

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 509
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Intergovernmental Relations
3/13/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, the Texas Department of Health regulates asbestos abatement in public and commercial buildings in Texas. The Texas Asbestos Health Protection Act and rules require a survey for asbestos-containing building materials to be completed and any existing asbestos to be abated before any demolition or renovation of a public or commercial building. However, the compliance rate is low, as contractors claim to be unaware of the requirement and building permit offices do not always inform the permit applicant of the requirement. C.S.S.B. 509 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.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the Texas Asbestos Health Protection Act (Article 4477-3a, V.T.C.S.), by adding Section 13, as follows:

Sec. 13. SURVEY REQUIRED. Defines "permit." Prohibits a municipality that requires a person to obtain a permit before renovating or demolishing a public or commercial building from issuing the permit unless the applicant provides evidence acceptable to the municipality that an asbestos survey of all parts of the building affected by the planned renovation has been completed by a person licensed under this Act to perform a survey, or a certification from a licensed engineer or architect, stating that: the material safety data sheets for the material used in the original construction, the subsequent renovations or alterations of all parts of the building affected by the planned renovation or demolition, and any asbestos surveys of the building previously conducted in accordance with this Act have been reviewed and in the engineer's or architect's professional opinion, all affected parts of the building do not contain asbestos.

SECTION 2. Effective date: September 1, 2001.

SECTION 3. Makes application of this Act prospective to January 1, 2002.

SUMMARY OF COMMITTEE CHANGES

Differs from the original by:

- making the Act applicable to municipalities rather than municipalities and counties;
- making the Act applicable to a commercial building as well as a public building;
- making the requirements applicable to all parts of the building affected by the planned

renovation or demolition of a building, rather than the building as a whole; and

- offering the alternative of a certification from an engineer or architect.