

LEGISLATURE OF NEBRASKA  
 ONE HUNDRED THIRD LEGISLATURE  
 FIRST SESSION  
**LEGISLATIVE BILL 13**

Introduced by Krist, 10.

Read first time January 10, 2013

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to real property; to amend sections 71-3501,  
 2 71-3507, 71-3508.03, and 71-3519, Reissue Revised  
 3 Statutes of Nebraska, and section 71-3503, Revised  
 4 Statutes Cumulative Supplement, 2012; to state findings;  
 5 to define terms; to provide powers and duties; to require  
 6 radon resistant construction as prescribed; to create a  
 7 task force; to require radon mitigation statements for  
 8 sales of residential real property as prescribed; to  
 9 provide for a cause of action; to harmonize provisions;  
 10 and to repeal the original sections.

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

1           Section 1. The Legislature finds that:

2           (1) Radon is a radioactive element that is part of the  
3 radioactive decay chain of naturally occurring uranium in soil;

4           (2) Radon is the leading cause of lung cancer among  
5 nonsmokers and the number one risk in homes according to the Harvard  
6 School of Public Health, Center for Risk Analysis;

7           (3) The 2008-2009 Annual Report from the President's  
8 Cancer Panel stated: "Comparative risk assessments by the  
9 Environmental Protection Agency and its Science Advisory Board have  
10 consistently ranked radon among the top 4 environmental risks to the  
11 public.";

12           (4) The World Health Organization's Handbook on Indoor  
13 Radon Key Messages include: "There is no known threshold  
14 concentration below which radon exposure presents no risk. The  
15 majority of radon-induced lung cancers are caused by low and moderate  
16 radon concentrations rather than by high radon concentrations,  
17 because in general less people are exposed to high indoor radon  
18 concentrations.";

19           (5) The Surgeon General of the United States urged  
20 Americans to test their homes to find out how much radon they might  
21 be breathing;

22           (6) The United States Environmental Protection Agency  
23 estimates that more than twenty thousand Americans die of radon-  
24 related lung cancer each year; and

25           (7) The Nebraska Department of Health and Human Services

1 has identified radon emissions in Nebraska as the third highest in  
2 the United States because of the high concentration of uranium in the  
3 soil.

4           Sec. 2. Section 71-3501, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           71-3501 It is the policy of the State of Nebraska in  
7 furtherance of its responsibility to protect occupational and public  
8 health and safety and the environment:

9           (1) To institute and maintain a regulatory program for  
10 sources of radiation so as to provide for:

11           (a) Compatibility and equivalency with the standards and  
12 regulatory programs of the federal government;

13           (b) A single effective system of regulation within the  
14 state; and

15           (c) A system consonant insofar as possible with those of  
16 other states;

17           (2) To institute and maintain a program to permit  
18 development and utilization of sources of radiation for peaceful  
19 purposes consistent with the protection of occupational and public  
20 health and safety and the environment;

21           (3) To provide for the availability of capacity either  
22 within or outside the state for the management of low-level  
23 radioactive waste generated within the state, except for waste  
24 generated as a result of defense or federal research and development  
25 activities, and to recognize that such radioactive waste can be most

1 safely and efficiently managed on a regional basis; and

2 (4) To maximize the protection practicable for the  
3 citizens of Nebraska from radon or its decay products by establishing  
4 requirements for (a) appropriate qualifications for persons providing  
5 measurement and mitigation services of radon or its decay products,  
6 ~~and~~ (b) active radon mitigation system installations, and (c) radon  
7 resistant construction.

8 Sec. 3. Section 71-3503, Revised Statutes Cumulative  
9 Supplement, 2012, is amended to read:

10 71-3503 For purposes of the Radiation Control Act, unless  
11 the context otherwise requires:

12 (1) Radiation means ionizing radiation and nonionizing  
13 radiation as follows:

14 (a) Ionizing radiation means gamma rays, X-rays, alpha  
15 and beta particles, high-speed electrons, neutrons, protons, and  
16 other atomic or nuclear particles or rays but does not include sound  
17 or radio waves or visible, infrared, or ultraviolet light; and

18 (b) Nonionizing radiation means (i) any electromagnetic  
19 radiation which can be generated during the operations of electronic  
20 products to such energy density levels as to present a biological  
21 hazard to occupational and public health and safety and the  
22 environment, other than ionizing electromagnetic radiation, and (ii)  
23 any sonic, ultrasonic, or infrasonic waves which are emitted from an  
24 electronic product as a result of the operation of an electronic  
25 circuit in such product and to such energy density levels as to

1 present a biological hazard to occupational and public health and  
2 safety and the environment;

3 (2) Radioactive material means any material, whether  
4 solid, liquid, or gas, which emits ionizing radiation spontaneously.  
5 Radioactive material includes, but is not limited to, accelerator-  
6 produced material, byproduct material, naturally occurring material,  
7 source material, and special nuclear material;

8 (3) Radiation-generating equipment means any manufactured  
9 product or device, component part of such a product or device, or  
10 machine or system which during operation can generate or emit  
11 radiation except devices which emit radiation only from radioactive  
12 material;

13 (4) Sources of radiation means any radioactive material,  
14 any radiation-generating equipment, or any device or equipment  
15 emitting or capable of emitting radiation or radioactive material;

16 (5) Undesirable radiation means radiation in such  
17 quantity and under such circumstances as determined from time to time  
18 by rules and regulations adopted and promulgated by the department;

19 (6) Person means any individual, corporation,  
20 partnership, limited liability company, firm, association, trust,  
21 estate, public or private institution, group, agency, political  
22 subdivision of this state, any other state or political subdivision  
23 or agency thereof, and any legal successor, representative, agent, or  
24 agency of the foregoing;

25 (7) Registration means registration with the department

1 pursuant to the Radiation Control Act;

2 (8) Department means the Department of Health and Human  
3 Services;

4 (9) Administrator means the administrator of radiation  
5 control designated pursuant to section 71-3504;

6 (10) Electronic product means any manufactured product,  
7 device, assembly, or assemblies of such products or devices which,  
8 during operation in an electronic circuit, can generate or emit a  
9 physical field of radiation;

10 (11) License means:

11 (a) A general license issued pursuant to rules and  
12 regulations adopted and promulgated by the department without the  
13 filing of an application with the department or the issuance of  
14 licensing documents to particular persons to transfer, acquire, own,  
15 possess, or use quantities of or devices or equipment utilizing  
16 radioactive materials;

17 (b) A specific license, issued to a named person upon  
18 application filed with the department pursuant to the Radiation  
19 Control Act and rules and regulations adopted and promulgated  
20 pursuant to the act, to use, manufacture, produce, transfer, receive,  
21 acquire, own, or possess quantities of or devices or equipment  
22 utilizing radioactive materials; or

23 (c) A license issued to a radon measurement specialist,  
24 radon mitigation specialist, radon measurement business, or radon  
25 mitigation business;

1 (12) Byproduct material means:

2 (a) Any radioactive material, except special nuclear  
3 material, yielded in or made radioactive by exposure to the radiation  
4 incident to the process of producing or utilizing special nuclear  
5 material;

6 (b) The tailings or wastes produced by the extraction or  
7 concentration of uranium or thorium from any ore processed primarily  
8 for its source material content, including discrete surface wastes  
9 resulting from uranium or thorium solution extraction processes.  
10 Underground ore bodies depleted by such solution extraction  
11 operations do not constitute byproduct material;

12 (c)(i) Any discrete source of radium-226 that is  
13 produced, extracted, or converted after extraction for use for a  
14 commercial, medical, or research activity; or

15 (ii) Any material that (A) has been made radioactive by  
16 use of a particle accelerator and (B) is produced, extracted, or  
17 converted after extraction for use for a commercial, medical, or  
18 research activity; and

19 (d) Any discrete source of naturally occurring  
20 radioactive material, other than source material, that:

21 (i) The United States Nuclear Regulatory Commission, in  
22 consultation with the Administrator of the United States  
23 Environmental Protection Agency, the United States Secretary of  
24 Energy, the United States Secretary of Homeland Security, and the  
25 head of any other appropriate federal agency, determines would pose a

1 threat similar to the threat posed by a discrete source of radium-226  
2 to the public health and safety or the common defense and security;  
3 and

4 (ii) Is extracted or converted after extraction for use  
5 in a commercial, medical, or research activity;

6 (13) Source material means:

7 (a) Uranium or thorium or any combination thereof in any  
8 physical or chemical form; or

9 (b) Ores which contain by weight one-twentieth of one  
10 percent or more of uranium, thorium, or any combination thereof.  
11 Source material does not include special nuclear material;

12 (14) Special nuclear material means:

13 (a) Plutonium, uranium 233, or uranium enriched in the  
14 isotope 233 or in the isotope 235 and any other material that the  
15 United States Nuclear Regulatory Commission pursuant to the  
16 provisions of section 51 of the federal Atomic Energy Act of 1954, as  
17 amended, determines to be special nuclear material but does not  
18 include source material; or

19 (b) Any material artificially enriched by any material  
20 listed in subdivision (14)(a) of this section but does not include  
21 source material;

22 (15) Users of sources of radiation means:

23 (a) Physicians using radioactive material or radiation-  
24 generating equipment for human use;

25 (b) Natural persons using radioactive material or

1 radiation-generating equipment for education, research, or  
2 development purposes;

3 (c) Natural persons using radioactive material or  
4 radiation-generating equipment for manufacture or distribution  
5 purposes;

6 (d) Natural persons using radioactive material or  
7 radiation-generating equipment for industrial purposes; and

8 (e) Natural persons using radioactive material or  
9 radiation-generating equipment for any other similar purpose;

10 (16) Civil penalty means any monetary penalty levied on a  
11 licensee or registrant because of violations of statutes, rules,  
12 regulations, licenses, or registration certificates but does not  
13 include criminal penalties;

14 (17) Closure means all activities performed at a waste  
15 handling, processing, management, or disposal site, such as  
16 stabilization and contouring, to assure that the site is in a stable  
17 condition so that only minor custodial care, surveillance, and  
18 monitoring are necessary at the site following termination of  
19 licensed operation;

20 (18) Decommissioning means final operational activities  
21 at a facility to dismantle site structures, to decontaminate site  
22 surfaces and remaining structures, to stabilize and contain residual  
23 radioactive material, and to carry out any other activities to  
24 prepare the site for postoperational care;

25 (19) Disposal means the permanent isolation of low-level

1 radioactive waste pursuant to the Radiation Control Act and rules and  
2 regulations adopted and promulgated pursuant to such act;

3 (20) Generate means to produce low-level radioactive  
4 waste when used in relation to low-level radioactive waste;

5 (21) High-level radioactive waste means:

6 (a) Irradiated reactor fuel;

7 (b) Liquid wastes resulting from the operation of the  
8 first cycle solvent extraction system or equivalent and the  
9 concentrated wastes from subsequent extraction cycles or the  
10 equivalent in a facility for reprocessing irradiated reactor fuel;  
11 and

12 (c) Solids into which such liquid wastes have been  
13 converted;

14 (22) Low-level radioactive waste means radioactive waste  
15 not defined as high-level radioactive waste, spent nuclear fuel, or  
16 byproduct material as defined in subdivision (12)(b) of this section;

17 (23) Management of low-level radioactive waste means the  
18 handling, processing, storage, reduction in volume, disposal, or  
19 isolation of such waste from the biosphere in any manner;

20 (24) Source material mill tailings or mill tailings means  
21 the tailings or wastes produced by the extraction or concentration of  
22 uranium or thorium from any ore processed primarily for its source  
23 material content, including discrete surface wastes resulting from  
24 underground solution extraction processes, but not including  
25 underground ore bodies depleted by such solution extraction

1 processes;

2 (25) Source material milling means any processing of ore,  
3 including underground solution extraction of unmined ore, primarily  
4 for the purpose of extracting or concentrating uranium or thorium  
5 therefrom and which results in the production of source material and  
6 source material mill tailings;

7 (26) Spent nuclear fuel means irradiated nuclear fuel  
8 that has undergone at least one year of decay since being used as a  
9 source of energy in a power reactor. Spent nuclear fuel includes the  
10 special nuclear material, byproduct material, source material, and  
11 other radioactive material associated with fuel assemblies;

12 (27) Transuranic waste means radioactive waste material  
13 containing alpha-emitting radioactive elements, with radioactive  
14 half-lives greater than five years, having an atomic number greater  
15 than 92 in concentrations in excess of one hundred nanocuries per  
16 gram;

17 (28) Licensed practitioner means a person licensed to  
18 practice medicine, dentistry, podiatry, chiropractic, osteopathic  
19 medicine and surgery, or as an osteopathic physician;

20 (29) X-ray system means an assemblage of components for  
21 the controlled production of X-rays, including, but not limited to,  
22 an X-ray high-voltage generator, an X-ray control, a tube housing  
23 assembly, a beam-limiting device, and the necessary supporting  
24 structures. Additional components which function with the system are  
25 considered integral parts of the system;

1           (30) Licensed facility operator means any person or  
2 entity who has obtained a license under the Low-Level Radioactive  
3 Waste Disposal Act to operate a facility, including any person or  
4 entity to whom an assignment of a license is approved by the  
5 Department of Environmental Quality; ~~and~~

6           (31) Deliberate misconduct means an intentional act or  
7 omission by a person that (a) would intentionally cause a licensee,  
8 registrant, or applicant for a license or registration to be in  
9 violation of any rule, regulation, or order of or any term,  
10 condition, or limitation of any license or registration issued by the  
11 department under the Radiation Control Act or (b) constitutes an  
12 intentional violation of a requirement, procedure, instruction,  
13 contract, purchase order, or policy under the Radiation Control Act  
14 by a licensee, a registrant, an applicant for a license or  
15 registration, or a contractor or subcontractor of a licensee,  
16 registrant, or applicant for a license or registration; -

17           (32) Active radon mitigation system means a family of  
18 radon mitigation systems involving mechanically driven soil  
19 depressurization, including subslab depressurization, drain tile  
20 depressurization, block wall depressurization, and submembrane  
21 depressurization. Active radon mitigation system is also known as  
22 active soil depressurization;

23           (33) New residential construction means any original  
24 construction of a single-family home or a multifamily dwelling,  
25 including apartments, group homes, condominiums, and townhouses;

1           (34) Passive new construction pipe means a pipe installed  
2 in new construction that relies solely on the convective flow of air  
3 upward for soil gas depressurization and may consist of multiple  
4 pipes routed through conditioned space from below the foundation to  
5 above the roof;

6           (35) Radon means a gaseous radioactive decay product of  
7 uranium or thorium;

8           (36) Radon contractor means a person licensed in  
9 accordance with the Uniform Credentialing Act and the Radiation  
10 Control Act to perform radon detection, measurement, and mitigation;

11           (37) Radon resistant construction means the installation  
12 of passive new construction pipe during new residential construction;

13           (38) Residential building code means an ordinance,  
14 resolution, or law that establishes standards applicable to new  
15 residential construction; and

16           (39) Residential building contractor means any  
17 individual, corporation, or partnership that constructs new  
18 residential construction.

19           Sec. 4. (1) The Department of Health and Human Services  
20 shall have primary responsibility for coordination, oversight, and  
21 implementation of all state functions in matters concerning the  
22 presence, effects, measurement, and mitigation of risks of radon and  
23 radon progeny in dwellings and other buildings. The Department of  
24 Environmental Quality and other state agencies shall consult and  
25 cooperate with the Department of Health and Human Services as

1 requested and as necessary to fulfill the purposes of sections 4 to 9  
2 of this act.

3 (2) The Department of Health and Human Services may adopt  
4 and promulgate rules and regulations as necessary for the  
5 administration and implementation of sections 4 to 9 of this act.

6 Sec. 5. Beginning January 1, 2014, new residential  
7 construction in Nebraska shall include radon resistant construction.

8 Sec. 6. The installation of an active radon mitigation  
9 system shall only be performed by a radon contractor. The  
10 installation of radon resistant construction may be performed by a  
11 residential building contractor or his or her subcontractors or a  
12 radon contractor during new residential construction. Only a radon  
13 contractor may install a radon vent fan or upgrade a passive new  
14 construction pipe to an active radon mitigation system.

15 Sec. 7. A county, city, or village that has adopted any  
16 ordinance or resolution regulating radon resistant construction may  
17 provide for its administration and enforcement.

18 Sec. 8. A county, city, or village may adopt, as part of  
19 its residential building code pursuant to local ordinance,  
20 regulations at least as stringent as the rules and regulations  
21 adopted and promulgated by the Department of Health and Human  
22 Services or may, by ordinance or resolution, adopt the rules and  
23 regulations adopted and promulgated by the department for radon  
24 resistant construction and the fixtures, materials, and design and  
25 installation methods of radon resistant construction. The rules and

1 regulations of the department may be incorporated in the ordinance or  
2 resolution by reference.

3 Sec. 9. (1) The Radon-Resistant Building Codes Task Force  
4 is created. The task force consists of the following members:

5 (a) The chief medical officer of the Division of Public  
6 Health of the Department of Health and Human Services as designated  
7 in section 81-3115 or his or her representative, who shall serve as  
8 the chairperson of the task force;

9 (b) A representative, designated by the chief medical  
10 officer, of a home builders' association in Nebraska;

11 (c) A representative, designated by the chief medical  
12 officer, of a home inspectors' association in Nebraska;

13 (d) A representative, designated by the chief medical  
14 officer, of an international building code organization;

15 (e) A representative, designated by the chief medical  
16 officer, of a Nebraska realtors' organization;

17 (f) Two representatives, designated by the chief medical  
18 officer, of respiratory disease organizations, each from a different  
19 organization;

20 (g) A representative, designated by the chief medical  
21 officer, of a cancer research and prevention organization;

22 (h) A representative, designated by the chief medical  
23 officer, of the League of Nebraska Municipalities; and

24 (i) A community public health representative, designated  
25 by the chief medical officer, from each congressional district.

1           (2) The task force shall meet at the call of the  
2 chairperson. The members shall serve on the task force without  
3 compensation but may be reimbursed for their reasonable expenses as  
4 provided in sections 81-1174 to 81-1177. The department shall provide  
5 staff and support for the operation of the task force.

6           (3) The task force shall make recommendations to the  
7 Governor and the department concerning the adoption and promulgation  
8 of rules and regulations to require residential building codes to  
9 specify the inclusion of radon resistant construction in new  
10 residential construction.

11           (4) The task force shall provide its recommendations by  
12 December 31, 2014. The task force and this section terminate January  
13 1, 2015.

14           Sec. 10. Section 71-3507, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           71-3507 (1) The department shall adopt and promulgate  
17 rules and regulations for the issuance, amendment, suspension, and  
18 revocation of general and specific licenses. Such licenses shall be  
19 for byproduct material, source material, special nuclear material,  
20 and radioactive material not under the authority of the federal  
21 Nuclear Regulatory Commission and for devices or equipment utilizing  
22 such materials. The rules and regulations shall provide:

23           (a) For written applications for a specific license which  
24 include the technical, financial, and other qualifications determined  
25 by the department to be reasonable and necessary to protect

1 occupational and public health and safety and the environment;

2 (b) For additional written statements and inspections, as  
3 required by the department, at any time after filing an application  
4 for a specific license and before the expiration of the license to  
5 determine whether the license should be issued, amended, suspended,  
6 or revoked;

7 (c) That all applications and statements be signed by the  
8 applicant or licensee;

9 (d) The form, terms, and conditions of general and  
10 specific licenses;

11 (e) That no license or right to possess or utilize  
12 sources of radiation granted by a license shall be assigned or in any  
13 manner disposed of without the written consent of the department; and

14 (f) That the terms and conditions of all licenses are  
15 subject to amendment by rules, regulations, or orders issued by the  
16 department.

17 (2) The department may require registration or licensing  
18 of radioactive material not enumerated in subsection (1) of this  
19 section in order to maintain compatibility and equivalency with the  
20 standards and regulatory programs of the federal government or to  
21 protect the occupational and public health and safety and the  
22 environment.

23 (3)(a) The department shall require licensure of persons  
24 providing measurement and mitigation services of radon or its decay  
25 products in order to protect the occupational and public health and

1 safety and the environment.

2 (b) The department shall adopt and promulgate rules and  
3 regulations establishing education, experience, training,  
4 examination, and continuing competency requirements for radon  
5 measurement specialists and radon mitigation specialists. Application  
6 for such licenses shall be made as provided in the Uniform  
7 Credentialing Act. Such persons shall be credentialed in the same  
8 manner as an individual under subsection (1) of section 38-121 and  
9 shall be subject to disciplinary action pursuant to section 71-3517.  
10 Continuing competency requirements may include, but not be limited  
11 to, one or more of the continuing competency activities listed in  
12 section 38-145. Any radon measurement technician license issued prior  
13 to December 1, 2008, shall remain valid as a radon measurement  
14 specialist license on and after such date until the date such radon  
15 measurement technician license would have expired. Such radon  
16 measurement specialist license shall be subject to rules and  
17 regulations adopted and promulgated by the department.

18 (c) The department shall adopt and promulgate rules and  
19 regulations establishing staffing, proficiency, quality control,  
20 reporting, worker health and safety, equipment, and record-keeping  
21 requirements for radon measurement businesses and radon mitigation  
22 businesses and active radon mitigation system installation  
23 requirements for radon mitigation businesses.

24 (4) The department may exempt certain sources of  
25 radiation or kinds of uses or users from licensing or registration

1 requirements established under the Radiation Control Act when the  
2 department finds that the exemption will not constitute a significant  
3 risk to occupational and public health and safety and the  
4 environment.

5 (5) The department may provide by rule and regulation for  
6 the recognition of other state or federal licenses compatible and  
7 equivalent with the standards established by the department for  
8 Nebraska licensees.

9 (6) The department may accept accreditation for an  
10 industrial radiographer by a recognized independent accreditation  
11 body, a public agency, or the federal Nuclear Regulatory Commission,  
12 which has standards that are at least as stringent as those of the  
13 State of Nebraska, as evidence that the industrial radiographer  
14 complies with the rules and regulations adopted and promulgated  
15 pursuant to the act. The department may adopt and promulgate rules  
16 and regulations which list accreditation bodies, public agencies, and  
17 federal programs that meet this standard.

18 (7) The department may enter at all reasonable times upon  
19 any private or public property for the purpose of determining whether  
20 or not there is compliance with the act and rules and regulations  
21 adopted and promulgated pursuant to the act, except that entry into  
22 areas under the jurisdiction of the federal government shall be  
23 effected only with the concurrence of the federal government or its  
24 duly designated representative.

25 (8) The department shall cause to be registered with the

1 department such sources of radiation as the department determines to  
2 be reasonably necessary to protect occupational and public health and  
3 safety and the environment as follows:

4 (a) The department shall, by public notice, establish a  
5 date on or before which date such sources of radiation shall be  
6 registered with the department. An application for registration shall  
7 be either in writing or by electronic means and shall state such  
8 information as the department by rules or regulations may determine  
9 to be necessary and reasonable to protect occupational and public  
10 health and safety and the environment;

11 (b) Registration of sources of radiation shall be an  
12 initial registration with appropriate notification to the department  
13 in the case of alteration of equipment, acquisition of new sources of  
14 radiation, or the transfer, loss, or destruction of sources of  
15 radiation and shall include the registration of persons installing or  
16 servicing sources of radiation;

17 (c) Failure to register or reregister sources of  
18 radiation in accordance with rules and regulations adopted and  
19 promulgated by the department shall be subject to a fine of not less  
20 than fifty dollars nor more than two hundred dollars; and

21 (d) The department may provide by rule and regulation for  
22 reregistration of sources of radiation.

23 (9) The results of any surveys or inspections of sources  
24 of radiation conducted by the department shall be public records  
25 subject to sections 84-712 to 84-712.09. In addition, the following

1 information shall be deemed confidential:

2 (a) The names of individuals in dosimetry reports;

3 (b) Emergency response procedures which would present a  
4 clear threat to security or disclose names of individuals; and

5 (c) Any other information that is likely to present a  
6 clear threat to the security of radioactive material. The department  
7 shall make such reports of results of surveys or inspections  
8 available to the owner or operator of the source of radiation  
9 together with any recommendations of the department regarding  
10 deficiencies noted.

11 (10) The department shall have the right to survey or  
12 inspect again any source of radiation previously surveyed without  
13 limitation of the number of surveys or inspections conducted on a  
14 given source of radiation.

15 (11) The department may enter into contracts with persons  
16 or corporations to perform the inspection of X-ray radiation-  
17 generating equipment or devices which emit radiation from radioactive  
18 materials and to aid the department in the administration of the act.

19 Sec. 11. Section 71-3508.03, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 71-3508.03 (1) The department shall establish by rule and  
22 regulation annual fees for the radioactive materials licenses, for  
23 inspections of radioactive materials, for the registration and  
24 inspection of radiation-generating equipment and other sources of  
25 radiation, and for radon measurement and mitigation business licenses

1 and inspections of active radon mitigation systems installations  
2 under the Radiation Control Act. The annual fee for registration and  
3 inspection of X-ray radiation generating equipment used to diagnose  
4 conditions in humans or animals shall not exceed four hundred dollars  
5 per X-ray machine. The department shall also establish by rule and  
6 regulation additional fees for environmental surveillance activities  
7 performed by the department to assess the radiological impact of  
8 activities conducted by licensees and registrants. Such activities  
9 shall not duplicate surveillance programs approved by the federal  
10 Nuclear Regulatory Commission and conducted by entities licensed by  
11 such commission. No fee shall exceed the actual cost to the  
12 department for administering the act. The fees collected shall be  
13 remitted to the State Treasurer for credit to the Health and Human  
14 Services Cash Fund and shall be used solely for the purpose of  
15 defraying the direct and indirect costs of administering the act. The  
16 department shall collect such fees.

17 (2) The department may, upon application by an interested  
18 person or on its own initiative, grant such exemptions from the  
19 requirements of this section as it determines are in the public  
20 interest. Applications for exemption under this subsection may  
21 include, but shall not be limited to, the use of licensed materials  
22 for educational or noncommercial displays or scientific collections.

23 (3) When a registrant or licensee fails to pay the  
24 applicable fee, the department may suspend or revoke the registration  
25 or license or may issue an appropriate order.

1                   (4) The department shall establish and collect fees for  
2 licenses for individuals engaged in radon detection, measurement, and  
3 mitigation as provided in sections 38-151 to 38-157.

4                   Sec. 12. Section 71-3519, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6                   71-3519 Sections 71-3501 to 71-3520 and sections 1 and 4  
7 to 9 of this act shall be known and may be cited as the Radiation  
8 Control Act.

9                   Sec. 13. Original sections 71-3501, 71-3507, 71-3508.03,  
10 and 71-3519, Reissue Revised Statutes of Nebraska, and section  
11 71-3503, Revised Statutes Cumulative Supplement, 2012, are repealed.