

1-1 By: Zaffirini S.B. No. 1213  
1-2 (In the Senate - Filed February 24, 2023; March 9, 2023,  
1-3 read first time and referred to Committee on Business & Commerce;  
1-4 March 31, 2023, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 11, Nays 0; March 31, 2023,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Schwertner</u>	X		
1-10	<u>King</u>	X		
1-11	<u>Birdwell</u>	X		
1-12	<u>Campbell</u>	X		
1-13	<u>Creighton</u>	X		
1-14	<u>Johnson</u>	X		
1-15	<u>Kolkhorst</u>	X		
1-16	<u>Menéndez</u>	X		
1-17	<u>Middleton</u>	X		
1-18	<u>Nichols</u>	X		
1-19	<u>Zaffirini</u>	X		

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1213 By: Nichols

1-21 A BILL TO BE ENTITLED  
1-22 AN ACT

1-23 relating to the establishment of the Mold Assessment and  
1-24 Remediation Advisory Board under the Texas Department of Licensing  
1-25 and Regulation.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 1958.001, Occupations Code, is amended  
1-28 by amending Subdivision (1) and adding Subdivision (1-a) to read as  
1-29 follows:

1-30 (1) "Advisory board" means the Mold Assessment and  
1-31 Remediation Advisory Board.

1-32 (1-a) "Commission" means the Texas Commission of  
1-33 Licensing and Regulation.

1-34 SECTION 2. Chapter 1958, Occupations Code, is amended by  
1-35 adding Subchapter A-1 to read as follows:

1-36 SUBCHAPTER A-1. ADVISORY BOARD

1-37 Sec. 1958.031. ADVISORY BOARD MEMBERSHIP. (a) The Mold  
1-38 Assessment and Remediation Advisory Board consists of nine members  
1-39 appointed by the presiding officer of the commission, with the  
1-40 approval of the commission, as follows:

1-41 (1) three members who are licensed and engage in mold  
1-42 assessment as consultants;

1-43 (2) three members who are licensed and engage in mold  
1-44 remediation as contractors;

1-45 (3) one member who is a building contractor  
1-46 principally engaged in home construction and is a member of a  
1-47 statewide building trade association;

1-48 (4) one member who is a representative of an  
1-49 accredited mold training provider; and

1-50 (5) one member who represents the public.

1-51 (b) Appointments to the advisory board shall be made without  
1-52 regard to the race, color, disability, sex, religion, age, or  
1-53 national origin of the appointee.

1-54 (c) Chapter 2110, Government Code, does not apply to the  
1-55 composition or duration of the advisory board or to the appointment  
1-56 of the advisory board's presiding officer.

1-57 Sec. 1958.032. TERMS; VACANCY. (a) Members of the  
1-58 advisory board serve staggered six-year terms, with the terms of  
1-59 three members expiring on February 1 of each odd-numbered year.

1-60 (b) If a vacancy occurs during a member's term, the

2-1 presiding officer of the commission, with the approval of the  
2-2 commission, shall appoint a replacement who meets the  
2-3 qualifications for the vacant position to serve for the remainder  
2-4 of the term.

2-5 Sec. 1958.033. PRESIDING OFFICER. The presiding officer of  
2-6 the commission, with the approval of the commission, shall appoint  
2-7 one of the advisory board members to serve as presiding officer of  
2-8 the advisory board for a term of one year.

2-9 Sec. 1958.034. DUTIES. The advisory board may advise the  
2-10 commission and department on:

2-11 (1) technical matters relevant to the administration  
2-12 of this chapter;

2-13 (2) standards or performance and work practices for  
2-14 mold assessment or remediation;

2-15 (3) qualifications for the issuance or renewal of a  
2-16 license, including any training or continuing education; and

2-17 (4) other issues affecting mold assessment and  
2-18 remediation.

2-19 SECTION 3. Not later than December 1, 2023, the presiding  
2-20 officer of the Texas Commission of Licensing and Regulation shall  
2-21 appoint members to the Mold Assessment and Remediation Advisory  
2-22 Board in accordance with Section 1958.031, Occupations Code, as  
2-23 added by this Act.

2-24 SECTION 4. Notwithstanding Section 1958.032, Occupations  
2-25 Code, as added by this Act, in making the initial appointments to  
2-26 the Mold Assessment and Remediation Advisory Board, the presiding  
2-27 officer of the Texas Commission of Licensing and Regulation shall  
2-28 designate three members of the advisory board to serve terms  
2-29 expiring February 1, 2025, three members to serve terms expiring  
2-30 February 1, 2027, and three members to serve terms expiring  
2-31 February 1, 2029.

2-32 SECTION 5. This Act takes effect immediately if it receives  
2-33 a vote of two-thirds of all the members elected to each house, as  
2-34 provided by Section 39, Article III, Texas Constitution. If this  
2-35 Act does not receive the vote necessary for immediate effect, this  
2-36 Act takes effect September 1, 2023.

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