BILL ANALYSIS

Senate Research Center

S.B. 599
By: West, Royce
State Affairs
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Enrolled

DIGEST AND PURPOSE

Currently, the Texas Department of Health (TDH) and the Texas Building and Procurement Commission (TBPC) conduct air quality investigations in state buildings. The United States Environmental Protection Agency has found that indoor air quality is among the top five environmental health risks to the public and should be addressed in the most comprehensive and efficient manner possible. S.B. 599 requires TBPC to refer all indoor air quality testing matters, except for asbestos, to TDH. The bill requires TDH to contract with an entity that specializes in research and technical assistance related to indoor air quality, but does not receive appropriations from the state, to identify potential threats to the indoor air quality of state buildings and produce a report of findings and a recommended plan of action for addressing indoor air quality issues in state buildings. S.B. 599 also requires the State Office of Risk Management to conduct an annual seminar on indoor air quality.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Health in SECTION 1 (Section 2165.302, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2165, Government Code, by adding Subchapter G as follows:

SUBCHAPTER G. INDOOR AIR QUALITY

Sec. 2165.301. DEFINITIONS. Defines "air monitoring," "asbestos abatement," "department," "office," and "state building."

Sec. 2165.302. GENERAL INVESTIGATION AND TESTING. (a) Requires the Texas Building and Procurement Commission (TBPC) to refer matters related to the investigation and testing of indoor air quality in state buildings under the charge and control of TBPC to the Texas Department of Health (TDH). Requires TDH to conduct any necessary investigation and testing of indoor air quality in state buildings, on request or referral of an entity with charge and control of the state building.

(b) Authorizes TDH to contract with a private entity to assist with investigation and testing duties under this section.

(c) Requires TDH to report all findings and test results related to indoor air quality in state buildings that are obtained directly by TDH or under a contract with a private entity to the State Office of Risk Management (SORM) in a form and manner prescribed by SORM for that purpose.

(d) Authorizes TDH to establish a system of charges for indoor air quality investigation and testing in state buildings. Requires a system established by TDH to ensure that TDH is reimbursed for the cost of providing the services by the agency or agencies occupying the portions of a building that are investigated or tested.

(e) Requires TDH to adopt rules and procedures relating to the investigation and testing of indoor air quality in state buildings.

Sec. 2165.303. AIR MONITORING RELATED TO ASBESTOS ABATEMENT. (a) Requires TBPC to contract with a private entity to conduct any air monitoring that is related to asbestos abatement services provided by TBPC.

(b) Requires TBPC to report the findings and test results obtained under a contract for air monitoring under this section to the office and TDH in a form and manner prescribed by SORM and TDH for that purpose.

(c) Authorizes TBPC to establish a system of charges for air monitoring that is related to asbestos abatement services provided by TBPC. Requires a system established by TBPC to ensure that TBPC is reimbursed by agencies for which air monitoring is provided under this section for the cost of the air monitoring.

Sec. 2165.304. TECHNICAL ASSISTANCE. (a) Requires TDH to contract with an entity that specializes in research and technical assistance related to indoor air quality but does not receive appropriations from the state, to perform certain functions.

(b) Requires TDH to provide a report of findings or recommended plan of action produced under this section to the Legislative Budget Board, the Governor's Office of Budget and Planning, and SORM.

Sec. 2165.305. EDUCATIONAL SEMINAR ON INDOOR AIR QUALITY. (a) Requires SORM to conduct an annual, one-day educational seminar on indoor air quality.

(b) Requires SORM to provide updated information at the seminar on maintaining safe indoor air in state buildings.

(c) Requires SORM to receive assistance from certain entities in developing a seminar required by this section.

(d) Requires state agency risk managers, representatives of entities with charge and control of state buildings, facility managers, and owners and managers of buildings or offices leased to the state to attend a seminar under this section on an annual basis, except as provided by Subsection (f).

(e) Requires SORM to publish on its Internet website the information provided at the most recent seminar required by this section.

(f) Requires a person to send a letter to SORM to certify that the person has reviewed the information made available by SORM on the Internet from that seminar, if the person is required to attend an educational seminar on indoor air quality and cannot attend.

SECTION 2. Requires TDH and TBPC to provide functions relating to investigation and testing, technical assistance, and certain other matters related to indoor air quality in state buildings beginning on September 1, 2003.

SECTION 3. Requires TBPC and TDH to establish a transition plan containing certain items for the transfer described in Section 2 of this Act, not later than December 31, 2003.

SECTION 4. (a) Effective date: September 1, 2003.
Makes application of this Act prospective.

(b) Requires SORM and TDH to prescribe reporting procedures for findings and test results, as required by Chapter 2165G, Government Code, as added by this Act, not later than September 1, 2004.

(c) Requires TDH to adopt rules and procedures relating to the investigation and testing of indoor air quality in state buildings, as required by Section 2165.302, Government Code, as added by this Act, not later than September 1, 2004.