

LEGISLATIVE BILL 787

Approved by the Governor March 13, 2006

Introduced by Mines, 18

AN ACT relating to government; to amend section 55-131, Reissue Revised Statutes of Nebraska; to state intent; to define terms; to provide for calibration of radiological instruments; to provide powers and duties for the Military Department; to provide fees; to create a fund; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

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

Section 1. It is the intent of the Legislature that costs incurred by the State of Nebraska attributable to the calibration of radiological instruments be borne by the responsible agency and to provide state and local governmental agencies a cost-effective source for the calibration of radiological instruments without infringing on commercial resources within the State of Nebraska.

Sec. 2. For purposes of sections 1 to 8 of this act:

(1) Department means the Radiological Emergency Preparedness Division within the Nebraska Emergency Management Agency under the Military Department;

(2) Radiological instrument includes, but is not limited to, radiological meters, radiological detectors and probes, radiological dosimeters, and radiological kits; and

(3) Responsible agency means any state or local governmental entity or private agency which owns radiological instruments or has agreed to be responsible for the replacement, repair, or calibration of such instruments.

Sec. 3. (1) Until January 1, 2008, a fee shall be assessed on each radiological instrument calibrated by the department as follows: Direct reading dosimeters, twenty-two dollars; electronic dosimeters, thirty-one dollars; CD V-700 meters, thirty-six dollars; CD V-715 meters, twenty-five dollars; CD V-718 meters, thirty-nine dollars; thermo-electron FH-40 GL and ASP-2 meters, sixty-six dollars; all electron detectors, forty-six dollars; and all other meters, sixty-six dollars. If any of such instruments form a kit, the fees shall be: CD V-777 kits, one hundred forty-nine dollars; thermo-electron FH-40 GL kits, two hundred thirty dollars; and thermo-electron ASP-2 kits, two hundred twenty-four dollars. Fees for minor repairs shall be at a base rate of sixteen dollars per hour plus the cost of parts. Beginning January 1, 2008, the department shall periodically adopt and promulgate rules and regulations that establish or adjust such fees and the department shall assess such fees on all radiological instruments calibrated by the department. The fees shall be equitable and the Adjutant General and the assistant director of the Nebraska Emergency Management Agency or their designees shall meet at least annually to recommend changes in the fees charged and allocation of fees collected for expenses incurred under this section.

(2) Such fees shall be used for purposes related to (a) inspection, repair, and calibration of radiological instruments, (b) repair, replacement, upgrade, and calibration of radiological calibrators, (c) security of calibration sources, (d) training of calibration technician personnel, (e) purchase of necessary tools and equipment related to radiological calibration, (f) payment of radiological licensing fees, and (g) if funds are available, administrative costs of the department and subsidizing the salary of calibration technician personnel and part-time employees.

(3) Fees shall be paid in advance of calibration. Fees shall be remitted to the State Treasurer for credit to the Nebraska Emergency Management Agency Cash Fund.

Sec. 4. The Nebraska Emergency Management Agency Cash Fund is created. The fund shall be administered by the director of the Nebraska Emergency Management Agency. The fund shall only be used to pay for eligible costs of the Nebraska Emergency Management Agency. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 5. The responsible agency shall be responsible for delivery and receipt of radiological instruments to and from the department.

Sec. 6. If a calibrated radiological instrument has not been receipted from the department by the responsible agency sixty days after the completed calibration date, the department shall provide written notification to the responsible agency that failure to receipt such instrument within

ninety days after the completed calibration date shall result in forfeiture of such instrument. Written notification to the responsible agency shall be made a total of three times with not less than five working days between notifications. If, after proper notification and ninety days after the completed calibration date, such instrument has not been receipted from the department by the responsible agency, the instrument shall become the property of the State of Nebraska and shall be available for issue by the department to other responsible agencies who agree to be responsible for the replacement, repair, and calibration of the radiological instrument or the instrument shall be turned in as surplus property.

Sec. 7. Sections 1 to 8 of this act shall not apply to a radiological instrument owned and repaired, calibrated, or replaced by the department, except when a responsible agency has been issued a radiological instrument and, by agreement, has consented to be responsible for the replacement, repair, and calibration of such instrument.

Sec. 8. The department may adopt and promulgate rules and regulations to carry out sections 1 to 8 of this act.

Sec. 9. Section 55-131, Reissue Revised Statutes of Nebraska, is amended to read:

55-131 The Military Department Cash Fund is created. The fund shall be administered by the Adjutant General. The fund shall consist of all nonfederal revenue received by the National Guard pursuant to this section. The Adjutant General is hereby authorized to take accept by devise, gift, or otherwise and hold, as trustee, for the benefit and use of the National Guard or any part thereof any property, real or personal; to invest and reinvest the property; to collect, receive, and recover the rents, incomes, and issues from the property; and to expend them as provided by the terms of the devise or gift, or if not so provided, to expend them for the benefit and use of the National Guard as he or she in his or her discretion shall determine, subject to the approval of the Governor. All Except as otherwise provided by law, all other money received by the National Guard and derived from any other source shall be remitted to the State Treasurer for credit to the Military Department Cash Fund. ~~which fund is hereby created.~~ Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Any money in the Military Department Cash Fund administered on behalf of the Nebraska Emergency Management Agency shall be transferred to the Nebraska Emergency Management Agency Cash Fund as soon as possible after the operative date of this act.

Sec. 10. This act becomes operative on July 1, 2006.

Sec. 11. Original section 55-131, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 12. Since an emergency exists, this act takes effect when passed and approved according to law.