

By: West

S.B. No. 599

A BILL TO BE ENTITLED

AN ACT

1
2 relating to investigation and testing, technical assistance, and
3 certain other matters related to indoor air quality in state
4 buildings.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 2165, Government Code, is amended by
7 adding Subchapter G to read as follows:

8 SUBCHAPTER G. INDOOR AIR QUALITY

9 Sec. 2165.301. DEFINITIONS. In this subchapter:

10 (1) "Air monitoring" and "asbestos abatement" have the
11 meanings assigned by Section 1954.002, Occupations Code.

12 (2) "Department" means the Texas Department of Health.

13 (3) "Office" means the State Office of Risk
14 Management.

15 (4) "State building" means any building owned or
16 occupied by the state, including buildings or offices leased to the
17 state for state purposes.

18 Sec. 2165.302. GENERAL INVESTIGATION AND TESTING. (a)
19 Except as provided by Section 2165.303:

20 (1) the commission shall refer matters related to the
21 investigation and testing of indoor air quality in state buildings
22 under the charge and control of the commission to the Texas
23 Department of Health; and

24 (2) the department shall conduct any necessary

1 investigation and testing of indoor air quality in state buildings,
2 on request or referral of an entity with charge and control of the
3 state building.

4 (b) The department may contract with a private entity to
5 assist with investigation and testing duties under this section.

6 (c) The department shall report all findings and test
7 results related to indoor air quality in state buildings that are
8 obtained directly by the department or under a contract with a
9 private entity to the State Office of Risk Management in a form and
10 manner prescribed by the office for that purpose.

11 (d) The department may establish a system of charges for
12 indoor air quality investigation and testing in state buildings. A
13 system established by the department shall ensure that the
14 department is reimbursed by the requesting or referring entity
15 under Subsection (a)(2) for the cost of providing the services.

16 (e) The department shall adopt rules and procedures
17 relating to the investigation and testing of indoor air quality in
18 state buildings.

19 Sec. 2165.303. AIR MONITORING RELATED TO ASBESTOS
20 ABATEMENT. (a) The commission shall contract with a private
21 entity to conduct any air monitoring that is related to asbestos
22 abatement services provided by the commission.

23 (b) The commission shall report the findings and test
24 results obtained under a contract for air monitoring under this
25 section to the office and the department in a form and manner
26 prescribed by the office and the department for that purpose.

27 (c) The commission may establish a system of charges for air

1 monitoring that is related to asbestos abatement services provided
2 by the commission. A system established by the commission shall
3 ensure that the commission is reimbursed by agencies for which air
4 monitoring is provided under this section for the cost of the air
5 monitoring.

6 Sec. 2165.304. TECHNICAL ASSISTANCE TO IMPROVE ASBESTOS
7 HANDLING. (a) The commission shall contract with an entity that
8 specializes in research and technical assistance related to indoor
9 air quality but does not receive appropriations from the state,
10 such as the Texas Institute for the Indoor Environment in Austin,
11 to:

12 (1) evaluate the commission's procedures for handling
13 asbestos-containing materials;

14 (2) identify potential threats to the indoor air
15 quality of state buildings;

16 (3) produce for the commission:

17 (A) a report of findings; and

18 (B) a recommended plan of action for addressing
19 indoor air quality issues in state buildings; and

20 (4) provide training to ensure that commission
21 employees who engage in asbestos abatement services are able to
22 safely identify and handle substances hazardous to indoor air
23 quality.

24 (b) The commission shall provide a report of findings or
25 recommended plan of action produced under this section to the
26 Legislative Budget Board, the Governor's Office of Budget and
27 Planning, and the State Office of Risk Management.

1 Sec. 2165.305. EDUCATIONAL SEMINAR ON INDOOR AIR
2 QUALITY. (a) The office shall conduct an annual, one-day
3 educational seminar on indoor air quality.

4 (b) The office shall provide updated information at the
5 seminar on maintaining safe indoor air in state buildings.

6 (c) In developing a seminar required by this section, the
7 office shall receive assistance from:

8 (1) the commission;

9 (2) the department; and

10 (3) an entity that specializes in research and
11 technical assistance related to indoor air quality but does not
12 receive appropriations from the state, such as the Texas Institute
13 for the Indoor Environment in Austin.

14 (d) State agency risk managers, representatives of entities
15 with charge and control of state buildings, facility managers, and
16 owners and managers of buildings or offices leased to the state must
17 attend a seminar under this section on an annual basis.

18 (e) The office shall publish on its Internet website the
19 information provided at the most recent seminar required by this
20 section.

21 SECTION 2. On September 1, 2003:

22 (1) all investigation and testing related to indoor
23 air quality in state buildings, other than air monitoring under
24 Section 2165.303, Government Code, as added by this Act, shall be
25 provided by the Texas Department of Health, on request or referral
26 of an entity with charge and control of a state building;

27 (2) all functions and activities performed by the

1 Texas Building and Procurement Commission that relate to providing
2 indoor air quality investigation and testing in state buildings
3 under the charge and control of the commission, other than the
4 authority to contract with a private entity for air monitoring
5 under Section 2165.303, Government Code, as added by this Act, are
6 transferred to the Texas Department of Health;

7 (3) the Texas Building and Procurement Commission
8 shall employ not more than two full-time equivalent employees to
9 provide asbestos abatement services in state buildings under the
10 charge and control of the commission;

11 (4) any rule or form adopted by the Texas Building and
12 Procurement Commission that relates to providing indoor air quality
13 investigation and testing services, other than air monitoring under
14 Section 2165.303, Government Code, as added by this Act, is a rule
15 or form of the Texas Department of Health and remains in effect
16 until changed by the department;

17 (5) any reference in law to the Texas Building and
18 Procurement Commission or its predecessors in function that relates
19 to providing indoor air quality investigation and testing services
20 in state buildings under the charge and control of the commission,
21 other than air monitoring under Section 2165.303, Government Code,
22 as added by this Act, means the Texas Department of Health;

23 (6) any contract negotiation or other proceeding
24 involving the Texas Building and Procurement Commission that
25 relates to providing indoor air quality investigation and testing
26 services in state buildings under the charge and control of the
27 commission, other than air monitoring under Section 2165.303,

1 Government Code, as added by this Act, is transferred without
2 change in status to the Texas Department of Health. The Texas
3 Department of Health assumes, without a change in status, the
4 position of the Texas Building and Procurement Commission in any
5 negotiation or proceeding relating to indoor air quality
6 investigation and testing, other than air monitoring under Section
7 2165.303, Government Code, as added by this Act;

8 (7) all money, contracts, rights, and obligations of
9 the Texas Building and Procurement Commission related to providing
10 indoor air quality investigation and testing in state buildings
11 under the charge and control of the commission, other than air
12 monitoring under Section 2165.303, Government Code, as added by
13 this Act, are transferred to the Texas Department of Health;

14 (8) all property, including records, in the custody of
15 the Texas Building and Procurement Commission related to providing
16 indoor air quality investigation and testing in buildings under the
17 charge and control of the commission, other than records related to
18 air monitoring or asbestos abatement under Section 2165.303,
19 Government Code, as added by this Act, becomes the property of the
20 Texas Department of Health, but stays in the same physical location
21 unless moved in accordance with the plan created under Section 3 of
22 this Act; and

23 (9) all funds appropriated by the legislature to the
24 Texas Building and Procurement Commission for purposes relating to
25 providing indoor air quality investigation and testing, other than
26 funds related to asbestos abatement services and related air
27 monitoring, including funds to pay the salary and benefits of two

1 full-time equivalent employees, are transferred to the Texas
2 Department of Health.

3 SECTION 3. The Texas Building and Procurement Commission
4 and the Texas Department of Health, not later than December 31,
5 2003, shall establish a transition plan for the transfer described
6 in Section 2 of this Act. The plan must include:

7 (1) a timetable for any necessary or advisable
8 movement of the physical location of property;

9 (2) an inventory of all equipment and other property
10 required to be transferred;

11 (3) a determination of any continued support and
12 cooperation the Texas Building and Procurement Commission must
13 provide the Texas Department of Health to ensure an efficient
14 transfer of services and planning for future needs; and

15 (4) provisions for immediate access by the Texas
16 Department of Health to facilities that house equipment related to
17 indoor air quality investigations and testing.

18 SECTION 4. (a) This Act takes effect September 1, 2003, and
19 applies to any investigation or testing of indoor air quality
20 conducted on or after that date.

21 (b) Not later than September 1, 2004, the State Office of
22 Risk Management and the Texas Department of Health shall prescribe
23 reporting procedures for findings and test results, as required by
24 Subchapter G, Chapter 2165, Government Code, as added by this Act.

25 (c) Not later than September 1, 2004, the Texas Department
26 of Health shall adopt rules and procedures relating to the
27 investigation and testing of indoor air quality in state buildings,

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1 as required by Section 2165.302, Government Code, as added by this
2 Act.