

211.9103 Creation of Kentucky Radon Program Advisory Committee -- Qualifications of members -- Terms -- Vacancies -- Quorum -- Officers.

- (1) The Kentucky Radon Program Advisory Committee is hereby created and shall be attached to the Cabinet for Health and Family Services for administrative purposes. Each member of the committee shall be a citizen and resident of the Commonwealth of Kentucky. The committee shall consist of nine (9) members as follows:
 - (a) Four (4) members shall be either a radon measurement contractor, a radon mitigation contractor, or a person associated with a radon laboratory conducting laboratory analysis and shall be appointed by the Governor from a list of six (6) names submitted to the Governor by the Kentucky Association of Radon Professionals;
 - (b) One (1) member shall be a representative of the home building industry and shall be appointed by the Governor from a list of three (3) names submitted to the Governor by the Home Builders Association of Kentucky;
 - (c) One (1) member shall be a real estate salesperson or broker licensed under KRS Chapter 324 and shall be appointed by the Governor from a list of three (3) names submitted to the Governor by the Kentucky Association of Realtors;
 - (d) One (1) member shall be a representative of a public health organization and shall be appointed by the Governor from a list of three (3) names submitted to the Governor by the Kentucky Cancer Consortium;
 - (e) One (1) member shall be the commissioner of the Department for Public Health, Cabinet for Health and Family Services, or his or her designee; and
 - (f) One (1) member shall be a citizen at large appointed by the Governor who shall represent the public and shall not be associated with or financially interested in the practice of radon measurement, mitigation, or laboratory analysis.
- (2)
 - (a) To be eligible for initial appointment as a member of the committee under subsection (1)(a) of this section, a person shall have been actively engaged in the practice of radon measurement, mitigation, or laboratory analysis for not less than three (3) years immediately preceding the date of appointment to the committee.
 - (b) Upon expiration of the initial appointments, to be eligible for appointment as a member of the committee under subsection (1)(a) of this section, a person shall have been actively engaged in the practice of radon measurement, mitigation, or laboratory analysis for not less than three (3) years immediately preceding the date of the appointment to the committee and hold a valid certification as a radon measurement contractor or radon mitigation contractor, or be associated with a radon laboratory with a valid certification.
- (3) Except for the commissioner, who shall serve as long as he or she holds his or her appointment as commissioner, the Governor shall initially appoint two (2) members for a term of four (4) years, two (2) members for a term of three (3) years, two (2) members for a term of two (2) years, and two (2) members for a term of one (1)

year. All appointments shall expire on June 30 of the last year of the terms. Thereafter, members shall be appointed for terms of four (4) years. No person shall serve more than two (2) consecutive terms. Members shall serve until their successors are appointed.

- (4) Upon recommendation of the committee, the Governor may remove any member of the committee appointed by the Governor for poor attendance, neglect of duty, misfeasance, or malfeasance in office.
- (5) Vacancies in the membership of the committee for any cause shall be filled by appointment by the Governor for the balance of the unexpired term.
- (6) A majority of the committee shall constitute a quorum to do business. The committee shall meet at least once each calendar quarter in a location designated by the chairperson. The committee may meet upon special call by the chairperson or a majority of the committee.
- (7) The committee shall elect a chairperson and a vice chairperson. The chairperson shall preside at all meetings at which the chairperson is present. The vice chairperson shall preside at all meetings in the absence of the chairperson.
- (8) If the chairperson and vice chairperson are absent from a meeting of the committee when a quorum exists, the members who are present may elect a presiding officer who shall serve as acting chairperson until the conclusion of the meeting or until the arrival of the chairperson or vice chairperson.

Effective: June 8, 2011

History: Created 2011 Ky. Acts ch. 74, sec. 2, effective June 8, 2011.

211.9105 Powers and responsibilities of Radon Program Advisory Committee.

The committee shall:

- (1) Advise the cabinet with the review, development, and maintenance of standard operating procedures for radon measurement, radon mitigation, laboratory analysis, and quality control;
- (2) Advise the cabinet with preparing an annual budget for the use of moneys received by the cabinet from the collection of fees and fines, receipt of grants, and all other radon-related activities;
- (3) Review and comment on relevant administrative regulations that are promulgated pursuant to KRS 211.9101 to 211.9135 and make recommendations to and otherwise advise the cabinet on these matters;
- (4) Record minutes of committee meetings and proceedings which shall be documented and maintained for the committee by the cabinet in a public forum;
- (5) Make recommendations to the cabinet provided that the final determination rests with the cabinet;
- (6) Hold the first meeting of the committee no later than October 1, 2011, to be convened by the commissioner; and
- (7) Perform any other duties and responsibilities relating to the topic of radon that may be assigned by the cabinet.

Effective: June 27, 2019

History: Amended 2019 Ky. Acts ch. 159, sec. 2, effective June 27, 2019. -- Created 2011 Ky. Acts ch. 74, sec. 3, effective June 8, 2011.