of this article and to the power of the region to ban the shipment of waste from the region pursuant to article III.

h. The withdrawal of a party state from this compact under section e of this article or the revocation of a state's membership in this compact under section f of this article does not affect the applicability of this compact to the remaining party states.

i. A state which has been designated by the commission to be a host state has ninety days from receipt by the governor of written notice of designation to withdraw from the compact

without any right to receive refund of any funds already paid pursuant to this compact, and without any further payment. Withdrawal becomes effective immediately upon notice as provided in section c. A designated host state which withdraws from the compact after ninety days and prior to fulfilling its obligations shall be assessed a sum the commission determines to be necessary to cover the costs borne by the commission and remaining party states as a result of that withdrawal.

ARTICLE IX--PENALTIES

a. Each party state shall prescribe and enforce penalties against any person who is not an official of another state for violation of any provision of this compact.

b. Unless otherwise authorized by the commission pursuant to article III, section h after January 1, 1986, it is a violation of this compact:

1. For any person to deposit at a regional facility waste not generated within the region;
2. For any regional facility to accept waste not generated within the region;
3. For any person to export from the region waste which is generated within the region; or
4. For any person to dispose of waste at a facility other than a regional facility.

c. Each party state acknowledges that the receipt by a host state of waste packaged or transported in violation of applicable laws, rules, and regulations may result in the imposition of sanctions by the host state which may include suspension or revocation of the violator's right of access to the facility in the host state.

d. Each party state has the right to seek legal recourse against any party state which acts in violation of this compact.

ARTICLE X--SEVERABILITY AND CONSTRUCTION

The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared by a court of competent jurisdiction to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If any provision of this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 195, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved March 13, 1983

TERRY E. BRANSTAD
Governor

S.F. 195