

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1690

By: Representative Pilkington

By: Senator B. Davis

For An Act To Be Entitled

AN ACT TO TRANSFER THE NUCLEAR PLANNING AND RESPONSE PROGRAM FROM THE DEPARTMENT OF HEALTH TO THE DIVISION OF EMERGENCY MANAGEMENT; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO TRANSFER THE NUCLEAR PLANNING AND RESPONSE PROGRAM FROM THE DEPARTMENT OF HEALTH TO THE DIVISION OF EMERGENCY MANAGEMENT; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. DO NOT CODIFY. Transfer of the Nuclear Planning and Response Program from the Department of Health to the Division of Emergency Management within the Department of Public Safety.

(a) The Nuclear Planning and Response Program, established under § 20-21-401 et seq., shall be transferred by a cabinet-level department transfer under § 25-43-101 et seq. from the Department of Health to the Division of Emergency Management on July 1, 2025.

(b) The statutory authority, powers, duties, functions, records, personnel, property, contracts, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting or purchasing of the Nuclear Planning and Response Program, are transferred to the Division of Emergency Management on July 1, 2025.

(c)(1) The transfer of the Nuclear Planning and Response Program does not affect the orders, rules, regulations, directives, or standards made or



promulgated by the Department of Health before the effective date of this act.

(2) The orders, rules, regulations, directives, or standards under subdivision (c)(1) of this section shall continue with full force and effect until amended or repealed under authority given by law.

(d) The Department of Health shall grant access to and provide all information requested by the Division of Emergency Management to accomplish the transfer of the Nuclear Planning and Response Program.

SECTION 2. Arkansas Code §§ 20-21-401 – 405 are amended to read as follows:

20-21-401. Legislative intent – Definitions.

(a) It is found and determined by the General Assembly that the operation of ~~nuclear~~ nuclear-powered electricity generating facilities in this state raises the possibility of adverse health and ecological effects which could result from radiological incidents or accidents at those facilities and that it is essential to the health and welfare of the citizens of this state and particularly those in close proximity to the facilities that a program be initiated to provide for continuous environmental surveillance in the area of ~~nuclear~~ nuclear-powered electricity generating facilities and to initiate and formulate plans and procedures for immediate emergency response capability in the event of an accident or incident which might endanger the lives or property of persons.

(b) The General Assembly further determines that it is appropriate that the utility operating the facilities bear the cost associated with preparing and implementing plans to deal with the effects of nuclear accidents or incidents.

(c) Therefore, it is the purpose and intent of this subchapter to:

(1) Initiate ~~initiate~~ a program to deal with this matter; ~~and to charge the Department of Health~~

(2) Charge the Division of Emergency Management with the responsibility of carrying out the program; and

(3) Provide ~~to provide~~ for funding the program through fees or assessments against utilities operating ~~nuclear~~ nuclear-powered electricity generating facilities.

(d) As used in this subchapter:

(1) "Chief financial officer" means:

(A) The Chief Fiscal Officer of the State; or

(B) The chief financial officer of the Department of Public Safety; and

(2) "Continuous environmental radiation surveillance" means:

(A) The tracking of radiological dispersal devices or radiological exposure devices:

(i) Related to a nuclear-powered electricity generating facility located within this state; and

(ii) Located within this state or being transported through this state;

(B) Radiological dose assessment and field team response in the area of any nuclear-powered electricity generating facility:

(i) Requested by a county judge or mayor during an emergency, drill, or exercise; or

(ii) Required for documentation by Public Health and Medical Services, Emergency Function #8; and

(C) Any other radiation monitoring service related to a nuclear-powered electricity generating facility located within this state that is:

(i) Determined to be necessary by the Department of Health; and

(ii) Approved by the Director of the Division of Emergency Management.

20-21-402. Administration by ~~Department of Health~~ Division of Emergency Management.

(a) The ~~Department of Health~~ Division of Emergency Management shall carry out a ~~the~~ Nuclear Planning and Response Program designed to protect the lives and property of persons of this state from radiation hazards and other hazards which may result from the establishment and operation of ~~nuclear electrical~~ nuclear-powered electricity generating facilities in this state.

(b) The program shall include:

(1) Continuous environmental radiation surveillance in the area of any ~~nuclear~~ nuclear-powered electricity generating facility;

(2) The training and education of persons residing in the areas

regarding nuclear hazards and protective measures to be taken in the event of a radiological incident or accident;

(3) A plan for immediate emergency response capability in the event of an incident or accident at the facility;

(4) The dissemination of information to the public pertaining to radiation hazards;

(5) Protective measures, evacuation procedures, and other appropriate actions to be taken in the event of a radiation incident or accident; and

(6) Such other matters as the ~~department~~ division shall determine to be necessary or appropriate to educate, inform, and equip citizens of this state to deal with any incident or accident at or resulting from the operation of ~~nuclear~~ nuclear-powered electricity generating facilities.

(c) To carry out the responsibilities provided for in this subchapter, the ~~department~~ division may employ ~~such~~ personnel as is deemed necessary to the extent that funds are appropriated therefor by the General Assembly.

(d) The Department of Health shall:

(1) Provide continuous environmental radiation surveillance as required by subdivision (b)(1) of this section; and

(2)(A) Receive compensation for the continuous environmental radiation surveillance required under subdivision (b)(1) of this section from:

(i) The Arkansas Nuclear Planning and Response Fund;

or

(ii) Funds appropriated by the General Assembly to the division for the operation and maintenance of the Nuclear Planning and Response Program.

(B) The amount of compensation provided to the department under subdivision (d)(2)(A) of this section shall be:

(i) Determined by the chief financial officer; and

(ii) Approved by the Director of the Division of Emergency Management.

20-21-403. Operating funds.

(a)(1) The ~~Chief Fiscal Officer of the State~~ chief financial officer

shall annually determine the approximate amount of funds which will be necessary for the operation and maintenance of the Nuclear Planning and Response Program.

~~(2) This amount~~ The amount determined under subdivision (a)(1) of this section shall not be in excess of the total amounts appropriated for the program by the General Assembly for the particular year.

~~(2)(b)(1) The Secretary of the Department of Health~~ Director of the Division of Emergency Management shall certify the amount to each utility in the state which maintains and operates one (1) or more ~~nuclear~~ nuclear-powered electricity generating facilities in the state.

~~(2) The Chief Fiscal Officer of the State~~ chief financial officer shall then notify each utility of the portion of the amount to be paid by each utility.

~~(b)(c)~~ The cost of maintaining and operating the program shall be apportioned to the utilities in this state operating ~~nuclear~~ nuclear-powered electricity generating facilities in such proportions as the ~~Chief Fiscal Officer of the State~~ chief financial officer shall determine to be most appropriate and equitable.

20-21-404. Fees.

(a) There is levied and there shall be collected annually from each utility in this state which operates one (1) or more ~~nuclear~~ nuclear-powered electricity generating facilities a fee in such amount as shall be determined by the ~~Chief Fiscal Officer of the State~~ chief financial officer in the manner prescribed in this subchapter.

(b) The fees so levied against each utility shall be remitted by the utility to the ~~Secretary of the Department of Health~~ Director of the Division of Emergency Management within thirty (30) days after the amount thereof is certified by the ~~Chief Fiscal Officer of the State~~ chief financial officer.

(c) If any utility shall fail or refuse to pay the fees as provided in this section within the time prescribed, the ~~secretary~~ director shall add to the fee a penalty of twenty-five percent (25%) thereof and shall certify the amount of the delinquent fee and penalty to the Attorney General for collection.

20-21-405. Arkansas Nuclear Planning and Response Fund.

(a)(1) All funds collected by the Chief Fiscal Officer of the State chief financial officer pursuant to this subchapter shall be deposited into the State Treasury as special revenues, and the full amount thereof shall be credited to the Arkansas Nuclear Planning and Response Fund.

(2) Money remaining in the fund at the end of each fiscal year shall carry forward and be made available for the purposes stated in this subchapter in the next fiscal year.

(b) The fund shall be used exclusively for the operation and maintenance of the Nuclear Planning and Response Program.

SECTION 3. Arkansas Code § 20-21-501(3), concerning the definitions related to nuclear planning and response grants, is amended to read as follows:

~~(3) "Division of Health" means the Nuclear Planning and Response Program of the Division of Radiation Control and Emergency Management of the Department of Health, with the Secretary of the Department of Health having the ultimate authority over any activities conducted by that program, division, and department~~ "Emergency planning zone" means the area surrounding a nuclear-powered electricity generating facility identified by the Division of Emergency Management for which special planning and preparedness efforts are carried out to ensure that prompt and effective protective actions can reduce or minimize the impact of releases of radioactive material for public health and safety;

SECTION 4. Arkansas Code §§ 20-21-502 – 20-21-505 are amended to read as follows:

20-21-502. Administration.

(a) ~~The Department of Health~~ Division of Emergency Management shall serve as the administering and disbursing agency for a program of issuing grants to those local governments located in ~~such close proximity to the emergency planning zone of~~ nuclear-powered electricity generating facilities in this state ~~that federal regulations or state rules require those local governments to maintain a radiological response plan.~~

(b)(1) Grants shall be issued by the ~~department:~~

~~(1)(A) To~~ division to the county governments in the affected areas solely for the purpose of defraying costs associated with preparing for

and participating in actual nuclear disaster incidents or practice nuclear disaster exercises.

~~(B)(2)~~ The chief executive officer of each county shall be the agent of the county in entering into any agreements with the ~~department~~ division in order to receive funds under this section.

~~(C)(3)~~ The chief executive officer of each county shall also be the agent of the county in entering into agreements with officials of the local governments or their agencies within each county to disburse the funds under this section.

~~(D)(4)~~ Each county shall be eligible for that proportion of funds issued under this section as is determined fair and necessary under guidelines to be developed by the ~~department~~ division; and

~~(2) To the Division of Emergency Management in quarterly installments for the sole purpose of defraying costs associated with preparing for and participating in actual nuclear disaster incidents or practice nuclear disaster emergency exercises involving nuclear-powered electricity generating facilities in this state.~~

20-21-503. Cooperative agreements.

(a)(1) Before the award of a grant to a county for the purposes described in this subchapter, the ~~Department of Health~~ Division of Emergency Management shall draw up a proposal for a cooperative agreement between the State of Arkansas and the eligible counties in this state.

(2) The proposal shall set forth the activities to be conducted by the county under its radiological response plan as a prerequisite for receipt of grant payments.

(3) The proposed cooperative agreement shall include:

(A) The responsibilities of the county as prescribed in the county's radiological response plan and the state emergency operations plan, as amended;

(B) The means by which the county will demonstrate that it can meet its designated responsibilities, as defined in subdivision (a)(3)(A) of this section, including, ~~but not limited to,~~ without limitation program audits, test exercises, or operational readiness evaluations;

(C) The methods of distribution of grant funds to local governments and their agencies to provide a fair opportunity for all

political subdivisions within the county to benefit from grant funds;

(D) The intended use of grant funds as reflected in an annual budget to correspond with the state fiscal year; and

(E) Any other information determined by the ~~department~~ division to be necessary to ensure compliance with state rules or federal regulations and to ensure that all expenditures of grant funds are in direct support of radiological emergency planning or response.

(b)(1) The ~~department~~ division shall submit a proposal for a cooperative agreement to the chief executive officer of each county sixty (60) days before the beginning of the state fiscal year.

(2) The fully executed cooperative agreement shall be in effect by August 1 of the state fiscal year.

(3) A cooperative agreement is fully executed when it is duly signed by the Director of the ~~Division of Radiation Control and Emergency Management of the Department of Health, as the representative of the department,~~ Division of Emergency Management and the county judge as the chief executive officer of the county.

(c) Variances from any portion of the cooperative agreement shall be approved in writing by the director before implementation of the variance.

(d)(1)(A) Failure to perform shall result in either suspension of funds for a specified period or complete revocation of the agreement.

(B) The specific penalty shall be determined following an assessment of the degree of seriousness imposed by the breach of agreement.

(2) The reinstatement of eligibility for a county so penalized shall occur only after satisfactory demonstration that the conditions or situations resulting in the penalty have been corrected.

(3) Written notice shall be given to the chief executive officer by the director citing the reason for the penalty and the steps necessary to regain agreement eligibility.

20-21-504. Disbursal of funds.

(a) ~~In disbursing funds~~ The Division of Emergency Management shall disburse grant funds to eligible counties which have satisfactorily fulfilled the requirements of the cooperative agreement as set out in § 20-21-503~~r~~.

(b) If sufficient grant funds are available, the ~~Department of Health division~~ shall remit a ~~maximum of ten thousand dollars (\$10,000) to each of~~

~~the eligible counties to be payable during the second month of each quarter of the state fiscal year, which months are August, November, February, and May. The payments shall be made in equal quarterly installments of not to exceed two thousand five hundred dollars (\$2,500) minimum of seventy-five thousand dollars (\$75,000) to each of the eligible counties.~~

20-21-505. Reporting requirements.

(a) The chief executive officer of the county shall be responsible for submitting the following progress reports: provide the Division of Emergency Management a progress report at least annually or as required by the division.

~~(1) Quarterly Fiscal Report. Within thirty (30) days following the end of each fiscal quarter, a report detailing the expenditure of grant moneys shall be submitted to the Nuclear Planning and Response Program of the Division of Radiation Control and Emergency Management of the Department of Health. The next quarter's funds shall not be authorized until receipt of the report covering the preceding quarter; and~~

~~(2) Year-End Program Report. Within thirty (30) days of the completion of the state fiscal year, a report shall be submitted to the program containing the fourth quarter fiscal report and a narrative report on the status of the county's ability to implement its radiological response plan.~~

(b) The progress report required under subsection (a) of the section shall contain without limitation:

(1) A detailed statement of the expenditure of grant funds; and

(2) A narrative report on the status of the county's ability to implement its radiological response plan.

SECTION 5. Arkansas Code § 20-21-603(b), concerning the creation of the Nuclear Planning and Response Program Advisory Committee, is amended to read as follows:

(b) The committee shall:

(1) Be aware of the ongoing programs of the Nuclear Planning and Response Program as they relate to continuous environmental radiation surveillance, training and education of persons residing in the ten-mile Emergency Planning Zone, immediate emergency response capability,

dissemination of information to the public, and evacuation procedures;

(2) Advise on the applicability of any federal guidelines that may affect their respective towns and counties;

(3) Review and comment regarding the operations and coordination of required annual exercises as they relate to their off-site emergency capabilities to respond to a radiological incident at Arkansas Nuclear One, Units One and Two;

(4)(A) Meet at least one (1) time in each fiscal year and at other times on the call of the Director of the ~~State Radiation Control Agency~~ Division of Emergency Management or his or her designee.

(B) A written and timely notice of the time, place, and purpose of meetings shall be mailed by the ~~State Radiation Control Agency~~ Division of Emergency Management to all committee members; and

(5) Conduct meetings in such a fashion that the local public has received adequate notice and that space is provided for attendance.

SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Nuclear Planning and Response Program preserves the public peace, health, and safety by protecting the lives and property of persons in this state from radiation hazards and other hazards which may result from the establishment and operation of nuclear-powered electricity generating facilities in this state; that this act provides for the transfer of the Nuclear Planning and Response Program to the Division of Emergency Management; and that this act should become effective on July 1, 2025, to coincide with the appropriation bills of the Division of Emergency Management and the Department of Health so that the Nuclear Planning and Response Program continues to provide its vital services as the transition is implemented and does not experience any issues with funding under the transfer. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2025.