

SESSION OF 2008

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR SENATE BILL NO. 577**

As Recommended by Senate Committee on
Federal and State Affairs

Brief*

Sub. for SB 577 would create the Radon Awareness Act and the Radon Certification Law.

Under the Radon Awareness Act, each contract for sale of residential real property would have to contain language notifying the buyer that the property may contain radon gas, the cancer risks of exposure to radon, and the recommendations to test for such gas. The bill would require the seller to disclose any information to the seller dealing with elevated concentration of radon on the property.

Under the bill, the Radon Certification Law would require radon to be measured and mitigated by a certified radon measurement technician and radon mitigation technician respectively, except for persons who owned the property or persons who reside on the property or person performing radon measurements without remuneration.

Applicants for certification as a radon measurement technician and a radon mitigation technician would have to have completed a training course and passed an examination within one year of the date of submission of the application. An applicant who is certified by a national environmental health association or a national radon safety board on July 1, 2008, and who has performed the duties of a radon measurement technician for one year prior to July 1, 2008, would be deemed certified as a radon measurement technician in Kansas.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Under the bill, the Secretary of the Department of Health and Environment may fix and impose fees by rules and regulations for initial certification and annual renewal of such certification to pay for the administration and implementation of the Radon Certification Law.

The bill would prohibit a person from operating a radon measurement business or a radon mitigation business or perform a laboratory analysis unless such person has been certified by the Kansas Department of Health and Environment (KDHE).

The bill would create penalties for violations of the Radon Certificate Law which would be a class C nonperson misdemeanor for the first offense, and a class B nonperson misdemeanor for the second and subsequent offenses. In addition, the bill would authorize the Secretary of KDHE to impose a fine not to exceed \$10,000 and continuing violations would be counted as a separate violation for computing the amount of civil penalty.

The bill would authorize the fees collected by the Secretary of the Kansas Department of Health and Environment under the Radon Control Operations Fee Fund to be used for the costs of administration of the Radon Certification Law and the Radon Awareness Act.

Background

Proponents of the original bill included; Senator Barnett; the Kansas Department of Health and Environment; the American Cancer Society; McGrew Real Estate; Mid America Radon Testing; and Radon Mitigations, Inc. Written testimony in support of the original bill was submitted by a concerned citizen, and AAIR Professionals, Inc. Opponents included: the Kansas Association of Realtors; Kansas Building Industry Association; and Kansas Manufactured Housing Association. Written testimony in opposition to the original bill was submitted

by the Home Builders Association of Greater Kansas City; and the Kansas Association of Real Estate Inspectors.

The fiscal note on the original bill indicates that the bill would increase expenditures by \$60,150 from the State General Fund for KDHE in FY 2009. The fiscal note also estimated salaries and wages for staff and operating expenses by KDHE would be \$80,550.