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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3944

- 04/18/2016 Authored by Sanders
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy
- 04/21/2016 Adoption of Report: Re-referred to the Committee on Rules and Legislative Administration
- 04/27/2016 Adoption of Report: Placed on the General Register
Read Second Time
- 05/04/2016 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act
1.2 relating to health; specifying data from radon testing and mitigation; requiring
1.3 rulemaking on indoor radon licensure and work standards; providing exemptions
1.4 to radon licensing; changing fees for radon license application; allowing local
1.5 governments to require inspections or permits; amending Minnesota Statutes
1.6 2014, section 13.3805, by adding a subdivision; Minnesota Statutes 2015
1.7 Supplement, section 144.4961, subdivisions 3, 4, 5, 6, 8, by adding subdivisions;
1.8 Laws 2015, chapter 71, article 8, section 24.

1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10 Section 1. Minnesota Statutes 2014, section 13.3805, is amended by adding a
1.11 subdivision to read:

1.12 Subd. 5. **Radon testing and mitigation data.** Data maintained by the Department
1.13 of Health that identify the address of a radon testing or mitigation site, and the name,
1.14 address, e-mail address, and telephone number of residents and residential property owners
1.15 of a radon testing or mitigation site, are private data on individuals or nonpublic data.

1.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.17 Sec. 2. Minnesota Statutes 2015 Supplement, section 144.4961, subdivision 3, is
1.18 amended to read:

1.19 Subd. 3. **Rulemaking.** The commissioner of health shall adopt rules ~~for~~ establishing
1.20 licensure requirements and enforcement of applicable laws and rules work standards
1.21 relating to indoor radon in dwellings and other buildings, with the exception of newly
1.22 constructed Minnesota homes according to section 326B.106, subdivision 6. The
1.23 commissioner shall coordinate, oversee, and implement all state functions in matters

2.1 concerning the presence, effects, measurement, and mitigation of risks of radon in
2.2 dwellings and other buildings.

2.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.4 Sec. 3. Minnesota Statutes 2015 Supplement, section 144.4961, subdivision 4, is
2.5 amended to read:

2.6 Subd. 4. **System tag.** All radon mitigation systems installed in Minnesota on or
2.7 after ~~October 1, 2017~~ January 1, 2018, must have a radon mitigation system tag provided
2.8 by the commissioner. A radon mitigation professional must attach the tag to the radon
2.9 mitigation system in a visible location.

2.10 **EFFECTIVE DATE.** This section is effective January 1, 2018.

2.11 Sec. 4. Minnesota Statutes 2015 Supplement, section 144.4961, subdivision 5, is
2.12 amended to read:

2.13 Subd. 5. **License required annually.** A license is required annually for every
2.14 person, firm, or corporation that ~~sells a device or~~ performs a service for compensation
2.15 to detect the presence of radon in the indoor atmosphere, performs laboratory analysis,
2.16 or performs a service to mitigate radon in the indoor atmosphere. ~~This section does not~~
2.17 ~~apply to retail stores that only sell or distribute radon sampling but are not engaged in the~~
2.18 ~~manufacture of radon sampling devices.~~

2.19 **EFFECTIVE DATE.** This section is effective January 1, 2018.

2.20 Sec. 5. Minnesota Statutes 2015 Supplement, section 144.4961, subdivision 6, is
2.21 amended to read:

2.22 Subd. 6. **Exemptions.** This section does not apply to:

2.23 (1) radon control systems installed in newly constructed Minnesota homes according
2.24 to section 326B.106, subdivision 6, prior to the issuance of a certificate of occupancy are
2.25 not required to follow the requirements of this section;

2.26 (2) employees of a firm or corporation that installs radon control systems in newly
2.27 constructed Minnesota homes specified in clause (1);

2.28 (3) a person authorized as a building official under Minnesota Rules, part 1300.0110,
2.29 or that person's designee; or

2.30 (4) any person, firm, corporation, or entity that distributes radon testing devices or
2.31 information for general educational purposes.

3.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.2 Sec. 6. Minnesota Statutes 2015 Supplement, section 144.4961, subdivision 8, is
3.3 amended to read:

3.4 Subd. 8. **Licensing fees.** (a) All radon license applications submitted to the
3.5 commissioner of health must be accompanied by the required fees. If the commissioner
3.6 determines that insufficient fees were paid, the necessary additional fees must be paid
3.7 before the commissioner approves the application. The commissioner shall charge the
3.8 following fees for each radon license:

3.9 (1) Each measurement professional license, ~~\$300~~ \$150 per year. "Measurement
3.10 professional" means any person who performs a test to determine the presence and
3.11 concentration of radon in a building ~~they do~~ the person does not own or lease; ~~provides~~
3.12 ~~professional or expert advice on radon testing, radon exposure, or health risks related to~~
3.13 ~~radon exposure; or makes representations of doing any of these activities.~~

3.14 (2) Each mitigation professional license, ~~\$500~~ \$250 per year. "Mitigation
3.15 professional" means an individual who ~~performs~~ installs or designs a radon mitigation
3.16 system in a building ~~they do~~ the individual does not own or lease; ~~provides professional or~~
3.17 ~~expert advice on radon mitigation or radon entry routes; or provides on-site supervision~~
3.18 ~~of radon mitigation and mitigation technicians; or makes representations of doing any of~~
3.19 ~~these activities.~~ "On-site supervision" means a review at the property of mitigation work
3.20 upon completion of the work and attachment of a system tag. Employees or subcontractors
3.21 who are supervised by a licensed mitigation professional are not required to be licensed
3.22 under this clause. This license also permits the licensee to perform the activities of a
3.23 measurement professional described in clause (1).

3.24 (3) Each mitigation company license, ~~\$500~~ \$100 per year. "Mitigation company"
3.25 means any business or government entity that performs or authorizes employees to
3.26 perform radon mitigation. This fee is waived if the mitigation company ~~is a sole~~
3.27 ~~proprietorship~~ employs only one licensed mitigation professional.

3.28 (4) Each radon analysis laboratory license, \$500 per year. "Radon analysis
3.29 laboratory" means a business entity or government entity that analyzes passive radon
3.30 detection devices to determine the presence and concentration of radon in the devices.
3.31 This fee is waived if the laboratory is a government entity and is only distributing test kits
3.32 for the general public to use in Minnesota.

3.33 (5) Each Minnesota Department of Health radon mitigation system tag, \$75 per tag.
3.34 "Minnesota Department of Health radon mitigation system tag" or "system tag" means a
3.35 unique identifiable radon system label provided by the commissioner of health.

4.1 (b) Fees collected under this section shall be deposited in the state treasury and
4.2 credited to the state government special revenue fund.

4.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.4 Sec. 7. Minnesota Statutes 2015 Supplement, section 144.4961, is amended by adding
4.5 a subdivision to read:

4.6 **Subd. 10. Local inspections or permits.** This section does not preclude local units
4.7 of government from requiring additional permits or inspections for radon control systems,
4.8 and does not supersede any local inspection or permit requirements.

4.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.10 Sec. 8. Minnesota Statutes 2015 Supplement, section 144.4961, is amended by adding
4.11 a subdivision to read:

4.12 **Subd. 11. Application; newly constructed homes.** This section does not apply to
4.13 newly constructed Minnesota homes according to section 326B.106, subdivision 6, prior
4.14 to the issuance of a certificate of occupancy.

4.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.16 Sec. 9. Laws 2015, chapter 71, article 8, section 24, the effective date, is amended to
4.17 read:

4.18 **EFFECTIVE DATE.** This section is effective July 1, 2015, except subdivisions 4
4.19 and 5, which are effective ~~October 1, 2017~~ January 1, 2018.