

House File 2264 - Introduced

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BY LOHSE and BEST

A BILL FOR

1 An Act requiring 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. 280.32 Radon testing and
2 mitigation.

3 1. For purposes of this section, "*short-term test*" means a
4 test using a device that remains in an area for two to seven
5 days to 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, 2027, 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, 2022, 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 approved programs. Testing shall be of the whole
21 building, based on best practices.

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 spaces with elevated results within sixty days of the first
27 test.

28 *b.* If the averaged results of the first and second tests
29 at an attendance center pursuant to paragraph "*a*" are at or
30 above four picocuries per liter, the board of directors of
31 the public school district shall retain or employ a person
32 credentialed pursuant to section 136B.1 to develop a radon
33 mitigation plan that may include further diagnostic testing,
34 corrective measures, and active mitigation. The board shall
35 complete the radon mitigation plan within two years of the

1 first test. A district is not required to mitigate radon
2 at an attendance center if the district intends to abandon
3 the building within five years or has a plan to renovate the
4 attendance center within five years and the renovation will
5 include radon mitigation.

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

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

11 Sec. 2. Section 298.3, subsection 1, Code 2022, is amended
12 by adding the following new paragraph:

13 NEW PARAGRAPH. *n.* Radon testing and radon mitigation
14 pursuant to section 280.32.

15 Sec. 3. Section 423F.3, subsection 3, paragraph a, Code
16 2022, is amended to read as follows:

17 *a.* If the board of directors adopts a resolution to use
18 funds received under the operation of [this chapter](#) solely for
19 providing property tax relief by reducing indebtedness from the
20 levies specified under [section 298.2](#) or [298.18](#), or for radon
21 testing pursuant to section 280.32, the board of directors may
22 approve a revenue purpose statement for that purpose without
23 submitting the revenue purpose statement to a vote of the
24 electors.

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

1 full implementation of this Act by and enforcement of this Act
2 against all affected school districts.

3 Sec. 5. APPLICABILITY. Section 423F.3, subsection 8, does
4 not apply to this Act.

5

EXPLANATION

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

8 This bill relates to testing for radon at public schools.

9 The bill defines "short-term test" as a test using a device
10 that remains in an area for two to seven days to determine the
11 amount of radon in the air. The bill requires the board of
12 directors of each public school district to have a short-term
13 test for radon gas performed at each attendance center under
14 its control at least once by July 1, 2027, and at least once
15 every five years thereafter. Each school district shall
16 publish its most recent results on its internet site. Radon
17 testing pursuant to the bill conducted on and after July 1,
18 2022, must be performed by a person certified to conduct such
19 testing pursuant to Code section 136B.1 or by those district
20 employees trained in radon testing programs as approved by the
21 department of education and the department of 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
26 the tests 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 or
32 has a plan to renovate the attendance center within five years
33 and the renovation will include radon mitigation. However, the
34 bill requires all new school construction to incorporate radon
35 resistant construction techniques.

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

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

20 The bill makes inapplicable Code section 423F.3, subsection
21 8, which requires a bill that would alter the purposes for
22 which the revenues received under Code section 423F.3 may be
23 used from infrastructure and property tax relief purposes
24 to any other purpose to be approved by a vote of at least
25 two-thirds of the members of both chambers of the general
26 assembly.