

1 AN ACT relating to radon safety.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 309.432 is amended to read as follows:

4 (1) The Kentucky Board of Radon Safety is hereby created and shall be attached to the
5 Department of Professional Licensing in the Public Protection Cabinet for
6 administrative purposes. Each member of the board shall be a citizen and resident
7 of the Commonwealth of Kentucky. The board shall consist of **nine (9)**~~seven (7)~~
8 members as follows:

9 (a) Four (4) members shall be either a radon measurement contractor, a radon
10 mitigation contractor, or a person associated with a radon laboratory
11 conducting laboratory analysis and shall be appointed by the Governor from a
12 list of six (6) names submitted to the Governor by the Kentucky Association
13 of Radon Professionals;

14 (b) One (1) nonvoting member shall be a representative of the home building
15 industry and shall be appointed by the Governor from a list of three (3) names
16 submitted to the Governor by the Home Builders Association of Kentucky;

17 (c) One (1) nonvoting member shall be a real estate salesperson or broker
18 licensed under KRS Chapter 324 and shall be appointed by the Governor from
19 a list of three (3) names submitted to the Governor by the Kentucky
20 Association of Realtors;~~and~~

21 (d) **Two (2) members**~~One (1) member~~ shall **represent**~~be a representative of~~ a
22 public health organization and shall be appointed by the Governor from a list
23 of **four (4)**~~three (3)~~ names submitted to the Governor by the Kentucky
24 Cancer Consortium; **and**

25 **One (1) member shall be a citizen at large appointed by the Governor who**
26 **shall represent the public and shall not be associated with or financially**
27 **interested in the practice of radon measurement, mitigation, or laboratory**

1 analysis.

2 (2) (a) To be eligible for initial appointment as a member of the board under
3 subsection (1)(a) or (1)(d) of this section, a person shall have been actively
4 engaged in the practice of radon measurement, mitigation, ~~for~~ laboratory
5 analysis, or public or environmental health for not less than three (3) years
6 immediately preceding the date of appointment to the board.

7 (b) Upon expiration of the initial appointments, to be eligible for appointment as
8 a member of the board under subsection (1)(a) or (1)(d) of this section, a
9 person shall have been actively engaged in the practice of radon measurement,
10 mitigation, ~~for~~ laboratory analysis, or public or environmental health for not
11 less than three (3) years immediately preceding the date of the appointment to
12 the board and hold a valid certification as a radon measurement contractor or
13 radon mitigation contractor, or be associated with a radon laboratory with a
14 valid certification.

15 (3) (a) The Governor shall initially appoint two (2) members for a term of four (4)
16 years, two (2) members for a term of three (3) years, and one (1) member for a
17 term of two (2) years. All appointments shall expire on June 30 of the last
18 year of the terms. Thereafter, members shall be appointed for terms of four (4)
19 years. Members shall serve until their successors are appointed.

20 (b) The Governor shall initially appoint the two (2) members established in
21 subsection (1)(d) and (1)(e) of this section for a term of two (2) years. All
22 appointments shall expire on June 30 of the last year of the terms.
23 Thereafter, members shall be appointed for terms of four (4) years.
24 Members shall serve until their successors are appointed.

25 (4) Upon recommendation of the board, the Governor may remove any member of the
26 board appointed by the Governor for poor attendance, neglect of duty, misfeasance,
27 or malfeasance in office.

- 1 (5) Vacancies in the membership of the board for any cause shall be filled by
2 appointment by the Governor for the balance of the unexpired term.
- 3 (6) A majority of the voting board members shall constitute a quorum to do business.
4 The board shall meet at least once each calendar year or at other times deemed
5 necessary by the chairperson or a quorum of the board upon being given a
6 minimum of ten (10) days' notice at a location designated by the chairperson or a
7 quorum of the board.
- 8 (7) The board shall elect a chairperson and a vice chairperson. The chairperson shall
9 preside at all meetings at which the chairperson is present. The vice chairperson
10 shall preside at all meetings in the absence of the chairperson.
- 11 (8) If the chairperson and vice chairperson are absent from a meeting of the board when
12 a quorum exists, the members who are present may elect a presiding officer who
13 shall serve as acting chairperson until the conclusion of the meeting or until the
14 arrival of the chairperson or vice chairperson.
- 15 (9) Members of the board shall be immune from suit for any discretionary act
16 performed by them in good faith.
- 17 (10) Each member of the board shall be reimbursed for costs for actual travel and for
18 incidental, clerical, and all other actual and necessary expenses incurred in the
19 discharge of official duties associated with the board, as prescribed by the board
20 through the promulgation of an administrative regulation.

21 ➔Section 2. KRS 309.434 is amended to read as follows:

22 The board shall:

- 23 (1) Promote the ~~control~~safety of radon **measurement, mitigation, and laboratory**
24 **analysis professionals** in the Commonwealth of Kentucky;
- 25 (2) Develop and conduct programs for evaluation and control of activities related to
26 radon, including laboratory analyses, measurement, and mitigation;
- 27 (3) Promulgate administrative regulations in accordance with KRS Chapter 13A to

- 1 administer, coordinate, and enforce KRS 309.430 to 309.454;
- 2 (4) Issue a registration certificate to certified persons or business entities registered by
3 the board;
- 4 (5) Maintain a public list of all certified persons or business entities registered by the
5 board;
- 6 (6) Design and administer, or work with the Cabinet for Health and Family Services
7 to participate in the design and administration of, educational and research
8 programs to ensure the citizens of the Commonwealth are informed about the health
9 risks associated with radon;
- 10 (7) ~~Enter into agreements with any federal or state agency, political subdivision,~~
11 ~~postsecondary education institution, nonprofit organization, or other person or~~
12 ~~entity to assist with and administer grants received by the board, including but not~~
13 ~~limited to the Environmental Protection Agency State Indoor Radon Grant (SIRG)~~
14 ~~program;~~
- 15 ~~(8)~~ Prepare an annual budget for the use of moneys received by the board from the
16 collection of fees and fines, receipt of grants, and all other radon-related activities;
- 17 ~~(8)~~~~(9)~~ Establish and maintain office space and personnel, as necessary, to
18 administer, coordinate, and enforce KRS 304.430 to 309.454;
- 19 ~~(9)~~~~(10)~~ Collect or receive all fees, fines, and other moneys owed pursuant to KRS
20 309.430 to 309.454, and deposit all those moneys into the radon control fund
21 established by KRS 309.454;
- 22 ~~(10)~~~~(11)~~ Issue subpoenas only through the board's attorney and only under the
23 authority of the board's general counsel;
- 24 ~~(11)~~~~(12)~~ Administer oaths, examine witnesses, investigate allegations of wrongdoing,
25 and conduct administrative hearings in accordance with KRS Chapter 13B to
26 enforce KRS 309.430 to 309.454; and
- 27 ~~(12)~~~~(13)~~ Record minutes of board meetings and proceedings which shall be

1 documented and made available for public inspection.