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

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

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

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

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

b. If the averaged results of the first and second tests at an attendance center pursuant to paragraph "a" of this subsection are at or above four picocuries per liter, the board of directors of the public school district shall retain or employ a person credentialed pursuant to section 136B.1 to develop a radon mitigation plan that may include further diagnostic testing, corrective measures, and active mitigation. The board shall complete the radon mitigation plan within two years of the first test. A district is not
required to mitigate an attendance center if the district
intends to abandon the building within five years or has a plan
to renovate the attendance center within five years and the
renovation will include mitigation.
5. All new school construction shall incorporate radon
resistant construction techniques.
6. In consultation with appropriate stakeholders, the
department of public health and the department of education
shall each adopt rules to jointly administer this section.
Sec. 2. Section 298.3, subsection 1, Code 2019, is amended
by adding the following new paragraph:
NEW PARAGRAPH. n. Radon testing and radon mitigation
pursuant to section 280.31.
Sec. 3. Section 423F.3, subsection 3, paragraph a, Code
2019, is amended to read as follows:
a. If the board of directors adopts a resolution to use
funds received under the operation of this chapter solely for
providing property tax relief by reducing indebtedness from the
levies specified under section 298.2 or 298.18, or for radon
testing pursuant to section 280.31, the board of directors may
approve a revenue purpose statement for that purpose without
submitting the revenue purpose statement to a vote of the
electors.
Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance
with section 25B.2, subsection 3, the state cost of requiring
compliance with any state mandate included in this Act shall
be paid by a school district from state school foundation aid
received by the school district under section 257.16, revenues
from the physical plant and equipment levy under section 298.3,
or revenues from the secure on advanced vision for education
fund under section 423F.3. This specification of the payment
of the state cost shall be deemed to meet all of the state
funding-related requirements of section 25B.2, subsection 3,
and no additional state funding shall be necessary for the
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
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
9 This bill relates to testing for radon at public schools.
10 The bill defines "short-term test" as a testing device that
11 remains in an area for two to seven days to determine the
12 amount of radon in the air. The bill requires the board of
13 directors of each public school district to have a short-term
14 test for radon gas performed at each attendance center under
15 its control at least once by July 1, 2024, and at least once
16 every five years thereafter. Each school district shall
17 publish its most recent results on its school district internet
18 site. Radon testing pursuant to the bill conducted on and
19 after July 1, 2019, must be performed by a person certified
20 to conduct such testing pursuant to Code section 136B.1 or by
21 those district employees trained in radon testing programs as
22 approved by the department of education and the department of
23 public health.
24 If the results of a short-term test are at or above four
25 picocuries per liter, the bill requires the board to have a
26 second short-term test performed at the attendance center
27 within 60 days of the first test. If the averaged results of a
28 second test are at or above four picocuries per liter, the bill
29 requires the board to retain or employ a person credentialed
30 to develop a radon mitigation plan. The radon mitigation plan
31 must be completed within two years of the first test. Radon
32 mitigation is not required at an attendance center if the
33 district intends to abandon the building within five years
34 or has a plan to renovate the attendance center within five
35 years and the renovation will include mitigation. However, the
36 bill requires all new school construction to incorporate radon
37 resistant construction techniques.
The bill requires the department of public health and the department of education to each adopt rules to jointly administer the provisions of the bill relating to radon testing in schools. The bill adds radon testing and radon mitigation pursuant to the bill to the list of permissible uses of a physical plant and equipment levy by a school district. The bill adds radon testing conducted pursuant to the bill to the list of permissible uses of revenues from the secure an advanced vision for education fund under Code section 423F.3. The bill may include a state mandate as defined in Code section 25B.3. The bill requires that the state cost of any state mandate included in the bill be paid by a school district from state school foundation aid received by the school district under Code section 257.16, revenues from the physical plant and equipment levy under Code section 298.3, or revenues from the secure an advanced vision for education fund under Code section 423F.3. The specification is deemed to constitute state compliance with any state mandate funding-related requirements of Code section 25B.2. The inclusion of this specification is intended to reinstate the requirement of political subdivisions to comply with any state mandates included in the bill.

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