

**Senate File 2127 - Introduced**

SENATE FILE 2127

BY McCOY

**A BILL FOR**

1 An Act requiring radon testing and mitigation in public  
2 schools.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 280.30 Radon testing and  
2 mitigation.

3 1. For purposes of this section, "*short-term test*" means  
4 a test approved by the department of public health in which a  
5 testing device remains in an area for not less than two days  
6 and not more than ninety days to determine the amount of radon  
7 in the air that is acceptable for human inhalation.

8 2. The board of directors of each public school district  
9 shall establish a schedule for a short-term testing for radon  
10 gas to be performed at each attendance center under its control  
11 at least once by June 30, 2016, and at least once every ten  
12 years thereafter, and following any new construction of an  
13 attendance center or additions, renovations, or repairs to an  
14 attendance center, unless otherwise provided by subsection 5.

15 3. If the results of a test at an attendance center are at  
16 or above four picocuries per liter, the board of directors of  
17 the public school district shall have a second short-term test  
18 for radon gas and radon progeny performed at the attendance  
19 center within ninety days of the first short-term test.

20 4. If the results of a second test at an attendance center  
21 pursuant to subsection 3 are at or above four picocuries per  
22 liter, the board of directors of the public school district  
23 shall retain a person credentialed to perform radon abatement  
24 measures pursuant to section 136B.1 to develop a radon  
25 mitigation plan within ninety days of the second short-term  
26 test. The board shall implement the radon mitigation plan  
27 within one year of the second short-term test.

28 5. *a.* The board of directors of each public school district  
29 shall have a short-term test for radon gas and radon progeny  
30 performed every other year at any attendance center that has  
31 implemented a radon mitigation plan pursuant to subsection 4 or  
32 an alternative radon mitigation plan pursuant to paragraph "*b*"  
33 of this subsection.

34 *b.* If the results of a biennial test at an attendance  
35 center are at or above four picocuries per liter, the board of

1 directors of the public school district shall retain a person  
2 credentialed to perform radon abatement measures pursuant to  
3 section 136B.1 to develop an alternative radon mitigation plan  
4 within ninety days of the biennial test. The board shall  
5 implement the alternative radon mitigation plan within one year  
6 of the biennial test.

7 c. The board of directors of each public school district  
8 shall continue biennial radon testing at an attendance center  
9 until the results of biennial radon testing at the attendance  
10 center have been less than four picocuries per liter for four  
11 consecutive years.

12 6. The board of directors of each public school district  
13 shall submit the results of each radon test conducted at an  
14 attendance center pursuant to this section to the department  
15 of education within five days.

16 7. Radon testing pursuant to this section shall be conducted  
17 by a person certified to conduct such testing pursuant to  
18 section 136B.1 and shall be conducted as prescribed by the  
19 department of public health. Radon mitigation plans and  
20 alternative radon mitigation plans pursuant to this section  
21 shall be developed and implemented as prescribed by the  
22 department of public health.

23 8. The department of public health and the department of  
24 education shall each adopt rules to jointly administer this  
25 section.

26 Sec. 2. Section 298.3, subsection 1, Code 2014, is amended  
27 by adding the following new paragraph:

28 NEW PARAGRAPH. n. Radon testing and radon mitigation  
29 pursuant to section 280.30.

30 Sec. 3. Section 423F.3, subsection 3, paragraph a, Code  
31 2014, is amended to read as follows:

32 a. If the board of directors adopts a resolution to use  
33 funds received under the operation of this chapter solely for  
34 providing property tax relief by reducing indebtedness from the  
35 levies specified under section 298.2 or 298.18, or for radon

1 testing and radon mitigation pursuant to section 280.30, the  
2 board of directors may approve a revenue purpose statement for  
3 that purpose without submitting the revenue purpose statement  
4 to a vote of the electors.

5 Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance  
6 with section 25B.2, subsection 3, the state cost of requiring  
7 compliance with any state mandate included in this Act shall  
8 be paid by a school district from state school foundation aid  
9 received by the school district under section 257.16. This  
10 specification of the payment of the state cost shall be deemed  
11 to meet all of the state funding-related requirements of  
12 section 25B.2, subsection 3, and no additional state funding  
13 shall be necessary for the full implementation of this Act  
14 by and enforcement of this Act against all affected school  
15 districts.

16 Sec. 5. APPLICABILITY. Section 423F.3, subsection 7, shall  
17 not apply to this Act.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with  
20 the explanation's substance by the members of the general assembly.

21 This bill requires the board of directors of each public  
22 school district to have a short-term test for radon gas  
23 performed at each attendance center under its control at  
24 least once by June 30, 2016, and at least once every 10 years  
25 thereafter, and following new construction of an attendance  
26 center or additions, renovations, or repairs to an attendance  
27 center. If the results of such a test are at or above four  
28 picocuries per liter, the bill requires the board to have a  
29 second short-term test performed at the attendance center  
30 within 90 days.

31 If the results of a second test are at or above four  
32 picocuries per liter, the bill requires the board of directors  
33 of the public school district to retain a person credentialed  
34 to perform radon abatement measures to develop a radon  
35 mitigation plan within 90 days. The radon mitigation plan must

1 be implemented within one year.

2 If the results of a short-term test at an attendance center  
3 at which a radon mitigation plan has been implemented are at or  
4 above four picocuries per liter, the bill requires the board  
5 of directors of the public school district to retain a person  
6 credentialed to perform radon abatement measures to develop  
7 an alternative radon mitigation plan within 90 days. The  
8 alternative radon mitigation plan must be implemented within  
9 one year.

10 The bill requires biennial, short-term radon testing for any  
11 school site at which a radon mitigation plan or an alternative  
12 radon mitigation plan has been implemented, which continues  
13 until the results have been less than four picocuries per liter  
14 for four consecutive years.

15 The bill requires the board of directors of each public  
16 school district to submit the results of each radon test  
17 conducted at an attendance center pursuant to the bill to the  
18 department of education within five days.

19 The bill defines "short-term test" as a test approved by  
20 the department of public health in which a testing device  
21 remains in an area for not less than two days and not more than  
22 90 days to determine the amount of radon in the air that is  
23 acceptable for human inhalation. Radon testing pursuant to the  
24 bill must be conducted by a person certified to conduct such  
25 testing and must be conducted as prescribed by the department  
26 of public health. Radon mitigation plans and alternative radon  
27 mitigation plans pursuant to the bill must be developed and  
28 implemented as prescribed by the department of public health.

29 The bill requires the department of public health and  
30 the department of education to each adopt rules to jointly  
31 administer the provisions of the bill relating to radon testing  
32 in schools.

33 The bill adds radon testing and radon mitigation pursuant to  
34 the bill to the list of permissible uses of a physical plant  
35 and equipment levy or revenues from the secure an advanced

1 vision for education fund under Code section 423F.3 or by a  
2 school district.

3     The bill may include a state mandate as defined in Code  
4 section 25B.3. The bill requires that the state cost of  
5 any state mandate included in the bill be paid by a school  
6 district from state school foundation aid received by the  
7 school district under Code section 257.16. The specification  
8 is deemed to constitute state compliance with any state mandate  
9 funding-related requirements of Code section 25B.2. The  
10 inclusion of this specification is intended to reinstate the  
11 requirement of political subdivisions to comply with any state  
12 mandates included in the bill.

13     The bill makes inapplicable Code section 423F.3, subsection  
14 7, which requires a bill that would alter the purposes for  
15 which the revenues received under Code section 423F.3 may be  
16 used from infrastructure and property tax relief purposes  
17 to any other purpose to be approved by a vote of at least  
18 two-thirds of the members of both chambers of the general  
19 assembly.