

## LEGISLATIVE BILL 24

Approved by the Governor February 26, 2009

Introduced by Friend, 10.

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

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

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

71-3531 (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~~ replacement, repair, or calibration fees and the department shall assess such fees on all radiological instruments replaced, repaired, or 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 for calibration shall be paid in advance. Other fees shall be paid when receipted from the department by the responsible agency. ~~of calibration.~~ Fees shall be remitted to the State Treasurer for credit to the Nebraska Emergency Management Agency Cash Fund.

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

71-3534 If a replaced, repaired, or calibrated radiological instrument has not been receipted from the department by the responsible agency sixty days after the completed replacement, repair, or 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~~ completion 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~~ completion 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. 3. Section 71-3535, Revised Statutes Cumulative Supplement, 2008, is amended to read:

71-3535 Sections 71-3529 to 71-3536 shall not apply to a radiological instrument owned and replaced, repaired, or 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. 4. Original sections 71-3531, 71-3534, and 71-3535, Revised Statutes Cumulative Supplement, 2008, are repealed.