

House File 755 - Introduced

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BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 673)

(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.