

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1964



ENROLLED

HOUSE BILL No. 7

(By Mr. White & Mr. Buch)



PASSED February 1 1964

In Effect From Passage



FILED IN THE OFFICE OF  
JOE F. DUBBETT  
SECRETARY OF STATE  
THIS DATE 2-7-64

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AN ACT to amend chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article one-e, relating to the southern interstate nuclear compact.

*Be it enacted by the Legislature of West Virginia:*

That chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article one-e, to read as follows:

**Article 1-e. Southern Interstate Nuclear Compact.**

**Section 1. Definitions.**—As used in this chapter, unless  
2 the context requires otherwise:

3 (1) Compact means the southern interstate nuclear  
4 compact;

5 (2) Board means the southern interstate nuclear  
6 board.

**Sec. 2. Enactment of Compact.**—The southern inter-  
2 state nuclear compact is hereby enacted into law and  
3 entered into by the state of West Virginia with any and  
4 all states legally joining therein in accordance with its  
5 terms, in the form substantially as follows:

6 **SOUTHERN INTERSTATE NUCLEAR COMPACT**

7 **Article I. Policy and Purpose**

8 The party states recognize that the proper employment  
9 of nuclear energy, facilities, materials, and products can  
10 assist substantially in the industrialization of the south  
11 and the development of a balanced economy for the  
12 region. They also recognize the optimum benefit from  
13 and acquisition of nuclear resources and facilities re-  
14 quires systematic encouragement, guidance, and assist-  
15 ance from the party states on a cooperative basis. It is  
16 the policy of the party states to undertake such cooper-  
17 ation on a continuing basis; it is the purpose of this com-

18 pact to provide the instruments and framework for such  
19 a cooperative effort to improve the economy of the south  
20 and contribute to the individual and community well-  
21 being of the region's people.

22 **Article II. The Board**

23 (a) There is hereby created an agency of the party  
24 states to be known as the "Southern Interstate Nuclear  
25 Board" (hereinafter called the board). The board shall  
26 be composed of one member from each party state desig-  
27 nated or appointed in accordance with the law of the  
28 state which he represents and serving and subject to re-  
29 moval in accordance with such law. Any member of the  
30 board may provide for the discharge of his duties and  
31 the performance of his functions thereon (either for the  
32 duration of his membership or for any lesser period of  
33 time) by a deputy or assistant, if the laws of his state  
34 make specific provision therefor. The federal government  
35 may be represented without vote if provision is made by  
36 federal law for such representation.

37 (b) The board members of the party states shall each  
38 be entitled to one vote on the board. No action of the

39 board shall be binding unless taken at a meeting at which  
40 a majority of all members representing the party states  
41 are present and unless a majority of the total number of  
42 votes on the board are cast in favor thereof.

43 (c) The board shall have a seal.

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

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

56 (f) The board may establish and maintain, independ-  
57 ently or in conjunction with any one or more of the party  
58 states, a suitable retirement system for its full-time em-  
59 ployees. Employees of the board shall be eligible for

60 social security coverage in respect of old age and sur-  
61 vivors insurance provided that the board takes such  
62 steps as may be necessary pursuant to federal law to  
63 participate in such program of insurance as a govern-  
64 mental agency or unit. The board may establish and  
65 maintain or participate in such additional programs of  
66 employee benefits as may be appropriate.

67 (g) The board may borrow, accept, or contract for the  
68 services of personnel from any state or the United States  
69 or any subdivision or agency thereof, from any inter-  
70 state agency, or from any institution, person, firm or  
71 corporation.

72 (h) The board may accept for any of its purposes and  
73 functions under this compact any and all donations, and  
74 grants of money, equipment, supplies, materials, and  
75 services (conditional or otherwise) from any state or the  
76 United States or any subdivision or agency thereof, or  
77 interstate agency, or from any institution, person, firm  
78 or corporation, and may receive, utilize and dispose of  
79 the same.

80 (i) The board may establish and maintain such facili-

81 ties as may be necessary for the transacting of its busi-  
82 ness. The board may acquire, hold, and convey real and  
83 personal property and any interest therein.

84 (j) The board shall adopt by-laws, rules, and regulations  
85 for the conduct of its business, and shall have the power to  
86 amend and rescind these by-laws, rules, and regulations.  
87 The board shall publish its by-laws, rules and regulations  
88 in convenient form and shall file a copy thereof, and shall  
89 also file a copy of any amendment thereto, with the appro-  
90 priate agency or officer in each of the party states.

91 (k) The board annually shall make to the governor  
92 of each party state, a report covering the activities of the  
93 board for the preceding year, and embodying such recom-  
94 mendations as may have been adopted by the board,  
95 which report shall be transmitted to the legislature of  
96 said state. The board may issue such additional reports  
97 as it may deem desirable.

98 **Article III. Finances**

99 (a) The board shall submit to the executive head or  
100 designated officer or officers of each party state a budget  
101 of its estimated expenditures for such period as may be

102 required by the laws of that jurisdiction for presentation  
103 to the legislature thereof.

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

123 necessary to fulfill the powers and duties imposed upon  
124 and entrusted to the board.

125 (c) The board may meet any of its obligations in  
126 whole or in part with funds available to it under article  
127 two(h) of this compact, provided that the board takes  
128 specific action setting aside such funds prior to the in-  
129 currence of any obligation to be met in whole or in part in  
130 this manner. Except where the board makes use of funds  
131 available to it under article two(h) thereof, the board  
132 shall not incur any obligation prior to the allotment of  
133 funds by the party jurisdictions adequate to meet the  
134 same.

135 (d) Any expenses and any other costs for each mem-  
136 ber of the board in attending board meetings shall be  
137 met by the board.

138 (e) The board shall keep accurate accounts of all re-  
139 cepts and disbursements. The receipts and disburse-  
140 ments of the board shall be subject to the audit and ac-  
141 counting procedures established under its by-laws. How-  
142 ever, all receipts and disbursements of funds handled by  
143 the board shall be audited yearly by a qualified public

144 accountant and the report of the audit shall be included  
145 in and become part of the annual report of the board.

146 (f) The accounts of the board shall be open at any  
147 reasonable time for inspection.

148 **Article IV. Advisory Committees**

149 The board may establish such advisory and technical  
150 committees as it may deem necessary, membership on  
151 which to include but not be limited to private citizens,  
152 expert and lay personnel, representatives of industry,  
153 labor, commerce, agriculture, civic associations, medicine,  
154 education, voluntary health agencies, and officials of local,  
155 state and federal government, and may cooperate with  
156 and use the services of any such committees and the or-  
157 ganizations which they represent in furthering any of its  
158 activities under this compact.

159 **Article V. Powers**

160 The board shall have power to:

161 (a) Ascertain and analyze on a continuing basis the  
162 industries,

162 position of the south with respect to nuclear and related

164 (b) Encourage the development and use of nuclear

*to  
be  
added  
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list*

165 energy, facilities, installations, and products as part of a  
166 balanced economy.

167 (c) Collect, correlate, and disseminate information re-  
168 lating to civilian uses of nuclear energy, materials, and  
169 products.

170 (d) Conduct, or cooperate in conducting, programs of  
171 training for state and local personnel engaged in any  
172 aspect of:

173 (1) Nuclear industry, medicine, or education or the  
174 promotion or regulation thereof.

175 (2) The formulation or administration of measures  
176 designed to promote safety in any matter related to the  
177 development, use or disposal of nuclear energy, materials,  
178 products, installations, or wastes.

179 (e) Organize and conduct, or assist and cooperate in  
180 organizing and conducting, demonstrations of nuclear  
181 product, material, or equipment use and disposal and of  
182 proper techniques or processes for the application of nu-  
183 clear resources to the civilian economy or general wel-  
184 fare.

185 (f) Undertake such non-regulatory functions with re-

186 spect to non-nuclear sources of radiation as may promote  
187 the economic development and general welfare of the  
188 region.

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

192 (h) Recommend such changes in, or amendments or  
193 additions to the laws, codes, rules, regulations, admini-  
194 strative procedures and practices or ordinances of the  
195 party states in any of the fields of its interest and com-  
196 petence as in its judgment may be appropriate. Any such  
197 recommendation shall be made through the appropriate  
198 state agency with due consideration of the desirability of  
199 uniformity but shall also give appropriate weight to any  
200 special circumstance which may justify variations to  
201 meet local conditions.

202 (i) Prepare, publish and distribute (with or without  
203 charge) such reports, bulletins, newsletters or other ma-  
204 terial as it deems appropriate.

205 (j) Cooperate with the atomic energy commission or  
206 any agency successor thereto, any other officer or agency

207 of the United States and any other governmental unit or  
208 agency or officer thereof, and with any private persons or  
209 agencies in any of the fields of its interest.

210 (k) Act as licensee of the United States government  
211 or any party state with respect to the conduct of any re-  
212 search activity requiring such license and operate such  
213 research facility or undertake any program pursuant  
214 thereto.

215 (1) Ascertain from time to time such methods, prac-  
216 tices, circumstances, and conditions as may bring about  
217 the prevention and control of nuclear incidents in the  
218 area comprising the party states, to coordinate the nu-  
219 clear incident prevention and control plans and the work  
220 relating thereto of the appropriate agencies of the party  
221 states and to facilitate the rendering of aid by the party  
222 states to each other in coping with nuclear incidents. The  
223 board may formulate and, in accordance with need from  
224 time to time, revise a regional plan or regional plans for  
225 coping with nuclear incidents within the territory of the  
226 party states as a whole or within any subregion or sub-  
227 regions of the geographic area covered by this compact.

228                   **Article VI. Supplementary Agreements**

229       (a) To the extent that the board has not undertaken  
230 an activity or project which would be within its power  
231 under the provisions of article five of this compact, any  
232 two or more of the party states (acting by their duly  
233 constituted administrative officials) may enter into sup-  
234 plementary agreements for the undertaking and continu-  
235 ance of such an activity or project. Any such agreement  
236 shall specify its purpose or purposes; its duration and  
237 the procedure for termination thereof or withdrawal  
238 therefrom; the method of financing and allocating the  
239 costs of the activity or project; and such other matters  
240 as may be necessary or appropriate. No such supplemen-  
241 tary agreement entered into pursuant to this article shall  
242 become effective prior to its submission to and approval  
243 by the board. The board shall give such approval unless  
244 it finds that the supplementary agreement or the activity  
245 or project contemplated thereby is inconsistent with the  
246 provisions of this compact or a program or activity con-  
247 ducted by or participated in by the board.

248       (b) Unless all of the party states participate in a sup-

249plementary agreement, any cost or costs thereof shall be  
250borne separately by the states party thereto. However,  
251the board may administer or otherwise assist in the op-  
252eration of any supplementary agreement.

253(c) No party to a supplementary agreement entered  
254into pursuant to this article shall be relieved thereby of  
255any obligation or duty assumed by said party state under  
256or pursuant to this compact, except that timely and proper  
257performance of such obligation or duty by means of  
258the supplementary agreement may be offered as per-  
259formance pursuant to the compact.

260 **Article VII. Other Laws and Relationships**

261 Nothing in this compact shall be construed to:

262 (a) Permit or require any person or other entity to  
263 avoid or refuse compliance with any law, rule, regula-  
264 tion, order or ordinance of a party state or subdivision  
265 thereof now or hereafter made, enacted or in force.

266 (b) Limit, diminish, or otherwise impair jurisdiction  
267 exercised by the atomic energy commission, any agency  
268 successor thereto, or any other federal department,  
269 agency or officer pursuant to and in conformity with any  
270 valid and operative act of Congress.

271 (c) Alter the relations between and respective in-  
272 ternal responsibilities of the government of a party state  
273 and its subdivisions.

274 (d) Permit or authorize the board to exercise any  
275 regulatory authority or to own or operate any nuclear  
276 reactor for the generation of electric energy; nor shall  
277 the board own or operate any facility or installation for  
278 industrial or commercial purposes.

279 **Article VIII. Eligible Parties, Entry into Force and**  
280 **Withdrawal**

281 (a) Any or all of the states of Alabama, Arkansas,  
282 Delaware, Florida, Georgia, Kentucky, Louisiana, Mary-  
283 land, Mississippi, Missouri, North Carolina, Oklahoma,  
284 South Carolina, Tennessee, Texas, Virginia, and West  
285 Virginia shall be eligible to become party to this com-  
286 pact.

287 (b) As to any eligible party state this compact shall  
288 become effective when its legislature shall have enacted  
289 the same into law: *Provided*, That it shall not become  
290 initially effective until enacted into law by seven states.

291 (c) Any party state may withdraw from this com-

292 pact by enacting a statute repealing the same, but no  
293 such withdrawal shall become effective until the gov-  
294 ernor of the withdrawing state shall have sent formal  
295 notice in writing to the governor of each other party  
296 state informing said governors of the action of the leg-  
297 isature in repealing the compact and declaring an in-  
298 tention to withdraw.

299 **Article IX. Severability and Construction**

300 The provisions of this compact and of any supplemen-  
301 tary agreement entered into hereunder shall be severable  
302 and if any phase, clause, sentence or provision of this  
303 compact or such supplementary agreement is declared  
304 to be contrary to the constitution of any participating  
305 state or of the United States or the applicability thereof  
306 to any government, agency, person, or circumstance is  
307 held invalid, the validity of the remainder of this com-  
308 pact or such supplementary agreement and the appli-  
309 cability thereof to any government, agency, person or  
310 circumstance shall not be affected thereby. If this com-  
311 pact or any supplementary agreement entered into here-  
312 under shall be held contrary to the constitution of any

313 state participating therein, the compact or such sup-  
314 plementary agreement shall remain in full force and  
315 effect as to the remaining states and in full force and  
316 effect as to the state affected as to all severable matters.  
317 The provisions of this compact and of any supplemen-  
318 tary agreement entered into pursuant hereto shall be  
319 liberally construed to effectuate the purposes thereof.

**Sec. 3. Member of Southern Interstate Nuclear Com-**  
2 **pact.**—The governor shall appoint the board member of  
3 the southern interstate nuclear board which is established  
4 by article two of the compact by and with the advice and  
5 consent of the Senate. Such member shall serve at the  
6 pleasure of the governor. The governor is hereby author-  
7 ized to appoint an alternate member who may serve at  
8 and for such time as the regular member shall designate  
9 and shall have the same power and authority as the regu-  
10 lar member when so serving.

**Sec. 4. Employees of the Board.**—The employees of  
2 the board shall be under such merit system as the board  
3 shall provide and, for the purposes of carrying out the  
4 provisions of article two (f), the board and its employees

5 shall be considered a state agency, and the state em-  
6 ployees' retirement system is hereby authorized to con-  
7 tract with the board in order to further or facilitate the  
8 activities of the board pursuant to article two (f) of the  
9 compact. No such contract shall take effect prior to its  
10 approval by the governor.

**Sec. 5. Duties of Member of the Board.**—(a) The  
2 member of the board appointed and serving in accord-  
3 ance with section two of this article shall assist in the  
4 coordination of atomic activities within this state.

5 (b) The board member is hereby authorized and em-  
6 powered to assist in the orderly development of atomic  
7 knowledge within the state of West Virginia.

**Sec. 6. Supplementary Agreements.**—Any supplemen-  
2 tary agreement entered into under article six of the com-  
3 pact requiring the expenditure of funds shall not become  
4 effective as to the state until the required funds are appro-  
5 priated by the Legislature.

**Sec. 7. Cooperation among State Agencies, Boards,  
2 and Departments.**—The departments, boards, agencies,  
3 commissions, officers and employees of the state and its

4 subdivisions are authorized to cooperate with the board  
5 in the furtherance of any of its activities pursuant to this  
6 compact.

**Sec. 8. Appropriations.**—The Legislature may appropriate such funds as it deems necessary to carry out the provisions of this chapter, article, and sections.

**Sec. 9. Severability Clause.**—If for any reason any section or provision of this chapter shall be held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the remainder of this chapter.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*O. Roy Parker*

Chairman Senate Committee

*Ethel L. Candall*

Chairman House Committee

Originated in the House.

Takes effect FROM passage.

*Howard Meyer*

Clerk of the Senate

*C. A. Blankenship*

Clerk of the House of Delegates

*Howard W. Carson*

President of the Senate

*Andrew B. King, Jr.*

Speaker House of Delegates

The within approved this the 7th day of February, 1964.

*W. W. Barron*

Governor

