

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Steve Brunk at 9:18 A.M. on March 24, 2008 in Room 784 of the DSOB.

All members were present except:

Bob Grant- excused
Brenda Landwehr- excused
Broderick Henderson- excused
Candy Ruff- excused
Kasha Kelley- excused
Lana Gordon- excused

Committee staff present:

Rena Jefferies, Office of Revisor of Statutes
Stephen Bainum, Committee Assistant

Conferees appearing before the committee:

Luke Bell, Kansas Association of Realtors
Chris Wilson, Kansas Building Industry Association
Martha Neu Smith, Kansas Manufactured Housing Association

Others attending: See attached list.

The Chairman opened the hearing on **Sub for SB 577-Radon certification and radon awareness laws.**

Luke Bell presented his testimony as neutral on **Sub 577 (Attachment 1)**. He indicated that KAR does not oppose the proposed requirement to include additional language in all residential real estate contracts. However they do not think it necessary to put the language in a bold font. KAR also supports the certification of individuals who test for and mitigate radon gas but KAR would like to have a statutory cap on the certification fees that can be charged. Luke said that KAR was concerned that the Kansas Department of Health and Environment would be given authority to adopt standards that were more stringent than the Federal Guidelines. Finally KAR was concerned about the requirement that the results of all radon tests and radon reports be filed with KDHE. KAR wants the bill to have language whereby the owner could give his consent to the release of the tests or report to KDHE.

Representative Grange asked Luke if this bill was necessary. Luke stressed that they were neutral on the bill and wanted to take care of their concerns on the bill. We are concerned with making sure people who offer professional services are certified properly. If our amendments are adopted we will have no problem with the bill. Representative Grange asked if their were unqualified people doing the tests. Luke said yes, their may be some home inspectors who do a radon test and are not qualified to do the test.

Representative Goico was concerned that people might not run the test because of the reporting requirement. Luke said they were concerned by privacy. Unless I consent I do not want the information revealed to third parties.

Chris Wilson presented her testimony as an opponent of **Sub 577 (Attachment 2)**. Chris said that they did support the amendments made by the Kansas Association of Realtors. However they do have some other concerns. One of their concerns is maintaining the afford ability of housing. Also it is very important to establish reasonable maximum fees. Additionally the Kansas Building Industry wants to be sure that a national standard is used.

Martha Neu Smith appeared as an opponent of **Sub 577 (Attachment 3)**. The Kansas Manufactured Housing Association had two problems with the bill. First, was the broad authority that the Secretary is given. Nothing in the bill prevents the KDHE from adopting their own standards of permissible levels of radon. The second area of concern was the action of taking the fees out of the bill. Hopefully tomorrow we can have language that focuses on those two areas.

Representative Ruiz asked about the schedule of fees. Martha said that the Federal & State Committee took the caps out but they would like to see them reinserted.

CONTINUATION SHEET

MINUTES OF THE House Commerce and Labor Committee at 9:18 A.M. on March 24, 2008 in Room 784 of the DSOB.

Representative Grange had a question about enforcement. How do we enforce the law. Kim Steves said that KDHE would inspect contractors as they perform radon measurements and mitigation systems as they are being installed and also look at their records. Representative Grange also asked Kim Steves how KDHE would find out that he was doing radon inspections. Kim said those contractors who are going to the trouble of becoming certified and paying the fees would report the ones who are competing against them and are not certified. Representative asked how they arrived at \$25,000 estimate of income to the state. Kim said they were making a guess as to how many were not certified in the state.

Representative Brunk asked what the process was if a buyer and seller were a couple of days from closing and high radon levels came up. Kim said that it was between the buyer and seller. There is no requirement for mitigation. This is the perfect time to negotiate with the seller.

Representative Humerickhouse asked how many employees would be added at KDHE. Kim said that one employee would be added.

Representative Kiegerl asked Luke Bell about the privacy concerns that KAR has in Section 11 of his balloon. Luke said that if you sell your home after doing a radon test you must disclose the information to the buyer. If you are not selling you do not have to disclose it.

Representative Huntington asked Chris Wilson if the Kansas Building Industry Association would be happy with national certification. Chris said that yes, it could reduce costs if the national standards were adopted by the state.

Kim Steves said that KDHE was not interested in having a separate certification program. We are intending to use the National Environmental Health Association and/or the National Radon Safety Board certifications. So if they are already certified by one of the national associations they only have to pay a fee to be certified in Kansas.

Representative Goico asked if the \$5 test would still be available. Kim said yes, you could still do the \$5 to \$20 do it yourself test. You are not required to hire a contractor. Kim said that most of the labs that process the do it yourself tests submit data to KDHE. They do not get to the address level but do get to the zip code level.

Representative Brunk asked about the do it yourself test being tampered with by the seller. Contractors usually have a continuous radon monitor. If it is tampered with it will show up in the test. Therefore the home buyer should use a certified testor.

Representative Huntington asked about the zip code info supplied by the labs. Kim said they use it to generate maps and do comparisons with lung cancer studies.

Representative Goico asked what the result would be if windows were opened during the test. Several of the technical staff of KDHE said that the test would show fluctuations in the data. Representative Goico asked what the penalties were for the homeowner who tries to falsify the tests. Kim said at this time they do not have penalties. There might be consequences if fraud is proven.

Representative Ruiz asked about the time element for accurately performing the tests. Kim said it was 48 hours and the test result is an average radon level.

The Chairman closed the hearing on **Sub 577**. The hearing would be resumed on Tuesday, March 25th. The committee was adjourned at 10:05 AM.