

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

HOUSE BILL 1690

5 By: Representative Pilkington  
6 By: Senator B. Davis  
7

## For An Act To Be Entitled

9 AN ACT TO TRANSFER THE NUCLEAR PLANNING AND RESPONSE  
10 PROGRAM FROM THE DEPARTMENT OF HEALTH TO THE DIVISION  
11 OF EMERGENCY MANAGEMENT; TO DECLARE AN EMERGENCY; AND  
12 FOR OTHER PURPOSES.  
13  
14

## Subtitle

15 TO TRANSFER THE NUCLEAR PLANNING AND  
16 RESPONSE PROGRAM FROM THE DEPARTMENT OF  
17 HEALTH TO THE DIVISION OF EMERGENCY  
18 MANAGEMENT; AND TO DECLARE AN EMERGENCY.  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

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

26 (a) The Nuclear Planning and Response Program, established under § 20-  
27 21-401 et seq., shall be transferred by a cabinet-level department transfer  
28 under § 25-43-101 et seq. from the Department of Health to the Division of  
29 Emergency Management on July 1, 2025.

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

35 (c)(1) The transfer of the Nuclear Planning and Response Program does  
36 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 5 effect until amended or repealed under authority given by law.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           (1) "Chief financial officer" means:

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

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

5           (2) "Continuous environmental radiation surveillance" means:

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

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

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

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

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

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

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

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

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

25  
 26           20-21-402. Administration by ~~Department of Health~~ Division of  
 27 Emergency Management.

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

33           (b) The program shall include:

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

36                   (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.

19  
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.

35  
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~~r~~.

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



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

6  
 7 20-21-505. Reporting requirements.

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

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

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

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

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

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

28  
 29 SECTION 5. Arkansas Code § 20-21-603(b), concerning the creation of  
 30 the Nuclear Planning and Response Program Advisory Committee, is amended to  
 31 read as follows:

32 (b) The committee shall:

33 (1) Be aware of the ongoing programs of the Nuclear Planning and  
 34 Response Program as they relate to continuous environmental radiation  
 35 surveillance, training and education of persons residing in the ten-mile  
 36 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.

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