

309.432 Creation of Kentucky Board of Radon Safety -- Qualifications of members -- Terms -- Vacancies -- Quorum -- Officers -- Immunity -- Reimbursements.

- (1) The Kentucky Board of Radon Safety is hereby created and shall be attached to the Department of Professional Licensing in the Public Protection Cabinet for administrative purposes. Each member of the board shall be a citizen and resident of the Commonwealth of Kentucky. The board shall consist of seven (7) 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) nonvoting 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) nonvoting 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; and
 - (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.
- (2)
 - (a) To be eligible for initial appointment as a member of the board 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 board.
 - (b) Upon expiration of the initial appointments, to be eligible for appointment as a member of the board 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 board 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) 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, and one (1) member for a term of two (2) years. 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. Members shall serve until their successors are appointed.
- (4) Upon recommendation of the board, the Governor may remove any member of the board appointed by the Governor for poor attendance, neglect of duty, misfeasance, or malfeasance in office.
- (5) Vacancies in the membership of the board for any cause shall be filled by

appointment by the Governor for the balance of the unexpired term.

- (6) A majority of the voting board members shall constitute a quorum to do business. The board shall meet at least once each calendar year or at other times deemed necessary by the chairperson or a quorum of the board upon being given a minimum of ten (10) days' notice at a location designated by the chairperson or a quorum of the board.
- (7) The board 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 board 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.
- (9) Members of the board shall be immune from suit for any discretionary act performed by them in good faith.
- (10) Each member of the board shall be reimbursed for costs for actual travel and for incidental, clerical, and all other actual and necessary expenses incurred in the discharge of official duties associated with the board, as prescribed by the board through the promulgation of an administrative regulation.

Effective: July 14, 2022

History: Repealed, reenacted, and amended 2022 Ky. Acts ch. 73, sec. 2, effective July 14, 2022. -- Created 2011 Ky. Acts ch. 74, sec. 2, effective June 8, 2011.

Formerly codified as KRS 211.9103.