

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on February 14, 2008 in Room 526-S of the Capitol.

All members were present except:

Senator Mark Gilstrap- excused

Committee staff present:

Dennis Hodgins, Kansas Legislative Research Department

Melissa Doeblin, Revisor of Statutes Office

Theresa Kiernan, Revisor of Statutes Office

Connie Burns, Committee Assistant

Conferees appearing before the committee:

Larry Magill, Kansas Association of Insurance Agents

Kimberly Steves, KDHE

Dr. James Hamilton

Steve Albright

Bill Slentz, Mid America Radon

Roger Dahlby, Radon Mitigations Inc

Luke Bell, Kansas Association of Realtors

Chris Wilson, Kansas Building Industry Association

Martha Neu Smith, Kansas Manufactured Housing Association

Others attending:

See attached list.

The Committee Minutes for January 15, 17, 22, 23, 24, and 31, distributed on February 7, 2008, with no changes stand approved.

Senator Barnett, requested two bill introductions concerning education funding and economic disasters.

1. An act concerning school districts; relating to school finance; relating to supplemental general state aid
2. An act concerning school districts; relating to school finance, Emporia, Chase County, and Northern and Southern Lyons County

Senator Barnett moved that this request should be introduced as a committee bills. Senator Reitz seconded the motion. The motion carried.

Larry Magill, Kansas Association of Insurance Agents, requested a bill introduction that concerns workers compensation and records open to the public. (Attachment 1)

Senator Vratil moved that this request should be introduced as a committee bill. Senator Reitz seconded the motion. The motion carried.

Senator Vratil requested a bill introduction on behalf of The Kansas Criminal Recodification Committee on reorganizing drug statutes from Chapter 65 pharmaceutical to Chapter 21 criminal.

Senator Vratil moved that this request should be introduced as a committee bill. Senator Barnett seconded the motion. The motion carried.

SB 577 - Radon awareness law and radon certification program

Chairman Brungardt opened the hearing on **SB 577**.

Senator Barnett appeared in support of the bill. (Attachment 2) Senator Barnett was contacted by a family who lost a loved one to radon-induced cancer of the lung. After diagnosis and the information from her oncologist, the home was tested for radon and was found to be elevated to a dangerous level. The story has prompted the development and introduction of the bill. Radon is the leading cause of lung cancer in people who have never smoked. The bill would require certification of those actually performing testing

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and by July, 2011, would require radon testing be performed at the time of sale.

Kimberly Steves, Environmental Radiation, Emergency Preparedness, and Right To Know, Kansas Department Health Environment, (KDHE) spoke in support of the bill with amendments. ([Attachment 3](#)) KDHE believes the combined effort of providing information and testing during real estate transactions, and certifying the contractors who are performing the tests and installing the mitigation systems is the best way to prevent these cases of lung cancer in our citizens. The Kansas Radon Program is already a strong and active program within KDHE, the elements added by the bill will be a smooth transition for the program. The amendment would change the date on page 3, line 32 from January 1, 2009, to April 1, 2009.

Dr. James (Jim) Hamilton, American Cancer Society and American College of Surgeons Commission, appeared in support of the bill. ([Attachment 4](#)) Testing at the time of sale of all residential dwellings will create a safe housing pool over time, and reduce the risks of this silent killer to safe levels in Kansas.

Steve Albright spoke in support of the bill. ([Attachment 5](#)) As a real estate agent Mr. Albright has not had a radon problem slow or stop a transaction, and it is faster to get a home mitigated for elevated radon than to get a roof replaced or siding repaired. A typical residential radon measurement costs \$125 to \$150 when conducted by trained professionals. Residential mitigation systems usually cost between \$800 to \$1,000 in the Lawrence area. A proposed amendment was provided that put the process in the same time frame as the other inspections.

Bill Slentz, Mid American Radon, appeared in support of the bill. ([Attachment 6](#)) Mr. Slentz believes a bill of this nature is past due and has great potential for raising public awareness of a potentially lethal silent killer.

Robert Dahlby, Radon Mitigations Inc., appeared in support of the bill. ([Attachment 7](#)) As a licensed civil engineer and represents a licensed radon mitigators and testers group in Kansas, has the following observations:

- the standard professional radon test during a realty transaction is \$100
- \$1.00 to \$15.00 is done by the homeowner
- Mitigation cost is \$750 to \$1,700 but averages about \$1,100
- Homes only feet apart can test minimal to extremely high
- All homes from our experience can be mitigated
- more radon awareness is needed in Kansas

If passed, this bill can certainly save lives.

Gloria Linnertz, St. Louis ([Attachment 8](#)) and Gary Hodgden, Olathe, ([Attachment 9](#)) provided written testimony in support of the bill.

Luke Bell, Kansas Association of Realtors, appeared in opposition of the bill. ([Attachment 10](#)) The bill would make major changes to existing state law concerning the disclosure, testing and mitigation of radon gas in Kansas. Existing state law requires sellers to disclose material facts to the buyer of real property when the seller has knowledge of a defect in the property that is not within the fair and reasonable reach of the buyer. In a real estate transaction, this information is typically disclosed to the buyer by the seller in the Seller's Property Disclosure Statement. In this statement, the seller provides disclosures to the buyer on the condition of various conditions in the property ranging from the functionality of household appliances to the existence of lead-based paint or radon gas in the property. This legislation would create new radon disclosure requirements including a new separate radon disclosure form and brochure developed by the Kansas Department of Health and Environment (KDHE), require mandatory testing for radon gas in all real estate transactions and require all individuals who perform radon tests or mitigation to be certified by KDHE

Chris Woods, Kansas Building Industry Association, spoke in opposition of the bill. ([Attachment 11](#)) This bill addresses new construction, which is most likely to have radon mitigation in place, and yet doesn't address multi-family housing or housing for the aging. Any standards should be based on sound scientific

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studies, be cost-effective and be implemented through the model code process. State laws should eliminate liability when homes are built to these model code standards. We support voluntary use of residential random construction standards in building codes, statutes, or regulations. A residential measurement providers list servicing Kansas was provided.

Martha Neu Smith, Kansas Manufactured Housing Association, appeared in opposition of the bill. (Attachment 12) The bill is confusing as to when the disclosure should be given, before entering into a contract or prior to the buyer making an offer. The Association has concerns about the very broad authority this bill gives the Secretary of Health and Environment and the bill does not address individuals selling their own home, and how would they know about the “Radon Testing Guidelines for Residential Real Property Transactions” which is required to be provided to the buyer.

Phil Perry, Home Builders Association of Greater Kansas City (Attachment 13), and Jeff Barnes, Kansas Association of Real Estate Inspectors, (Attachment 14) provided written testimony in opposition of the bill

Chairman Brungardt closed the hearing on **SB 577**.

Final Action

SB 486 - Appointment of certain state officers subject to confirmation by the senate

Senator Vratil provided an amendment to the bill. (Attachment 15) The amendment would strike the legislator and replace with “appointing authority” on page 2, line 3, 14, 38, 40, and 41. Insert language about appearing before committee unless being re-appointed to the same position on page 11 line 41 and striking “may require such person to appear before the committee.” New Section 36 KSA 75-4315a.

Senator Barnett moved the amendment. Senator Reitz seconded the motion. The motion carried.

Senator Brownlee moved to pass **SB 486** out favorably as amended. Senator Vratil seconded the motion. The motion carried.

The meeting was adjourned at 11:55 am. The next scheduled meeting is February 19, 2008.