

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 24**

Introduced by Friend, 10.

Read first time January 8, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to radiological instruments; to amend  
2 sections 71-3531, 71-3534, and 71-3535, Revised Statutes  
3 Cumulative Supplement, 2008; to change provisions  
4 relating to replacement, repair, calibration, receipting,  
5 and forfeiture as prescribed; and to repeal the original  
6 sections.

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

1           Section 1. Section 71-3531, Revised Statutes Cumulative  
2 Supplement, 2008, is amended to read:

3           71-3531 (1) Until January 1, 2008, a fee shall be  
4 assessed on each radiological instrument calibrated by the  
5 department as follows: Direct reading dosimeters, twenty-two  
6 dollars; electronic dosimeters, thirty-one dollars; CD V-700  
7 meters, thirty-six dollars; CD V-715 meters, twenty-five dollars;  
8 CD V-718 meters, thirty-nine dollars; thermo-electron FH-40 GL and  
9 ASP-2 meters, sixty-six dollars; all electron detectors, forty-six  
10 dollars; and all other meters, sixty-six dollars. If any of  
11 such instruments form a kit, the fees shall be: CD V-777 kits,  
12 one hundred forty-nine dollars; thermo-electron FH-40 GL kits,  
13 two hundred thirty dollars; and thermo-electron ASP-2 kits, two  
14 hundred twenty-four dollars. Fees for minor repairs shall be at  
15 a base rate of sixteen dollars per hour plus the cost of parts.  
16 Beginning January 1, 2008, the department shall periodically adopt  
17 and promulgate rules and regulations that establish or adjust  
18 ~~such~~ replacement, repair, or calibration fees and the department  
19 shall assess such fees on all radiological instruments replaced,  
20 repaired, or calibrated by the department. The fees shall be  
21 equitable and the Adjutant General and the assistant director of  
22 the Nebraska Emergency Management Agency or their designees shall  
23 meet at least annually to recommend changes in the fees charged  
24 and allocation of fees collected for expenses incurred under this  
25 section.

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

10           (3) Fees for calibration shall be paid in advance. Other  
11 fees shall be paid when received from the department by the  
12 responsible agency. of calibration. Fees shall be remitted to the  
13 State Treasurer for credit to the Nebraska Emergency Management  
14 Agency Cash Fund.

15           Sec. 2. Section 71-3534, Revised Statutes Cumulative  
16 Supplement, 2008, is amended to read:

17           71-3534 If a replaced, repaired, or calibrated  
18 radiological instrument has not been received from the department  
19 by the responsible agency sixty days after the completed  
20 replacement, repair, or calibration date, the department shall  
21 provide written notification to the responsible agency that failure  
22 to receipt such instrument within ninety days after the ~~completed~~  
23 ~~calibration~~ completion date shall result in forfeiture of such  
24 instrument. Written notification to the responsible agency shall  
25 be made a total of three times with not less than five working

1 days between notifications. If, after proper notification and  
2 ninety days after the ~~completed calibration~~ completion date,  
3 such instrument has not been receipted from the department by  
4 the responsible agency, the instrument shall become the property  
5 of the State of Nebraska and shall be available for issue by  
6 the department to other responsible agencies who agree to be  
7 responsible for the replacement, repair, and calibration of the  
8 radiological instrument or the instrument shall be turned in as  
9 surplus property.

10           Sec. 3. Section 71-3535, Revised Statutes Cumulative  
11 Supplement, 2008, is amended to read:

12           71-3535 Sections 71-3529 to 71-3536 shall not apply  
13 to a radiological instrument owned and replaced, repaired,  
14 or calibrated, ~~or replaced~~ by the department, except when a  
15 responsible agency has been issued a radiological instrument and,  
16 by agreement, has consented to be responsible for the replacement,  
17 repair, and calibration of such instrument.

18           Sec. 4. Original sections 71-3531, 71-3534, and 71-3535,  
19 Revised Statutes Cumulative Supplement, 2008, are repealed.