

## LEGISLATIVE BILL 668

Approved by the Governor April 30, 2001

Introduced by Kremer, 34; Aguilar, 35; Preister, 5; Quandahl, 31; Smith, 48

AN ACT relating to public health and welfare; to amend section 71-3519, Reissue Revised Statutes of Nebraska, and section 71-6321, Revised Statutes Supplement, 2000; to authorize a radon program as prescribed; to change fee provisions under the Residential Lead-Based Paint Professions Certification Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. The Department of Health and Human Services Regulation and Licensure may establish an alternative maximum contaminant level for radon in drinking water by establishing a multimedia radon mitigation program as provided under federal law which may include public education, testing, training, technical assistance, remediation grants, and loan or incentive programs. The purpose of the radon mitigation program shall be to achieve health risk reduction benefits equal to or greater than the health risk reduction benefits that would be achieved if each public water system in the state complied with the maximum contaminant level of three hundred picocuries per liter.

Sec. 2. Section 71-3519, Reissue Revised Statutes of Nebraska, is amended to read:

71-3519. Sections 71-3501 to 71-3519 and section 1 of this act shall be known and may be cited as the Radiation Control Act.

Sec. 3. Section 71-6321, Revised Statutes Supplement, 2000, is amended to read:

71-6321. (1) The department shall administer the Residential Lead-Based Paint Professions Certification Act.

(2) The department shall adopt and promulgate rules and regulations necessary to carry out such act. The department shall adopt state standards governing abatement projects and may adopt or incorporate part or all of any federal standards in such state standards so long as state standards are no less stringent than federal standards.

(3) The department shall prescribe fees based upon the following schedule:

(a) For ~~a~~ an annual firm certificate or certificate renewal, not less than two ~~thousand~~ hundred dollars or more than five ~~thousand~~ hundred dollars;

(b) For certification or recertification of a certified abatement worker, not less than thirty-five dollars or more than one hundred dollars;

(c) For certification or recertification of a certified supervisor, not less than seventy dollars or more than two hundred dollars;

(d) For certification or recertification of a certified inspector, not less than seventy dollars or more than two hundred dollars;

(e) For certification or recertification of a certified risk assessor, not less than seventy dollars or more than two hundred dollars;

(f) For certification or recertification of a certified visual lead-hazard advisor, not less than thirty-five dollars or more than one hundred dollars;

(g) For certification or recertification of a certified project designer, not less than seventy dollars or more than two hundred dollars;

(h) For accreditation of a training program, not less than one thousand dollars or more than two thousand five hundred dollars, which fee shall include one onsite inspection if such inspection is required by the department;

(i) For accreditation of a review course or a course on Nebraska law, rules, and regulations, not less than five hundred dollars or more than one thousand dollars, which fee shall include one onsite inspection if such inspection is required by the department;

(j) For onsite inspections other than initial inspections, not less than one hundred fifty dollars or more than two hundred fifty dollars. Such fees shall not be assessed for more than three onsite inspections per year during the period an actual abatement project is in progress; and

(k) For a project review of each abatement project of a certified firm, not less than two hundred dollars or more than five hundred dollars.

Any applicant whose application is rejected shall be allowed the

return of the application fee, except that an administrative charge of ~~three one hundred dollars~~ for a firm certificate and ~~one hundred dollars~~ for accreditation of a training program shall be retained by the department.

All fees shall be based on the costs of administering the act. In addition to the fees prescribed in this section, the department may charge and receive the actual costs for board, room, and travel by employees in excess of three hundred dollars, which costs shall not exceed the amounts allowable in sections 81-1174 to 81-1177. All fees collected by the department shall be remitted to the State Treasurer for credit to the Department of Health and Human Services Regulation and Licensure Cash Fund. Money credited to the fund pursuant to this section shall be used by the department for the purpose of administering the act.

(4) At least once a year during the continuation of an abatement project the department shall conduct an onsite inspection of each certified firm's procedures for performing abatement projects.

(5) The department may enter into agreements or contracts with public agencies to conduct any inspections required under the act if such agencies have the appropriate certification or accreditation as described in the act.

(6) The department shall adopt and promulgate rules and regulations defining work practices for abatement projects, for the certification of lead-based paint professions, for the accreditation of training programs, for the accreditation of training program providers, for the dissemination of prerenovation information to homeowners and occupants, for the facilitation of compliance with federal lead-based paint hazard control grant programs, and for the implementation of lead-based paint compliance monitoring and enforcement activities. The department may provide for alternatives to specific work practices when the health, safety, and welfare of all classes of lead-based paint professions and the general public are adequately protected.

(7) The department may apply for and receive funds from the federal government and any other public or private entity for the purposes of administering the act. Any funds applied for, received, or used by the department or any political subdivision from the federal government or any public entity may be used only to abate lead-based paint hazards and for the administration of lead-based paint programs which address health and environmental hazards caused by lead-based paint.

Sec. 4. Original section 71-3519, Reissue Revised Statutes of Nebraska, and section 71-6321, Revised Statutes Supplement, 2000, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.