

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



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

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 5 effect until amended or repealed under authority given by law.

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

9
 10 SECTION 2. Arkansas Code §§ 20-21-401 – 405 are amended to read as
 11 follows:

12 20-21-401. Legislative intent – Definitions.

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

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

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

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

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

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

36 (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

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

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

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

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

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

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

18 (d) The Department of Health shall:

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

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

24 (i) The Arkansas Nuclear Planning and Response Fund;
25 or

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

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

31 (i) Determined by the chief financial officer; and
32 (ii) Approved by the Director of the Division of
33 Emergency Management.

34
35 20-21-403. Operating funds.

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

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

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

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

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

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

20 20-21-404. Fees.

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

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

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

36 20-21-405. Arkansas Nuclear Planning and Response Fund.

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

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

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

10
 11 SECTION 3. Arkansas Code § 20-21-501(3), concerning the definitions
 12 related to nuclear planning and response grants, is amended to read as
 13 follows:

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

24
 25 SECTION 4. Arkansas Code §§ 20-21-502 – 20-21-505 are amended to read
 26 as follows:

27 20-21-502. Administration.

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

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

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

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

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

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

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

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

18
19 20-21-503. Cooperative agreements.

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

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

27 (3) The proposed cooperative agreement shall include:

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

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

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

1 political subdivisions within the county to benefit from grant funds;

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

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

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

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

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

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

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

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

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

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

30
31 20-21-504. Disbursal of funds.

32 ~~(a) In disbursing funds~~ The Division of Emergency Management shall
33 disburse grant funds to eligible counties which have satisfactorily fulfilled
34 the requirements of the cooperative agreement as set out in § 20-21-503~~7~~.

35 (b) If sufficient grant funds are available, the ~~Department of Health~~
36 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,

1 dissemination of information to the public, and evacuation procedures;

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

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

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

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

14 (5) Conduct meetings in such a fashion that the local public has
15 received adequate notice and that space is provided for attendance.
16

17 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the
18 General Assembly of the State of Arkansas that the Nuclear Planning and
19 Response Program preserves the public peace, health, and safety by protecting
20 the lives and property of persons in this state from radiation hazards and
21 other hazards which may result from the establishment and operation of
22 nuclear-powered electricity generating facilities in this state; that this
23 act provides for the transfer of the Nuclear Planning and Response Program to
24 the Division of Emergency Management; and that this act should become
25 effective on July 1, 2025, to coincide with the appropriation bills of the
26 Division of Emergency Management and the Department of Health so that the
27 Nuclear Planning and Response Program continues to provide its vital services
28 as the transition is implemented and does not experience any issues with
29 funding under the transfer. Therefore, an emergency is declared to exist, and
30 this act being necessary for the preservation of the public peace, health,
31 and safety shall become effective on July 1, 2025.
32
33

34 APPROVED: 4/14/25
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36