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

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

(d) The department may establish a system of charges for indoor air quality investigation and testing in state buildings. A system established by the department shall ensure that the department 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) The department shall 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) The commission shall contract with a private entity to conduct any air monitoring that is related to asbestos abatement services provided by the commission.

(b) The commission shall report the findings and test results obtained under a contract for air monitoring under this section to the office and the department in a form and manner prescribed by the office and the department for that purpose.
(c) The commission may establish a system of charges for air monitoring that is related to asbestos abatement services provided by the commission. A system established by the commission shall ensure that the commission 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) The department shall 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:

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

(2) produce for the department:

(A) a report of findings; and

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

(b) The department shall 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 the State Office of Risk Management.

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

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

(c) In developing a seminar required by this section, the office shall receive assistance from:
(1) the commission;
(2) the department; and
(3) an entity that specializes in research and technical assistance related to indoor air quality but does not receive appropriations from the state.

(d) 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 must attend a seminar under this section annually except as provided by Subsection (f).

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

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

SECTION 2. On September 1, 2003:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Not later than September 1, 2004, the Texas Department of Health shall 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.
David B. Sewell  
President of the Senate

Jim Caddell  
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.

Larry Cole  
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 Harper  
Chief Clerk of the House

Approved:

20 Jun 2003  
Date

Rick Perry  
Governor

Filed in the Office of the Secretary of State  
8:30 A.M. O'CLOCK

Jun 2 0 2003  
Secretary of State