

Introduced: 1/31/69
Referred: State Affairs
and Judiciary

BY THE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 48

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act entering into the Western Interstate Nuclear
7 Compact."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 41 is amended by adding a new chapter to read:

10 CHAPTER 12. WESTERN INTERSTATE NUCLEAR COMPACT

11 Sec. 41.12.010. ENTRY INTO COMPACT. The Western Interstate
12 Nuclear Compact, hereinafter called "the compact", is hereby enacted
13 into law and entered into with all other states legally joining
14 therein, in the form substantially as follows:

15 ARTICLE I. POLICY AND PURPOSE

16 The party states recognize that the proper employment of scienti-
17 fic and technological discoveries and advances in nuclear and related
18 fields and direct and collateral application and adaptation of
19 processes and techniques developed in connection therewith, properly
20 correlated with the other resources of the region, can assist
21 substantially in the industrial progress of the West and the further
22 development of the economy of the region. They also recognize that
23 optimum benefit from nuclear and related scientific or technological
24 resources, facilities and skills require systematic encouragement,
25 guidance, assistance, and promotion from the party states on a
26 cooperative basis. It is the policy of the party states to undertake
27 such cooperation on a continuing basis. It is the purpose of this
28 compact to provide the instruments and framework for such a coopera-
29 tive effort in nuclear and related fields, to enhance the economy of

1 the West and contribute to the individual and community well-being
2 of the region's people.

ARTICLE II. THE BOARD

3
4 (a) There is hereby created an agency of the party states to
5 be known as the "Western Interstate Nuclear Board" (hereinafter
6 called the Board). The Board shall be composed of one member from
7 each party state designated or appointed in accordance with the law
8 of the state which he represents and serving and subject to removal
9 in accordance with such law. Any member of the Board may provide for
10 the discharge of his duties and the performance of his functions
11 thereon (either for the duration of his membership or for any lesser
12 period of time) by a deputy or assistant, if the laws of his state
13 make specific provisions therefor. The federal government may be
14 represented without vote if provision is made by federal law for such
15 representation.

16 (b) The Board members of the party states shall each be
17 entitled to one vote on the Board. No action of the Board shall be
18 binding unless taken at a meeting at which a majority of all members
19 representing the party states are present and unless a majority of
20 the total number of votes on the Board are cast in favor thereof.

21 (c) The Board shall have a seal.

22 (d) The Board shall elect annually, from among its members, a
23 chairman, a vice chairman, and a treasurer. The Board shall appoint
24 and fix the compensation of an Executive Director who shall serve at
25 its pleasure and who shall also act as Secretary, and who, together with
26 the Treasurer, and such other personnel as the Board may direct, shall
27 be bonded in such amounts as the Board may require.

28 (e) The Executive Director, with the approval of the Board,
29 shall appoint and remove or discharge such personnel as may be

1 necessary for the performance of the Board's functions irrespective
2 of the civil service, personnel or other merit system laws of any of
3 the party states.

4 (f) The Board may establish and maintain, independently or in
5 conjunction with any one or more of the party states, or its institu-
6 tions or subdivisions, a suitable retirement system for its full-time
7 employees. Employees of the Board shall be eligible for social
8 security coverage in respect of old age and survivors insurance pro-
9 vided that the Board takes such steps as may be necessary pursuant
10 to federal law to participate in such program of insurance as a
11 governmental agency or unit. The Board may establish and maintain
12 or participate in such additional programs of employee benefits as
13 may be appropriate.

14 (g) The Board may borrow, accept, or contract for the services
15 of personnel from any state or the United States or any subdivision
16 or agency thereof, from any interstate agency, or from any institution,
17 person, firm or corporation.

18 (h) The Board may accept for any of its purposes and functions
19 under this compact any and all donations, and grants of money,
20 equipment, supplies, materials and services (conditional or otherwise)
21 from any state or the United States or any subdivision or agency
22 thereof, or interstate agency, or from any institution, person,
23 firm, or corporation, and may receive, utilize, and dispose of the
24 same. The nature, amount and conditions, if any, attendant upon any
25 donation or grant accepted pursuant to this paragraph or upon any
26 borrowing pursuant to paragraph (g) of this Article, together with
27 the identity of the donor, grantor or lender, shall be detailed in
28 the annual report of the Board.

29 (i) The Board may establish and maintain such facilities as may

1 be necessary for the transacting of its business. The Board may
2 acquire, hold, and convey real and personal property and any
3 interest therein.

4 (j) The Board shall adopt bylaws, rules, and regulations for
5 the conduct of its business, and shall have the power to amend and
6 rescind these bylaws, rules, and regulations. The Board shall
7 publish its bylaws, rules, and regulations in convenient form and
8 shall file a copy thereof, and shall also file a copy of any amend-
9 ments thereto, with the appropriate agency or officer in each of the
10 party states.

11 (k) The Board annually shall make to the governor of each
12 party state, a report covering the activities of the Board for the
13 preceding year, and embodying such recommendations as may have been
14 adopted by the Board, which report shall be transmitted to the
15 legislature of said state. The Board may issue such additional
16 reports as it may deem desirable.

17 ARTICLE III. FINANCES

18 (a) The Board shall submit to the governor or designated
19 officer or officers of each party state a budget of its estimated
20 expenditures for such period as may be required by the laws of that
21 jurisdiction for presentation to the legislature thereof.

22 (b) Each of the Board's budgets of estimated expenditures shall
23 contain specific recommendations of the amount or amounts to be
24 appropriated by each of the party states. Each of the Board's
25 requests for appropriations pursuant to a budget of estimated
26 expenditures shall be apportioned equally among the party states.
27 Subject to appropriation by their respective legislatures, the Board
28 shall be provided with such funds by each of the party states as are
29 necessary to provide the means of establishing and maintaining

1 facilities, a staff of personnel, and such activities as may be
2 necessary to fulfill the powers and duties imposed upon and entrusted
3 to the Board.

4 (c) The Board may meet any of its obligations in whole or in
5 part with funds available to it under Article II (h) of this compact,
6 provided that the Board takes specific action setting aside such funds
7 prior to the incurring of any obligation to be met in whole or in
8 part in this manner. Except where the Board makes use of funds
9 available to it under Article II (h) hereof, the Board shall not
10 incur any obligation prior to the allotment of funds by the party
11 jurisdictions adequate to meet the same.

12 (d) Any expenses and any other costs for each member of the
13 Board in attending Board meetings shall be met by the Board.

14 (e) The Board shall keep accurate accounts of all receipts and
15 disbursements. The receipts and disbursements of the Board shall be
16 subject to the audit and accounting procedures established under its
17 bylaws. However, all receipts and disbursements of funds handled by
18 the Board shall be audited yearly by a certified or licensed public
19 accountant and the report of the audit shall be included in and
20 become a part of the annual report of the Board.

21 (f) The Accounts of the Board shall be open at any reasonable
22 time for inspection to persons authorized by the Board, and duly
23 designated representatives of governments contributing to the Board's
24 support.

25 ARTICLE IV. ADVISORY COMMITTEES

26 The Board may establish such advisory and technical committees
27 as it may deem necessary, membership on which may include but not be
28 limited to private citizens, expert and lay personnel, representa-
29 tives of industry, labor, commerce, agriculture, civic associations,

1 medicine, education, voluntary health agencies, and officials of
2 local, State and Federal Government, and may cooperate with and use
3 the services of any such committees and the organizations which they
4 represent in furthering any of its activities under this compact.

5 ARTICLE V. POWERS

6 The Board shall have power to

7 (a) Encourage and promote cooperation among the party states
8 in the development and utilization of nuclear and related techno-
9 logies and their application to industry and other fields.

10 (b) Ascertain and analyze on a continuing basis the position
11 of the West with respect to the employment in industry of nuclear
12 and related scientific findings and technologies.

13 (c) Encourage the development and use of scientific advances
14 and discoveries in nuclear facilities, energy, materials, products,
15 by-products, and all other appropriate adaptations of scientific and
16 technological advances and discoveries.

17 (d) Collect, correlate, and disseminate information relating
18 to the peaceful uses of nuclear energy, materials, and products, and
19 other products and processes resulting from the application of
20 related science and technology.

21 (e) Encourage the development and use of nuclear energy,
22 facilities, installations, and products as part of a balanced economy.

23 (f) Conduct, or cooperate in conducting, programs of training
24 for state and local personnel engaged in any aspects of:

25 (1) Nuclear industry, medicine, or education, or the
26 promotion or regulation thereof.

27 (2) Applying nuclear scientific advances or discoveries,
28 and any industrial commercial or other processes resulting therefrom.

29 (3) The formulation or administration of measures designed

1 to promote safety in any matter related to the development, use or
2 disposal of nuclear energy, materials, products, by-products,
3 installations, or wastes, or to safety in the production, use and
4 disposal of any other substances peculiarly related thereto.

5 (g) Organize and conduct, or assist and cooperate in organizing
6 and conducting, demonstrations or research in any of the scientific,
7 technological or industrial fields to which this compact relates.

8 (h) Undertake such nonregulatory functions with respect to
9 non-nuclear sources of radiation as may promote the economic develop-
10 ment and general welfare of the West.

11 (i) Study industrial, health, safety, and other standards, laws,
12 codes, rules, regulations, and administrative practices in or
13 related to nuclear fields.

14 (j) Recommend such changes in, or amendments or additions to
15 the laws, codes, rules, regulations, administrative procedures and
16 practices or local laws or ordinances of the party states or their
17 subdivisions in nuclear and related fields, as in its judgment may
18 be appropriate. Any such recommendations shall be made through the
19 appropriate state agency, with due consideration of the desirability
20 of uniformity but shall also give appropriate weight to any special
21 circumstances which may justify variations to meet local conditions.

22 (k) Consider and make recommendations designed to facilitate
23 the transportation of nuclear equipment, materials, products, by-
24 products, wastes, and any other nuclear or related substances, in
25 such manner and under such conditions as will make their availability
26 or disposal practicable on an economic and efficient basis.

27 (l) Consider and make recommendations with respect to the
28 assumption of and protection against liability actually or potentially
29 incurred in any phase of operations in nuclear and related fields.

1 (m) Advise and consult with the federal government concerning
2 the common position of the party states or assist party states with
3 regard to individual problems where appropriate in respect to nuclear
4 and related fields.

5 (n) Cooperate with the Atomic Energy Commission, the National
6 Aeronautics and Space Administration, the Office of Science and
7 Technology, or any agencies successor thereto, any other officer or
8 agency of the United States, and any other governmental unit or
9 agency or officer thereof, and with any private persons or agencies
10 in any of the fields of its interest.

11 (o) Act as licensee, contractor or sub-contractor of the
12 United States Government or any party state with respect to the
13 conduct of any research activity requiring such license or contract
14 and operate such research facility or undertake any program pursuant
15 thereto, provided that this power shall be exercised only in connec-
16 tion with the implementation of one or more other powers conferred
17 upon the Board by this compact.

18 (p) Prepare, publish and distribute (with or without charge)
19 such reports, bulletins, newsletters or other materials as it deems
20 appropriate.

21 (q) Ascertain from time to time such methods, practices,
22 circumstances, and conditions as may bring about the prevention and
23 control of nuclear incidents in the area comprising the party states,
24 to coordinate the nuclear incident prevention and control plans and
25 the work relating thereto of the appropriate agencies of the party
26 states and to facilitate the rendering of aid by the party states to
27 each other in coping with nuclear incidents.

28 The Board may formulate and, in accordance with need from time
29 to time, revise a regional plan or regional plans for coping with

1 nuclear incidents within the territory of the party states as a whole
2 or within any subregion or subregions of the geographic area covered
3 by this compact.

4 Any nuclear incident plan in force pursuant to this paragraph
5 shall designate the official or agency in each party state covered by
6 the plan who shall coordinate requests for aid pursuant to Article VI
7 of this compact and the furnishing of aid in response thereto.

8 Unless the party states concerned expressly otherwise agree,
9 the Board shall not administer the summoning and dispatching of aid,
10 but this function shall be undertaken directly by the designated
11 agencies and officers of the party states.

12 However, the plan or plans of the Board in force pursuant to
13 this paragraph shall provide for reports to the Board concerning the
14 occurrence of nuclear incidents and the requests for aid on account
15 thereof, together with summaries of the actual working and effective-
16 ness of mutual aid in particular instances.

17 From time to time, the Board shall analyze the information
18 gathered from reports of aid pursuant to Article VI and such other
19 instances of mutual aid as may have come to its attention, so that
20 experience in the rendering of such aid may be available.

21 (r) Prepare, maintain, and implement a regional plan or regional
22 plans for carrying out the duties, powers, or functions conferred
23 upon the Board by this compact.

24 (s) Undertake responsibilities imposed or necessarily involved
25 with regional participation pursuant to such cooperative programs of
26 the federal government as are useful in connection with the fields
27 covered by this compact.

28 **ARTICLE VI. MUTUAL AID**

29 (a) Whenever a party state, or any state or local governmental

1 authorities therein, request aid from any other party state pursuant
2 to this compact in coping with a nuclear incident, it shall be the
3 duty of the requested state to render all possible aid to the
4 requesting state which is consonant with the maintenance of pro-
5 tection of its own people.

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

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

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

22 (e) Any party state rendering outside aid pursuant to this
23 compact shall be reimbursed by the party state receiving such aid
24 for any loss or damage to, or expense incurred in the operation of
25 any equipment answering a request for aid, and for the cost of all
26 materials, transportation, wages, salaries and maintenance of
27 officers, employees and equipment incurred in connection with such
28 requests: provided that nothing herein contained shall prevent any
29 . assisting party state from assuming such loss, damage, expense or

1 other cost or from loaning such equipment or from donating such
2 services to the receiving party state without charge or cost.

3 (f) Each party state shall provide for the payment of compensa-
4 tion and death benefits to injured officers and employees and the
5 representatives of deceased officers and employees in case officers
6 or employees sustain injuries or death while rendering outside aid
7 pursuant to this compact, in the same manner and on the same terms
8 as if the injury or death were sustained within the state by or in
9 which the officer or employee was regularly employed.

10 ARTICLE VII. SUPPLEMENTARY AGREEMENTS

11 (a) To the extent that the Board has not undertaken an activity
12 or project which would be within its power under the provisions of
13 Article V of this compact, any two or more of the party states
14 (acting by their duly constituted administrative officials) may
15 enter into supplementary agreements for the undertaking and continu-
16 ance of such an activity or project. Any such agreement shall specify
17 the purpose or purposes; its duration and the procedure for termina-
18 tion thereof or withdrawal therefrom; the method of financing and
19 allocating the costs of the activity or project; and such other
20 matters as may be necessary or appropriate.

21 No such supplementary agreement entered into pursuant to this
22 article shall become effective prior to its submission to and
23 approval by the Board. The Board shall give such approval unless it
24 finds that the supplementary agreement or activity or project con-
25 templated thereby is inconsistent with the provisions of this compact
26 or a program or activity conducted by or participated in by the Board.

27 (b) Unless all of the party states participate in a supplementary
28 agreement, any cost or costs thereof shall be borne separately by the
29 states party thereto. However, the Board may administer or otherwise

1 assist in the operation of any supplementary agreement.

2 (c) No party to a supplementary agreement entered into pursuant
3 to this article shall be relieved thereby of any obligation or duty
4 assumed by said party state under or pursuant to this compact,
5 except that timely and proper performance of such obligation or duty
6 by means of the supplementary agreement may be offered as performance
7 pursuant to the compact.

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

13 ARTICLE VIII. OTHER LAWS AND RELATIONS

14 Nothing in this compact shall be construed to

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

19 (b) Limit, diminish, or otherwise impair jurisdiction exercised
20 by the Atomic Energy Commission, any agency successor thereto, or
21 any other federal department, agency or officer pursuant to and in
22 conformity with any valid and operative act of Congress; nor limit,
23 diminish, affect, or otherwise impair jurisdiction exercised by any
24 officer or agency of a party state, except to the extent that the
25 provisions of this compact may provide therefor.

26 (c) Alter the relations between and respective internal
27 responsibilities of the government of a party state and its subdivi-
28 sions.

29 (d) Permit or authorize the Board to own or operate any facility,

1 other cost or from loaning such equipment or from donating such
2 services to the receiving party state without charge or cost.

3 (f) Each party state shall provide for the payment of compensa-
4 tion and death benefits to injured officers and employees and the
5 representatives of deceased officers and employees in case officers
6 or employees sustain injuries or death while rendering outside aid
7 pursuant to this compact, in the same manner and on the same terms
8 as if the injury or death were sustained within the state by or in
9 which the officer or employee was regularly employed.

10 ARTICLE VII. SUPPLEMENTARY AGREEMENTS

11 (a) To the extent that the Board has not undertaken an activity
12 or project which would be within its power under the provisions of
13 Article V of this compact, any two or more of the party states
14 (acting by their duly constituted administrative officials) may
15 enter into supplementary agreements for the undertaking and continu-
16 ance of such an activity or project. Any such agreement shall specify
17 the purpose or purposes; its duration and the procedure for termina-
18 tion thereof or withdrawal therefrom; the method of financing and
19 allocating the costs of the activity or project; and such other
20 matters as may be necessary or appropriate.

21 No such supplementary agreement entered into pursuant to this
22 article shall become effective prior to its submission to and
23 approval by the Board. The Board shall give such approval unless it
24 finds that the supplementary agreement or activity or project con-
25 templated thereby is inconsistent with the provisions of this compact
26 or a program or activity conducted by or participated in by the Board.

27 (b) Unless all of the party states participate in a supplementary
28 agreement, any cost or costs thereof shall be borne separately by the
29 states party thereto. However, the Board may administer or otherwise

1 assist in the operation of any supplementary agreement.

2 (c) No party to a supplementary agreement entered into pursuant
3 to this article shall be relieved thereby of any obligation or duty
4 assumed by said party state under or pursuant to this compact,
5 except that timely and proper performance of such obligation or duty
6 by means of the supplementary agreement may be offered as performance
7 pursuant to the compact.

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

13 ARTICLE VIII. OTHER LAWS AND RELATIONS

14 Nothing in this compact shall be construed to

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

19 (b) Limit, diminish, or otherwise impair jurisdiction exercised
20 by the Atomic Energy Commission, any agency successor thereto, or
21 any other federal department, agency or officer pursuant to and in
22 conformity with any valid and operative act of Congress; nor limit,
23 diminish, affect, or otherwise impair jurisdiction exercised by any
24 officer or agency of a party state, except to the extent that the
25 provisions of this compact may provide therefor.

26 (c) Alter the relations between and respective internal
27 responsibilities of the government of a party state and its subdivi-
28 sions.

29 (d) Permit or authorize the Board to own or operate any facility,

1 reactor, or installation for industrial or commercial purposes.

2 ARTICLE IX, ELIGIBLE PARTIES, ENTRY INTO FORCE AND WITHDRAWAL.

3 (a) Any or all of the states of Alaska, Arizona, California,
4 Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah,
5 Washington, and Wyoming shall be eligible to become party to this
6 compact.

7 (b) As to any eligible party state, this compact shall become
8 effective when its legislature shall have enacted the same into law:
9 Provided, that it shall not become initially effective until enacted
10 into law by five states.

11 (c) Any party state may withdraw from this compact by enacting
12 a statute repealing the same, but no such withdrawal shall take effect
13 until two years after the governor of the withdrawing state has given
14 notice in writing of the withdrawal to the governors of all other
15 party states. No withdrawal shall affect any liability already
16 incurred by or chargeable to a party state prior to the time of such
17 withdrawal.

18 (d) Guam and American Samoa, or either of them may participate
19 in the compact to such extent as may be mutually agreed by the Board
20 and the duly constituted authorities of Guam or American Samoa, as
21 the case may be. However, such participation shall not include the
22 furnishing or receipt of mutual aid pursuant to Article VI, unless
23 that article has been enacted or otherwise adopted so as to have the
24 full force and effect of law in the jurisdiction affected. Neither
25 Guam nor American Samoa shall be entitled to voting participation
26 on the Board, unless it has become a full party to the compact.

27 ARTICLE X. SEVERABILITY AND CONSTRUCTION

28 The provisions of this compact and of any supplementary agreement
29 entered into hereunder shall be severable and if any phase, clause,

1 sentence or provision of this compact or such supplementary agreement
2 is declared to be contrary to the constitution of any participating
3 state or of the United States or the applicability thereof to any
4 government, agency, person, or circumstance is held invalid, the
5 validity of the remainder of this compact or such supplementary agree-
6 ment and the applicability thereof to any government, agency, person
7 or circumstance shall not be affected thereby. If this compact or
8 any supplementary agreement entered into hereunder shall be held
9 contrary to the constitution of any state participating therein, the
10 compact or such supplementary agreement shall remain in full force and
11 effect as to the remaining states and in full force and effect as to
12 the state affected as to all severable matters. The provisions of
13 this compact and of any supplementary agreement entered into pursuant
14 thereto shall be liberally construed to effectuate the purposes
15 thereof.

16 Sec. 41.12.020. APPOINTMENT OF BOARD MEMBER. The member of the
17 Western Interstate Nuclear Board representing this state shall be
18 appointed by the governor.

19 Sec. 41.12.030. APPOINTMENT OF DEPUTY OR ASSISTANT BOARD MEMBER.
20 The deputy or assistant Board member who may be appointed under
21 Article II(a) of the compact shall be appointed by and shall serve
22 at the pleasure of the principal Board member representing this state,
23 with the approval of the governor.

24 Sec. 41.12.040. FILING COPIES OF BY-LAWS. The Western Interstate
25 Nuclear Board shall file copies of its by-laws as required by Article
26 II(j) of the compact with the secretary of state.

27 Sec. 41.12.050. WORKMEN'S COMPENSATION COVERAGE. The provisions
28 of AS 23.30 (Alaska Workmen's Compensation Act) and any benefits pay-
29 able thereunder shall apply and be payable to any persons dispatched

1 to another state pursuant to Article VI of the compact. If the
2 aiding personnel are officers or employees of subdivisions of this
3 state, they shall be entitled to the same workmen's compensation or
4 other benefits in case of injury or death to which they would have
5 been entitled if injured or killed while engaged in coping with a
6 nuclear incident in their jurisdictions of regular employment.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29