

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

SENATE BILL 1091

AN ACT

AMENDING SECTIONS 26-306.01 AND 26-306.02, ARIZONA REVISED STATUTES;
APPROPRIATING MONIES; RELATING TO THE NUCLEAR EMERGENCY MANAGEMENT FUND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 26-306.01, Arizona Revised Statutes, is amended
3 to read:

4 26-306.01. Assessment on commercial nuclear generating
5 stations

6 A. The legislature shall levy an assessment pursuant to subsection
7 D of this section to provide for the development and maintenance of a
8 state plan for off-site response to an emergency caused by an accident at
9 a commercial nuclear generating station and to provide for the equipment,
10 personnel, facilities, training and testing necessary to comply with
11 criteria for preparation and evaluation of radiological emergency response
12 plans and preparedness in support of commercial nuclear generating
13 stations prescribed by the United States nuclear regulatory commission and
14 the federal emergency management agency.

15 B. Before October 31 in each ~~even numbered~~ EVEN-NUMBERED year, the
16 director shall recommend to the legislature an amount necessary to
17 develop, maintain and support the state plan.

18 C. The legislature shall appropriate for each of the following two
19 fiscal years the amount necessary to develop, maintain and support the
20 state plan, after hearing the recommendation under subsection B of this
21 section. The monies shall be appropriated ~~to~~ FROM the nuclear emergency
22 management fund established by section 26-306.02.

23 D. Every two years an assessment for each of the two years of the
24 biennium is levied against each consortium of public service corporations
25 and municipal corporations engaged in constructing or operating a
26 commercial nuclear generating station for the purpose of developing,
27 maintaining and supporting the state plan. The assessment shall be in an
28 amount equal to the appropriations provided ~~by~~ PURSUANT TO subsection C of
29 this section, plus interest at a rate of ten ~~per cent~~ PERCENT per ~~annum~~
30 YEAR, and shall be contained in the same ~~appropriation~~ APPROPRIATIONS bill
31 provided by subsection C of this section. Interest shall be charged on
32 any amounts that are appropriated pursuant to subsection C of this
33 section, and that have not been repaid, from the date the appropriation
34 becomes available for expenditure until payment is received. The
35 assessment for each year of the biennium shall be collected by the
36 department of revenue. Monies collected from the levy shall be deposited
37 in the ~~state general fund~~ NUCLEAR EMERGENCY MANAGEMENT FUND ESTABLISHED BY
38 SECTION 26-306.02.

39 E. If a consortium fails or refuses to pay its assessment within
40 the year for which the assessment is made, the legislature may direct the
41 director to notify the United States nuclear regulatory commission, or its
42 successor in licensing commercial nuclear generating stations, of this
43 state's incapacity to support an off-site emergency response plan for the
44 commercial nuclear generating station.

1 Sec. 2. Section 26-306.02, Arizona Revised Statutes, is amended to
2 read:

3 26-306.02. Nuclear emergency management fund; exemption;
4 appropriation reduction

5 A. ~~THE~~ nuclear emergency management fund is established
6 consisting of monies appropriated under section 26-306.01, ~~subsection C~~.
7 The division shall use the fund for administering and enforcing the state
8 plan for off-site response to an emergency caused by an accident at a
9 commercial nuclear generating station.

10 B. Monies in the fund are appropriated for use by the division as
11 provided in this section. Monies deposited in the fund are exempt from
12 section 35-190 relating to lapsing of appropriations, except that any
13 monies remaining unexpended and unencumbered at the end of each fiscal
14 year from the distributions made from the fund to the division of
15 emergency management of the department of emergency and military affairs
16 ~~to~~, THE ARIZONA DEPARTMENT OF AGRICULTURE AND the radiation regulatory
17 agency and FOR DISBURSEMENTS to departments and agencies of Maricopa
18 county revert to the nuclear emergency management fund and shall be used
19 to reduce the assessment and appropriation to the fund for the following
20 fiscal years. The reduction in the appropriation for each applicable
21 agency shall be equal to the amount of monies reverted to the fund by each
22 agency.

23 Sec. 3. Appropriations; nuclear emergency management fund

24 Pursuant to sections 26-306.01 and 26-306.02, Arizona Revised
25 Statutes, as amended by this act, the sum of \$2,503,140 in fiscal year
26 2017-2018 and the sum of \$2,526,277 in fiscal year 2018-2019 are
27 appropriated from the nuclear emergency management fund to the following
28 agencies and for the following purposes:

29 1. For use by the division of emergency management of the
30 department of emergency and military affairs as provided in section
31 26-306.02, Arizona Revised Statutes, as amended by this act, the sum of
32 \$665,512 and 5.5 full-time equivalent positions in fiscal year 2017-2018
33 and the sum of \$696,449 and 5.5 full-time equivalent positions in fiscal
34 year 2018-2019.

35 2. For use by the Arizona department of agriculture for programs
36 relating to off-site nuclear emergency response plans, the sum of \$275,012
37 and 2.88 full-time equivalent positions in fiscal year 2017-2018 and the
38 sum of \$275,012 and 2.88 full-time equivalent positions in fiscal year
39 2018-2019.

40 3. For use by the radiation regulatory agency for programs relating
41 to off-site nuclear emergency response plans, the sum of \$789,663 and 5.5
42 full-time equivalent positions in fiscal year 2017-2018 and the sum of
43 \$789,663 and 5.5 full-time equivalent positions in fiscal year 2018-2019.

1 4. For disbursement by the division of emergency management of the
2 department of emergency and military affairs to departments and agencies
3 of Maricopa county that are assigned responsibilities under the off-site
4 nuclear emergency response plan, the sum of \$702,953 in fiscal year
5 2017-2018 and the sum of \$695,153 in fiscal year 2018-2019.

6 5. For disbursement by the division of emergency management of the
7 department of emergency and military affairs to departments and agencies
8 of the town of Buckeye that are assigned responsibilities under the
9 off-site nuclear emergency response plan, the sum of \$70,000 in fiscal
10 year 2017-2018 and the sum of \$70,000 in fiscal year 2018-2019.

11 Sec. 4. Assessments; purpose

12 Pursuant to section 26-306.01, Arizona Revised Statutes, as amended
13 by this act, the sum of \$2,503,140 in fiscal year 2017-2018 and the sum of
14 \$2,526,277 in fiscal year 2018-2019, plus any applicable interest, are
15 assessed against each consortium of public service corporations and
16 municipal corporations engaged in constructing or operating a commercial
17 nuclear generating station in this state.

18 Sec. 5. Emergency

19 This act is an emergency measure that is necessary to preserve the
20 public peace, health or safety and is operative immediately as provided by
21 law.