

1-1 By: West S.B. No. 599
1-2 (In the Senate - Filed February 19, 2003; February 25, 2003,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 20, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; March 20, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 599 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to investigation and testing, technical assistance, and
1-11 certain other matters related to indoor air quality in state
1-12 buildings.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Chapter 2165, Government Code, is amended by
1-15 adding Subchapter G to read as follows:

1-16 SUBCHAPTER G. INDOOR AIR QUALITY

1-17 Sec. 2165.301. DEFINITIONS. In this subchapter:

1-18 (1) "Air monitoring" and "asbestos abatement" have the
1-19 meanings assigned by Section 1954.002, Occupations Code.

1-20 (2) "Department" means the Texas Department of Health.
1-21 (3) "Office" means the State Office of Risk
1-22 Management.

1-23 (4) "State building" means any building owned or
1-24 occupied by the state, including buildings or offices leased to the
1-25 state for state purposes.

1-26 Sec. 2165.302. GENERAL INVESTIGATION AND TESTING.

1-27 (a) Except as provided by Section 2165.303:

1-28 (1) the commission shall refer matters related to the
1-29 investigation and testing of indoor air quality in state buildings
1-30 under the charge and control of the commission to the Texas
1-31 Department of Health; and

1-32 (2) the department shall conduct any necessary
1-33 investigation and testing of indoor air quality in state buildings,
1-34 on request or referral of an entity with charge and control of the
1-35 state building.

1-36 (b) The department may contract with a private entity to
1-37 assist with investigation and testing duties under this section.

1-38 (c) The department shall report all findings and test
1-39 results related to indoor air quality in state buildings that are
1-40 obtained directly by the department or under a contract with a
1-41 private entity to the State Office of Risk Management in a form and
1-42 manner prescribed by the office for that purpose.

1-43 (d) The department may establish a system of charges for
1-44 indoor air quality investigation and testing in state buildings. A
1-45 system established by the department shall ensure that the
1-46 department is reimbursed for the cost of providing the services by
1-47 the agency or agencies occupying the portions of a building that are
1-48 investigated or tested.

1-49 (e) The department shall adopt rules and procedures
1-50 relating to the investigation and testing of indoor air quality in
1-51 state buildings.

1-52 Sec. 2165.303. AIR MONITORING RELATED TO ASBESTOS
1-53 ABATEMENT. (a) The commission shall contract with a private
1-54 entity to conduct any air monitoring that is related to asbestos
1-55 abatement services provided by the commission.

1-56 (b) The commission shall report the findings and test
1-57 results obtained under a contract for air monitoring under this
1-58 section to the office and the department in a form and manner
1-59 prescribed by the office and the department for that purpose.

1-60 (c) The commission may establish a system of charges for air
1-61 monitoring that is related to asbestos abatement services provided
1-62 by the commission. A system established by the commission shall
1-63 ensure that the commission is reimbursed by agencies for which air

2-1 monitoring is provided under this section for the cost of the air
 2-2 monitoring.

2-3 Sec. 2165.304. TECHNICAL ASSISTANCE. (a) The department
 2-4 shall contract with an entity that specializes in research and
 2-5 technical assistance related to indoor air quality, but does not
 2-6 receive appropriations from the state, to:

2-7 (1) identify potential threats to the indoor air
 2-8 quality of state buildings; and

2-9 (2) produce for the department:

2-10 (A) a report of findings; and

2-11 (B) a recommended plan of action for addressing
 2-12 indoor air quality issues in state buildings.

2-13 (b) The department shall provide a report of findings or
 2-14 recommended plan of action produced under this section to the
 2-15 Legislative Budget Board, the Governor's Office of Budget and
 2-16 Planning, and the State Office of Risk Management.

2-17 Sec. 2165.305. EDUCATIONAL SEMINAR ON INDOOR AIR QUALITY.

2-18 (a) The office shall conduct an annual, one-day educational
 2-19 seminar on indoor air quality.

2-20 (b) The office shall provide updated information at the
 2-21 seminar on maintaining safe indoor air in state buildings.

2-22 (c) In developing a seminar required by this section, the
 2-23 office shall receive assistance from:

2-24 (1) the commission;

2-25 (2) the department; and

2-26 (3) an entity that specializes in research and
 2-27 technical assistance related to indoor air quality but does not
 2-28 receive appropriations from the state.

2-29 (d) State agency risk managers, representatives of entities
 2-30 with charge and control of state buildings, facility managers, and
 2-31 owners and managers of buildings or offices leased to the state must
 2-32 attend a seminar under this section annually except as provided by
 2-33 Subsection (f).

2-34 (e) The office shall publish on its Internet website the
 2-35 information provided at the most recent seminar required by this
 2-36 section.

2-37 (f) If a person required to attend an educational seminar on
 2-38 indoor air quality cannot do so, that person must send a letter to
 2-39 the office certifying that the person has reviewed the information
 2-40 made available by the office on the Internet from that seminar.

2-41 SECTION 2. On September 1, 2003:

2-42 (1) all investigation and testing related to indoor
 2-43 air quality in state buildings, other than air monitoring under
 2-44 Section 2165.303, Government Code, as added by this Act, shall be
 2-45 provided by the Texas Department of Health, on request or referral
 2-46 of an entity with charge and control of a state building;

2-47 (2) all functions and activities performed by the
 2-48 Texas Building and Procurement Commission that relate to providing
 2-49 indoor air quality investigation and testing in state buildings
 2-50 under the charge and control of the commission, other than the
 2-51 authority to contract with a private entity for air monitoring
 2-52 under Section 2165.303, Government Code, as added by this Act, are
 2-53 transferred to the Texas Department of Health;

2-54 (3) the Texas Building and Procurement Commission
 2-55 shall employ not more than two full-time equivalent employees to
 2-56 provide asbestos abatement services in state buildings under the
 2-57 charge and control of the commission;

2-58 (4) any rule or form adopted by the Texas Building and
 2-59 Procurement Commission that relates to providing indoor air quality
 2-60 investigation and testing services, other than air monitoring under
 2-61 Section 2165.303, Government Code, as added by this Act, is a rule
 2-62 or form of the Texas Department of Health and remains in effect
 2-63 until changed by the department;

2-64 (5) any reference in law to the Texas Building and
 2-65 Procurement Commission or its predecessors in function that relates
 2-66 to providing indoor air quality investigation and testing services
 2-67 in state buildings under the charge and control of the commission,
 2-68 other than air monitoring under Section 2165.303, Government Code,
 2-69 as added by this Act, means the Texas Department of Health;

3-1 (6) any contract negotiation or other proceeding
3-2 involving the Texas Building and Procurement Commission that
3-3 relates to providing indoor air quality investigation and testing
3-4 services in state buildings under the charge and control of the
3-5 commission, other than air monitoring under Section 2165.303,
3-6 Government Code, as added by this Act, is transferred without
3-7 change in status to the Texas Department of Health, and the Texas
3-8 Department of Health assumes, without a change in status, the
3-9 position of the Texas Building and Procurement Commission in any
3-10 negotiation or proceeding relating to indoor air quality
3-11 investigation and testing, other than air monitoring under Section
3-12 2165.303, Government Code, as added by this Act;

3-13 (7) all money, contracts, rights, and obligations of
3-14 the Texas Building and Procurement Commission related to providing
3-15 indoor air quality investigation and testing in state buildings
3-16 under the charge and control of the commission, other than air
3-17 monitoring under Section 2165.303, Government Code, as added by
3-18 this Act, are transferred to the Texas Department of Health;

3-19 (8) all property, including records, in the custody of
3-20 the Texas Building and Procurement Commission related to providing
3-21 indoor air quality investigation and testing in buildings under the
3-22 charge and control of the commission, other than records related to
3-23 air monitoring or asbestos abatement under Section 2165.303,
3-24 Government Code, as added by this Act, becomes the property of the
3-25 Texas Department of Health, but stays in the same physical location
3-26 unless moved in accordance with the plan created under Section 3 of
3-27 this Act; and

3-28 (9) all funds appropriated by the legislature to the
3-29 Texas Building and Procurement Commission for purposes relating to
3-30 providing indoor air quality investigation and testing, other than
3-31 funds related to asbestos abatement services and related air
3-32 monitoring, including funds to pay the salary and benefits of two
3-33 full-time equivalent employees, are transferred to the Texas
3-34 Department of Health.

3-35 SECTION 3. The Texas Building and Procurement Commission
3-36 and the Texas Department of Health, not later than December 31,
3-37 2003, shall establish a transition plan for the transfer described
3-38 in Section 2 of this Act. The plan must include:

3-39 (1) a timetable for any necessary or advisable
3-40 movement of the physical location of property;

3-41 (2) an inventory of all equipment and other property
3-42 required to be transferred;

3-43 (3) a determination of any continued support and
3-44 cooperation the Texas Building and Procurement Commission must
3-45 provide the Texas Department of Health to ensure an efficient
3-46 transfer of services and planning for future needs; and

3-47 (4) provisions for immediate access by the Texas
3-48 Department of Health to facilities that house equipment related to
3-49 indoor air quality investigations and testing.

3-50 SECTION 4. (a) This Act takes effect September 1, 2003,
3-51 and applies to any investigation or testing of indoor air quality
3-52 conducted on or after that date.

3-53 (b) Not later than September 1, 2004, the State Office of
3-54 Risk Management and the Texas Department of Health shall prescribe
3-55 reporting procedures for findings and test results, as required by
3-56 Subchapter G, Chapter 2165, Government Code, as added by this Act.

3-57 (c) Not later than September 1, 2004, the Texas Department
3-58 of Health shall adopt rules and procedures relating to the
3-59 investigation and testing of indoor air quality in state buildings,
3-60 as required by Section 2165.302, Government Code, as added by this
3-61 Act.

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