

AN ACT

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

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

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

SUBCHAPTER G. INDOOR AIR QUALITY

Sec. 2165.301. DEFINITIONS. In this subchapter:

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

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

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

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

Sec. 2165.302. GENERAL INVESTIGATION AND TESTING.

(a) Except as provided by Section 2165.303:

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

(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 for the cost of providing the services by
15 the agency or agencies occupying the portions of a building that are
16 investigated or tested.

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

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

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

1 (c) The commission may establish a system of charges for air
2 monitoring that is related to asbestos abatement services provided
3 by the commission. A system established by the commission shall
4 ensure that the commission is reimbursed by agencies for which air
5 monitoring is provided under this section for the cost of the air
6 monitoring.

7 Sec. 2165.304. TECHNICAL ASSISTANCE. (a) The department
8 shall contract with an entity that specializes in research and
9 technical assistance related to indoor air quality, but does not
10 receive appropriations from the state, to:

11 (1) identify potential threats to the indoor air
12 quality of state buildings; and

13 (2) produce for the department:

14 (A) a report of findings; and

15 (B) a recommended plan of action for addressing
16 indoor air quality issues in state buildings.

17 (b) The department shall provide a report of findings or
18 recommended plan of action produced under this section to the
19 Legislative Budget Board, the Governor's Office of Budget and
20 Planning, and the State Office of Risk Management.

21 Sec. 2165.305. EDUCATIONAL SEMINAR ON INDOOR AIR QUALITY.

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

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

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

1 (1) the commission;

2 (2) the department; and

3 (3) an entity that specializes in research and
4 technical assistance related to indoor air quality but does not
5 receive appropriations from the state.

6 (d) State agency risk managers, representatives of entities
7 with charge and control of state buildings, facility managers, and
8 owners and managers of buildings or offices leased to the state must
9 attend a seminar under this section annually except as provided by
10 Subsection (f).

11 (e) The office shall publish on its Internet website the
12 information provided at the most recent seminar required by this
13 section.

14 (f) If a person required to attend an educational seminar on
15 indoor air quality cannot do so, that person must send a letter to
16 the office certifying that the person has reviewed the information
17 made available by the office on the Internet from that seminar.

18 SECTION 2. On September 1, 2003:

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

24 (2) all functions and activities performed by the
25 Texas Building and Procurement Commission that relate to providing
26 indoor air quality investigation and testing in state buildings
27 under the charge and control of the commission, other than the

1 authority to contract with a private entity for air monitoring
2 under Section 2165.303, Government Code, as added by this Act, are
3 transferred to the Texas Department of Health;

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

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

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

20 (6) any contract negotiation or other proceeding
21 involving the Texas Building and Procurement Commission that
22 relates to providing indoor air quality investigation and testing
23 services in state buildings under the charge and control of the
24 commission, other than air monitoring under Section 2165.303,
25 Government Code, as added by this Act, is transferred without
26 change in status to the Texas Department of Health, and the Texas
27 Department of Health assumes, without a change in status, the

1 position of the Texas Building and Procurement Commission in any
2 negotiation or proceeding relating to indoor air quality
3 investigation and testing, other than air monitoring under Section
4 2165.303, Government Code, as added by this Act;

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

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

20 (9) all funds appropriated by the legislature to the
21 Texas Building and Procurement Commission for purposes relating to
22 providing indoor air quality investigation and testing, other than
23 funds related to asbestos abatement services and related air
24 monitoring, including funds to pay the salary and benefits of two
25 full-time equivalent employees, are transferred to the Texas
26 Department of Health.

27 SECTION 3. The Texas Building and Procurement Commission

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

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

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

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

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

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

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

22 (c) Not later than September 1, 2004, the Texas Department
23 of Health shall adopt rules and procedures relating to the
24 investigation and testing of indoor air quality in state buildings,
25 as required by Section 2165.302, Government Code, as added by this
26 Act.

David Newkirk

President of the Senate

Jim Caddick

Speaker of the House

I hereby certify that S.B. No. 599 passed the Senate on April 10, 2003, by the following vote: Yeas 31 Nays 0.

Letsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 599 passed the House on May 28, 2003, by a non-record vote.

Robert Harney
Chief Clerk of the House

Approved:

20 JUN 103

Date

Rick Peery
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:30 PM O'CLOCK

JUN 20 2003
Ann Shea
Secretary of State