

**House File 673 - Introduced**

HOUSE FILE 673  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 349)

**A BILL FOR**

1 An Act to require radon testing and mitigation in public  
2 schools and including applicability provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 280.31 Radon testing and  
2 mitigation.

3 1. For purposes of this section, "*short-term test*" means a  
4 testing device that remains in an area for two to seven days to  
5 determine the amount of radon in the air.

6 2. The board of directors of each public school district  
7 shall establish a radon plan and schedule for short-term  
8 tests for radon gas to be performed at each attendance center  
9 under its control at least once by July 1, 2024, and at least  
10 once every five years thereafter. Each school district shall  
11 publish testing results on the district's internet site in a  
12 timely manner.

13 3. Radon testing pursuant to this section conducted on and  
14 after July 1, 2019, shall be conducted by a person certified  
15 to conduct such testing pursuant to section 136B.1 or by those  
16 district employees trained in a radon testing program as  
17 approved by the department of education and the department of  
18 public health. The department of public health shall maintain  
19 and make available to school districts a list of such certified  
20 persons and programs. Testing shall be of the whole building  
21 on a best practices basis.

22 4. *a.* If the results of a short-term test at an attendance  
23 center are at or above four picocuries per liter, the board of  
24 directors of the public school district shall conduct a second  
25 short-term test for radon gas and radon decay products in the  
26 applicable spaces within sixty days of the first test.

27 *b.* If the averaged results of the first and second  
28 tests at an attendance center pursuant to paragraph "*a*" of  
29 this subsection are at or above four picocuries per liter,  
30 the board of directors of the public school district shall  
31 retain or employ a person credentialed pursuant to section  
32 136B.1 to develop a radon mitigation plan that may include  
33 further diagnostic testing, corrective measures, and active  
34 mitigation. The board shall complete the radon mitigation  
35 plan within two years of the first test. A district is not

1 required to mitigate an attendance center if the district  
2 intends to abandon the building within five years or has a plan  
3 to renovate the attendance center within five years and the  
4 renovation will include mitigation.

5 5. All new school construction shall incorporate radon  
6 resistant construction techniques.

7 6. In consultation with appropriate stakeholders, the  
8 department of public health and the department of education  
9 shall each adopt rules to jointly administer this section.

10 Sec. 2. Section 298.3, subsection 1, Code 2019, is amended  
11 by adding the following new paragraph:

12 NEW PARAGRAPH. *n.* Radon testing and radon mitigation  
13 pursuant to section 280.31.

14 Sec. 3. Section 423F.3, subsection 3, paragraph a, Code  
15 2019, is amended to read as follows:

16 *a.* If the board of directors adopts a resolution to use  
17 funds received under the operation of [this chapter](#) solely for  
18 providing property tax relief by reducing indebtedness from the  
19 levies specified under [section 298.2](#) or [298.18](#), or for radon  
20 testing pursuant to section 280.31, the board of directors may  
21 approve a revenue purpose statement for that purpose without  
22 submitting the revenue purpose statement to a vote of the  
23 electors.

24 Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance  
25 with section 25B.2, subsection 3, the state cost of requiring  
26 compliance with any state mandate included in this Act shall  
27 be paid by a school district from state school foundation aid  
28 received by the school district under section 257.16, revenues  
29 from the physical plant and equipment levy under section 298.3,  
30 or revenues from the secure on advanced vision for education  
31 fund under section 423F.3. This specification of the payment  
32 of the state cost shall be deemed to meet all of the state  
33 funding-related requirements of section 25B.2, subsection 3,  
34 and no additional state funding shall be necessary for the  
35 full implementation of this Act by and enforcement of this Act

1 against all affected school districts.

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

4

EXPLANATION

5

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

7

This bill relates to testing for radon at public schools.

8 The bill defines "short-term test" as a testing device that  
9 remains in an area for two to seven days to determine the  
10 amount of radon in the air. The bill requires the board of  
11 directors of each public school district to have a short-term  
12 test for radon gas performed at each attendance center under  
13 its control at least once by July 1, 2024, and at least once  
14 every five years thereafter. Each school district shall  
15 publish its most recent results on its school district internet  
16 site. Radon testing pursuant to the bill conducted on and  
17 after July 1, 2019, must be performed by a person certified  
18 to conduct such testing pursuant to Code section 136B.1 or by  
19 those district employees trained in radon testing programs as  
20 approved by the department of education and the department of  
21 public health.

22 If the results of a short-term test are at or above four  
23 picocuries per liter, the bill requires the board to have a  
24 second short-term test performed at the attendance center  
25 within 60 days of the first test. If the averaged results of a  
26 second test are at or above four picocuries per liter, the bill  
27 requires the board to retain or employ a person credentialed  
28 to develop a radon mitigation plan. The radon mitigation plan  
29 must be completed within two years of the first test. Radon  
30 mitigation is not required at an attendance center if the  
31 district intends to abandon the building within five years  
32 or has a plan to renovate the attendance center within five  
33 years and the renovation will include mitigation. However, the  
34 bill requires all new school construction to incorporate radon  
35 resistant construction techniques.

1 The bill requires the department of public health and  
2 the department of education to each adopt rules to jointly  
3 administer the provisions of the bill relating to radon testing  
4 in schools.

5 The bill adds radon testing and radon mitigation pursuant  
6 to the bill to the list of permissible uses of a physical  
7 plant and equipment levy by a school district. The bill adds  
8 radon testing conducted pursuant to the bill to the list of  
9 permissible uses of revenues from the secure an advanced vision  
10 for education fund under Code section 423F.3.

11 The bill may include a state mandate as defined in Code  
12 section 25B.3. The bill requires that the state cost of any  
13 state mandate included in the bill be paid by a school district  
14 from state school foundation aid received by the school  
15 district under Code section 257.16, revenues from the physical  
16 plant and equipment levy under Code section 298.3, or revenues  
17 from the secure an advanced vision for education fund under  
18 Code section 423F.3. The specification is deemed to constitute  
19 state compliance with any state mandate funding-related  
20 requirements of Code section 25B.2. The inclusion of this  
21 specification is intended to reinstate the requirement of  
22 political subdivisions to comply with any state mandates  
23 included in the bill.

24 The bill makes inapplicable Code section 423F.3, subsection  
25 7, which requires a bill that would alter the purposes for  
26 which the revenues received under Code section 423F.3 may be  
27 used from infrastructure and property tax relief purposes  
28 to any other purpose to be approved by a vote of at least  
29 two-thirds of the members of both chambers of the general  
30 assembly.