

FILED MAR 8 1971

SENATE FILE 365

By COMMITTEE ON IOWA DEVELOPMENT

Passed Senate, Date 3-26-71 Passed House, Date 3-30-71  
Vote: Ayes 41 Nays 1 Vote: Ayes 96 Nays 0  
Approved April 9, 1971

### A BILL FOR

1 An Act to provide for this state to enter into the midwest  
2 nuclear compact.

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

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1 Amend Senate File 365 as follows:  
2 Page 3, line 21, by inserting after the word  
3 "require" the words ", shall be bonded in such amounts  
4 as the board may require".

By CURRAN

Filed - *adopted 3/26*  
March 10, 1971

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

5 ARTICLE I - POLICY AND PURPOSE

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

24 ARTICLE II - THE BOARD

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

1 alternate or alternates, and changes therein. If more than  
2 one alternate is designated, the designating authority also  
3 shall inform the board of the order in which the alternates  
4 are empowered to act.

5 (b) Upon invitation of the board, federal agencies may  
6 be represented on the board without vote, if statutory or  
7 administrative provision within the federal government is  
8 made therefor.

9 (c) The board members of the party states shall each be  
10 entitled to one vote on the board. No action of the board  
11 shall be binding unless taken at a meeting at which a majority  
12 of all members representing the party states are present and  
13 unless a majority of the total number of votes on the board  
14 are cast in favor thereof.

15 (d) The board shall have a seal.

16 (e) The board shall elect annually, from among its mem-  
17 bers, a chairman, a vice chairman, and a treasurer. The board  
18 shall appoint an executive director who shall serve at its  
19 pleasure and who also shall act as secretary, and who, together  
20 with the treasurer and such other personnel as the board may  
21 require.

22 (f) Irrespective of the civil service, personnel or other  
23 merit system laws of any of the party states, the executive  
24 director, with the approval of the board, shall appoint and  
25 remove or discharge such personnel as may be necessary for  
26 the performance of the board's functions.

27 (g) The board may establish and maintain, independently  
28 or in conjunction with any one or more of the party states,  
29 a suitable retirement system for its full-time employees.  
30 Employees of the board shall be eligible for social security  
31 coverage in respect of old age and survivors insurance pro-  
32 vided that the board takes such steps as may be necessary  
33 pursuant to federal law to participate in such program of  
34 insurance as a governmental agency or unit. The board may  
35 establish and maintain or participate in such additional

1 programs of employee benefits as may be appropriate.

2 (h) The board may borrow, accept, or contract for the  
3 services of personnel from any state or the United States  
4 or any subdivision or agency thereof, from any interstate  
5 agency, or from any institution, person, firm or corporation.

6 (i) The board may accept for any of its purposes and func-  
7 tions under this compact any and all donations, and grants  
8 of money, equipment, supplies, materials, and services, condi-  
9 tional or otherwise, from any state or the United States,  
10 or any subdivision or agency thereof, or interstate agency,  
11 or from any institution, person, firm, or corporation, and  
12 may receive, utilize, and dispose of the same. Any  
13 arrangements pursuant to this paragraph or paragraph (h) of  
14 this Article shall be detailed in the annual report of the  
15 board. Such report shall include the identity of the donor,  
16 lender or contractor, the nature of the transaction, and the  
17 conditions, if any.

18 (j) The board may establish and maintain such facilities  
19 as may be necessary for the transacting of its business.  
20 The board may acquire, hold, and convey real and personal  
21 property and any interest therein.

22 (k) The board shall adopt bylaws for the conduct of its  
23 business, and shall have the power to amend and rescind these  
24 bylaws. The board shall publish its bylaws in convenient  
25 form, and shall file a copy thereof, and of any amendment  
26 thereto, with the designated agency or officer in each of  
27 the party states.

28 (l) The board annually shall make to the governor and  
29 legislature of each party state, a report covering the activi-  
30 ties of the board for the preceding year, and embodying such  
31 recommendations as may have been adopted by the board. The  
32 board may issue such additional reports as it may deem desir-  
33 able.

34 ARTICLE III - FINANCE

35 (a) The board shall submit to the governor or designated

1 officer or officers of each party state a budget of its esti-  
2 mated expenditures for such period as may be required by the  
3 laws of that jurisdiction for presentation to the legislature  
4 thereof.

5 (b) Each of the board's budgets of estimated expenditures  
6 shall contain specific recommendations of the amount or amounts  
7 to be appropriated by each of the party states. One-half  
8 of the total amount of each budget of estimated expenditures  
9 shall be apportioned among the party states in accordance  
10 with the ratio of their populations to the total population  
11 of the entire group of party states based on the last decennial  
12 federal census; one-quarter of each such budget shall be  
13 apportioned among the party states in equal shares; and one-  
14 quarter of each such budget shall be apportioned among the  
15 party states on the basis of the relative average per capita  
16 income of the inhabitants in each of the party states based  
17 on the latest computations published by the federal census-  
18 taking agency. Subject to appropriation by their respective  
19 legislatures, the board shall be provided with such funds  
20 by each of the party states as are necessary to provide the  
21 means of establishing and maintaining facilities, a staff  
22 of personnel, and such activities as may be necessary to  
23 fulfill the powers and duties imposed upon and entrusted to  
24 the board.

25 (c) The board may meet any of its obligations in whole  
26 or in part with funds available to it under Article II (i)  
27 of this compact, provided that the board takes specific action  
28 setting aside such funds prior to the incurring of any obli-  
29 gation to be met in whole or in part in this manner. Except  
30 where the board makes use of funds available to it under  
31 Article II (i) hereof, the board shall not incur any obligation  
32 prior to the allotment of funds by the party jurisdictions  
33 adequate to meet the same.

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

1 board.

2 (c) The board shall keep accurate accounts of all receipts  
3 and disbursements. The receipts and disbursements of the  
4 board shall be subject to the audit and accounting procedures  
5 established under its bylaws. However, all receipts and  
6 disbursements of funds handled by the board shall be audited  
7 yearly by a certified or licensed public accountant and the  
8 report of the audit shall be included in and become part of  
9 the annual report of the board.

10 (f) The accounts of the board shall be open at any reason-  
11 able time for inspection by duly authorized representatives  
12 of the party states and by persons authorized by the board.

13 ARTICLE IV - ADVISORY AND TECHNICAL COMMITTEES

14 The board may establish such advisory and technical com-  
15 mittees as it may deem necessary, membership on which may  
16 include representatives of industry, labor, commerce, agri-  
17 culture, medicine, health and education; other professional,  
18 scientific, and civic groups and interests; officials of  
19 local, state and federal government; and representatives of  
20 the general public, and may cooperate with and use the services  
21 of any such committees and the organizations which they repre-  
22 sent in furthering any of its activities under this compact.

23 ARTICLE V - POWERS

24 The board shall have power to:

25 (a) Encourage and promote cooperation among the party  
26 states in the development and utilization of nuclear and  
27 related technologies and their application to industry and  
28 other fields.

29 (b) Ascertain and analyze on a continuing basis the posi-  
30 tion of the midwest with respect to the employment in industry  
31 of nuclear and related scientific findings and technologies.

32 (c) Encourage the development and use of scientific  
33 advances and discoveries in nuclear facilities, energy, mate-  
34 rials, products, by-products, and all other appropriate  
35 adaptations of scientific and technological advances and

1 discoveries.

2 (d) Collect, correlate, and disseminate information relat-  
3 ing to civilian uses of nuclear energy, materials, and  
4 products, and other products and processes resulting from  
5 the application of related science and technology.

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

9 1. Nuclear industry, medicine, or education, or the promo-  
10 tion or regulation thereof.

11 2. Applying nuclear scientific advances or discoveries,  
12 and any industrial, commercial or other processes resulting  
13 therefrom.

14 3. The formulation or administration of measures designed  
15 to promote safety in any matter related to the development,  
16 use or disposal of nuclear energy, materials, products, by-  
17 products, installations, or wastes, or to safety in the pro-  
18 duction, use and disposal of any other substances peculiarly  
19 related thereto.

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

24 (g) Undertake such nonregulatory functions with respect  
25 to non-nuclear sources of radiation as may promote the economic  
26 development and general welfare of the midwest.

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

30 (i) Recommend such changes in, or amendments or additions  
31 to the laws, codes, rules, regulations, administrative pro-  
32 cedures and practices or local laws or ordinances of the party  
33 states or their subdivisions in nuclear and related fields,  
34 as in its judgment may be appropriate. Any such  
35 recommendations shall be made through the appropriate state

1 agency, with due consideration of the desirability of  
2 uniformity but shall also give appropriate weight to any  
3 special circumstances which may justify variations to meet  
4 local conditions.

5 (j) Consider and make recommendations designed to facili-  
6 tate the transportation of nuclear equipment, materials,  
7 products, by-products, wastes, and any other nuclear or related  
8 substances, in such manner and under such conditions as will  
9 make their availability or disposal practicable on an economic  
10 and efficient basis.

11 (k) Consider and make recommendations with respect to  
12 the assumption of and protection against liability actually  
13 or potentially incurred in any phase of operations in nuclear  
14 and related fields.

15 (l) Advise and consult with the federal government con-  
16 cerning the common position of the party states in respect  
17 to nuclear and related fields.

18 (m) ~~Co~~operate with the atomic energy commission, the  
19 national aeronautics and space administration, the office  
20 of science and technology, or any agencies successor thereto,  
21 any other officer or agency of the United States, and any  
22 other governmental unit or agency or officer thereof, and  
23 with any private persons or agencies in any of the fields  
24 of its interest.

25 (n) Act as licensee, contractor or subcontractor of the  
26 United States government or any party state with respect to  
27 the conduct of any research activity requiring such license  
28 or contract and operate such research facility or undertake  
29 any program pursuant thereto, provided that this power shall  
30 be exercised only in connection with the implementation of  
31 one or more other powers conferred upon the board by this  
32 compact.

33 (o) Prepare, publish and distribute, with or without  
34 charge, such reports, bulletins, newsletters, or other mate-  
35 rials as it deems appropriate.

1 (p) Ascertain from time to time such methods, practices,  
2 circumstances, and conditions as may bring about the preven-  
3 tion and control of nuclear incidents in the area comprising  
4 the party states, to coordinate the nuclear incident preven-  
5 tion and control plans and the work relating thereto of the  
6 appropriate agencies of the party states and to facilitate  
7 the rendering of aid by the party states to each other in  
8 coping with nuclear incidents. The board may formulate and,  
9 in accordance with need from time to time, revise a regional  
10 plan or regional plans for coping with nuclear incidents  
11 within the territory of the party states as a whole or within  
12 any subregion or subregions of the geographic area covered  
13 by this compact. Any nuclear incident plan in force pursuant  
14 to this paragraph shall designate the official or agency in  
15 each party state covered by the plan who shall coordinate  
16 requests for aid pursuant to Article VI of this compact and  
17 the furnishing of aid in response thereto. Unless the party  
18 states concerned expressly otherwise agree, the board shall  
19 not administer the summoning and dispatching of aid, but this  
20 function shall be undertaken directly by the designated  
21 agencies and officers of the party states. However, the plan  
22 or plans of the board in force pursuant to this paragraph  
23 shall provide for reports to the board concerning the  
24 occurrence of nuclear incidents and the requests for aid on  
25 account thereof, together with summaries of the actual working  
26 and effectiveness of mutual aid in particular instances.  
27 From time to time, the board shall analyze the information  
28 gathered from reports of aid pursuant to Article VI and such  
29 other instances of mutual aid as may have come to its  
30 attention, so that experience in the rendering of such aid  
31 may be available.

32 ARTICLE VI - MUTUAL AID

33 (a) Whenever a party state, or any state or local govern-  
34 mental authorities therein, request aid from any other party  
35 state pursuant to this compact in coping with a nuclear inci-

1 dent, it shall be the duty of the requested state to render  
2 all possible aid to the requesting state which is consonant  
3 with the maintenance of protection of its own people.

4 (b) Whenever the officers or employees of any party state  
5 are rendering outside aid pursuant to the request of another  
6 party state under this compact, the officers or employees  
7 of such state shall, under the direction of the authorities  
8 of the state to which they are rendering aid, have the same  
9 powers, duties, rights, privileges and immunities as comparable  
10 officers and employees of the state to which they are render-  
11 ing aid.

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

17 (d) All liability that may arise either under the laws  
18 of the requesting state or under the laws of the aiding state  
19 or under the laws of a third state on account of or in  
20 connection with a request for aid, shall be assured and borne  
21 by the requesting state.

22 (e) Any party state rendering outside aid pursuant to  
23 this compact shall be reimbursed by the party state receiving  
24 such aid for any loss or damage to, or expense incurred in  
25 the operation of any equipment answering a request for aid,  
26 and for the cost of all materials, transportation, wages,  
27 salaries and maintenance of officers, employees and equipment  
28 incurred in connection with such request: provided that  
29 nothing herein contained shall prevent any assisting party  
30 state from assuming such loss, damage, expense or other cost  
31 or from loaning such equipment or from donating such services  
32 to the receiving party state without charge or cost.

33 (f) Each party state shall provide for the payment of  
34 compensation and death benefits to injured officers and  
35 employees and the representatives of deceased officers and

1 employees in case officers or employees sustain injuries or  
2 death while rendering outside aid pursuant to this compact,  
3 in the same manner and on the same terms as if the injury  
4 or death were sustained within the state by or in which the  
5 officer or employee was regularly employed.

6 ARTICLE VII - SUPPLEMENTARY AGREEMENTS

7 (a) To the extent that the board has not undertaken an  
8 activity or project which would be within its power under  
9 the provisions of Article V of this compact, any two or more  
10 of the party states, acting by their duly constituted  
11 administrative officials, may enter into supplementary  
12 agreements for the undertaking and continuance of such an  
13 activity or project. Any such agreement shall specify its  
14 purpose or purposes; its duration and the procedure for  
15 termination thereof or withdrawal therefrom; the method of  
16 financing and allocating the costs of the activity or project;  
17 and such other matters as may be necessary or appropriate.  
18 No such supplementary agreement entered into pursuant to this  
19 Article shall become effective prior to its submission to  
20 and approval by the board. The board shall give such approval  
21 unless it finds that the supplementary agreement or the  
22 activity or project contemplated thereby is inconsistent with  
23 the provisions of this compact or a program or activity  
24 conducted by or participated in by the board.

25 (b) Unless all of the party states participate in a supple-  
26 mentary agreement, any cost or costs thereof shall be borne  
27 separately by the states party thereto. The board, if re-  
28 quested, may administer or otherwise assist in the operation  
29 of any supplementary agreement.

30 (c) No party to a supplementary agreement entered into  
31 pursuant to this Article shall be relieved thereby of any  
32 obligation or duty assumed by said party state under or pur-  
33 suant to this compact, except that timely and proper perfor-  
34 mance of such obligation or duty by means of the supplementary  
35 agreement may be offered as performance pursuant to the com-

1 pact.

2 (d) The provisions of this Article shall apply to supple-  
3 mentary agreements and activities thereunder, but shall not  
4 be construed to repeal or impair any authority which officers  
5 or agencies of party states may have pursuant to other laws  
6 to undertake cooperative arrangements or projects.

7 ARTICLE VIII - OTHER LAWS AND RELATIONS

8 Nothing in this compact shall be construed to:

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

13 (b) Limit, diminish, affect, or otherwise impair jurisdic-  
14 tion exercised by the atomic energy commission, any agency  
15 successor thereto, or any other federal department, agency  
16 or officer pursuant to and in conformity with any valid and  
17 operative act of congress; nor limit, diminish, affect, or  
18 otherwise impair jurisdiction exercised by any officer or  
19 agency of a party state, except to the extent that the  
20 provisions of this compact may provide therefor.

21 (c) Alter the relations between and respective internal  
22 responsibilities of the government of a party state and its  
23 subdivisions.

24 (d) Permit or authorize the board to exercise any regula-  
25 tory authority or to own or operate any nuclear reactor for  
26 the commercial generation of electric energy; nor shall the  
27 board own or operate any nuclear facility or installation  
28 on a commercial or profit-making basis.

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

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

34 (b) As to any eligible party state, this compact shall  
35 become effective when its legislature shall have enacted the

1 same into law: provided that it shall not become initially  
2 effective until enacted into law by six states.

3 (c) Any party state may withdraw from this compact by  
4 enacting a statute repealing the same, but no such withdrawal  
5 shall become effective until two years after the governor  
6 of the withdrawing state shall have sent formal notice in  
7 writing to the governor of each other party state informing  
8 said governors of the action of the legislature in repealing  
9 the compact and declaring an intention to withdraw. A  
10 withdrawing state shall be liable for any obligations which  
11 it may have incurred on account of its party status up to  
12 the effective date of withdrawal, except that if the  
13 withdrawing state has specifically undertaken or committed  
14 itself to any performance of an obligation extending beyond  
15 the effective date of withdrawal it shall remain liable to  
16 the extent of such obligation.

17 ARTICLE X - SEVERABILITY AND CONSTRUCTION

18 The provisions of this compact and of any supplementary  
19 agreement entered into hereunder shall be severable and if  
20 any phrase, clause, sentence or provision of this compact  
21 or such supplementary agreement is declared to be contrary  
22 to the constitution of any participating state or of the  
23 United States or the applicability thereof to any government,  
24 agency, person, or circumstance is held invalid, the validity  
25 of the remainder of this compact or such supplementary  
26 agreement and the applicability thereof to any government,  
27 agency, person or circumstance shall not be affected thereby.  
28 If this compact or any supplementary agreement entered into  
29 hereunder shall be held contrary to the constitution of any  
30 state participating therein, the compact or such supplementary  
31 agreement shall remain in full force and effect as to the  
32 remaining states and in full force and effect as to the state  
33 affected as to all severable matters. The provisions of this  
34 compact and of any supplementary agreement entered into  
35 pursuant hereto shall be liberally construed to effectuate

1 the purposes thereof.

2 Sec. 2. The member and any alternate member of the midwest  
3 nuclear board representing the state shall be appointed by  
4 the governor.

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

8 Sec. 4. The provisions of chapter eighty-five (85) of  
9 the Code and any benefits payable thereunder shall apply and  
10 be payable to any persons dispatched to another state pursuant  
11 to Article VI of the compact. If the aiding personnel are  
12 officers or employees of subdivisions of this state, they  
13 shall be entitled to the same workmen's compensation or other  
14 benefits in case of injury or death to which they would have  
15 been entitled if injured or killed while engaged in coping  
16 with a nuclear incident in their jurisdictions of regular  
17 employment.

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#### EXPLANATION

19 The Midwest Nuclear Compact seeks to foster the industrial  
20 progress of the Midwest through the proper employment of  
21 scientific and technological advances in nuclear and related  
22 fields. The compact is designed to maximize the benefits  
23 of nuclear and related scientific or technological resources,  
24 facilities and skills through the cooperative efforts of the  
25 midwestern states.

26 A Midwest Nuclear Board would be established by the compact  
27 with each party state entitled to one vote on the Board.

28 The Board would be empowered to encourage cooperation among  
29 the member states in nuclear matters, examine the extent to  
30 which nuclear and related scientific fields are employed by  
31 the region's industries, encourage the use of scientific  
32 advances, act as a clearinghouse of information on civilian  
33 uses of nuclear energy materials and products, and conduct  
34 or cooperate in conducting programs for training of personnel  
35 working in nuclear and related industries. The Board also

1 would be empowered to organize and conduct or assist in the  
2 development of demonstrations or research in any scientific,  
3 technological and industrial fields to which the Compact  
4 relates. Several additional provisions are designed to aid  
5 the Board in making recommendations, providing counsel, and  
6 acting as an agent for research projects in the field of  
7 nuclear energy and related areas.

8 The Compact provides for mutual aid between the party  
9 states in the advent of nuclear incidents and spells out the  
10 conditions under which such aid shall be administered. The  
11 Compact also provides for supplementary agreements concerned  
12 with activities or projects not inconsistent with the  
13 provisions of the Compact and defines the conditions and  
14 procedures governing such supplementary agreements.

15 States eligible to join the compact are as follows:  
16 Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota,  
17 Missouri, Nebraska, North Dakota, Ohio, South Dakota, and  
18 Wisconsin.

19 The Iowa participation can be handled by the Iowa Develop-  
20 ment Commission through use of their existing staff.

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SENATE FILE 365  
FISCAL NOTE

Date prepared March 22, 1971

Requested by Senator Curran.

Prepared in regard to S.F. 365, an Act to provide for this state to enter into the midwest nuclear compact. Following is the fiscal effect in dollars of the legislative proposal as required by Rule 31.

The estimated annual cost to Iowa based on an annual contribution rate of 6.7% and 12 states in the compact is as follows:

	<u>Total Estimated Budget</u>	<u>Iowa's Share</u>
1st Year	\$ 70,000	4,690
2nd Year	90,000	6,030
3rd Year	110,000	7,370
4th Year	130,000	8,710
5th Year	150,000	10,050

It is estimated that after the fifth year the cost will level off and increase only slightly each year.

Iowa's share of the costs will be greater if less than 12 states enact the compact.

This compact will not become initially effective until enacted into law by six states. Currently, only Illinois has enacted this compact into law. Therefore, if this bill is passed, it may not involve an immediate expenditure by the State.

Source : State Department of Health

Filed  
March 22, 1971

By GERRY D. RANKIN  
Legislative Fiscal Director