

BILL ANALYSIS

Senate Research Center

H.B. 1723
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Health & Human Services
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Engrossed

DIGEST AND PURPOSE

In the 70th Legislature, the Texas Asbestos Health Protection Act was enacted to regulate persons engaged in the business of removing or encapsulating asbestos in public buildings. The 73rd Legislature transferred enforcement authority for asbestos regulation required by the National Emission Standard for Hazardous Air Pollution from the Texas Natural Resource Conservation Commission to the Texas Department of Health (TDH). Since that time, TDH's efforts to ensure public health have included asbestos abatement.

S.B. 509 was enacted by the 77th Legislature and prohibits a municipality that issues a renovation or demolition permit for a public or commercial building from doing so unless the applicant provides acceptable evidence that an asbestos survey of the affected parts of the building has been completed by a licensed asbestos surveyor or an engineer or architect has certified the lack of asbestos in the affected parts of the building.

H.B. 1723 addresses an issue that has developed as a result of the legislation passed during the 77th Legislature. Currently, should a building owner choose to complete the construction, renovation or finish-out of a building at different times, the owner could be required to conduct separate asbestos surveys for each individual activity. In practicality, each time a building owner allows a tenant to choose how that tenant's office space is to be completed, a separate survey is required.

H.B. 1723 seeks to clarify current state law by acknowledging the need for an asbestos survey while allowing for the practical application of that survey over a given time period.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter F, Chapter 1954, Occupations Code, by adding Section 1954.260, as follows:

Sec. 1954.260. DURATION OF ASBESTOS SURVEY. Provides that an asbestos survey performed for a public building as required by this chapter and any other law is valid if the survey was performed in compliance with the laws in effect at the time the survey was completed and the survey identifies any asbestos-containing building material, the location of that material, and any other asbestos condition in the building. Requires any renovation, construction, or other activity for which an asbestos survey is required to be conducted without the requirement of obtaining a new asbestos survey.

SECTION 2. (a) Effective date: September 1, 2003.
(b) Makes application of the change in law made by this Act prospective.