

SESSION OF 2010

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 531**

As Amended by House Committee on  
Commerce and Labor

**Brief\***

SB 531, as amended, would create the Radon Certificate Law which would require certification of radon measurement technicians, radon mitigation technicians, and radon measurement laboratories by the Secretary of the Kansas Department of Health and Environment (KDHE).

The bill would require the Secretary to create rules and regulations for the establishment of a radon certification program by July 1, 2011, for certified persons performing radon tests or radon mitigation. The rules and regulations by the Secretary for measuring permissible radon gas concentrations could not be more stringent, restrictive, or expansive than federal Environmental Protection Agency standards.

The bill would establish a maximum fee schedule for fees the Secretary can charge applicants and laboratories seeking certification. Revenue collected from fees would be deposited in the Radiation Control Operations Fee Fund.

Under the bill, persons who perform radon measurements or mitigation or laboratory analysis would have to be certified by KDHE, which would include completing a training course and passing an examination offered by the National Radon Safety Board, the National Environmental Health Association, or another organization recognized by KDHE. Persons certified by the Board or Association prior to July 1, 2011, would be exempt from meeting KDHE requirements for certification. A designation as a certified radon measurement laboratory would

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

not be transferable under the bill. Persons performing radon measurements or mitigation on a building they own or reside in, or persons who perform measurements without receiving compensation provided the testing is not performed in association with a home inspection or related to the transfer of real property, would be exempt from the Act.

Under the bill, mitigation performed in the course of construction performed by laborers or trade professionals under the supervision of a certified radon technician and individuals selling radon measurement devices at retail would be exempt under the Act.

The bill would require that any radon measurement business or radon mitigation business be owned by, or employ or retain as a consultant, a certified technician. Such businesses also would be required to have the certified technician perform all testing and installing of measurement devices and mitigation systems.

The bill would require individuals who test for radon, analyze testing devices, or perform radon mitigation to make a report on such activities to the Secretary within 90 days of the activity. All information included in the report would be confidential and not subject to disclosure under the Open Records Act. The reports would not be required if individuals are performing the activity on their own building or where such persons reside.

In addition, certified radon measurement businesses would not be required to submit radon tests to KDHE unless the customer or client consents to the release of the information in the report. If no contract is entered into by a certified radon measurement business and a client, the results of the radon testing would be required to be submitted to KDHE.

The bill would create a penalty of a class B misdemeanor for persons who willfully violate the Radon Certification Law.

Additionally, any person violating the Law may be subject to a fine of \$1,000 and may have their certification suspended or revoked.

## **Background**

Proponents of SB 531 included Senator Barnett, representatives of KDHE, Advanced Environmental Services Inc., the American Association of Radon Scientists and Technologists, Kansas State University, and the Kansas Association of Residential and Commercial Inspectors.

Written testimony in support of the bill was submitted by representatives of Cancer Survivors Against Radon, Home Pro of Kansas Inc., and Kansas Association of Real Estate Inspectors.

No opponents testified on the bill.

The Senate Committee on Federal and State Affairs amended the bill to delete the requirement that a person had to successfully complete a training course and pass an examination within one year of submission of an application for certification. In addition, the Committee included the provision that a person who owns a building or resides in it would not be subject to the Act provided that the testing is not performed in association with the transfer of real property. In addition, the Committee defined “a radon measurement laboratory” and added a provision that if no contract is entered into by a certified radon measurement business and a client, then the results of the radon testing would have to be reported to KDHE.

The House Committee on Commerce and Labor made technical amendments to the bill.

According to the Division of Budget, the fiscal note indicates that expenditures would increase by \$2,000 and increase revenue by \$11,250 in FY 2011 for KDHE.