

BILL ANALYSIS

Senate Research Center
79R996 MXM-D

H.B. 74
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Business & Commerce
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 329, passed during the 78th Legislature, Regular Session, 2003, created the Mold Assessors and Remediators program at the Texas Department of State Health Services. The bill directed the agency to develop and implement a program to train and license mold assessors and remediators.

A conflict of interest provision was included in the bill to prevent assessors from identifying what they say is dangerous mold, convincing home or building owners that expensive renovations are necessary, and then performing the remediation work.

During the rulemaking process, it came to light that the conflict of interest section of the bill would prevent school districts from allowing a licensed assessor and a licensed remediator, who both work for the school district, to work on the same project.

H.B. 74 exempts school districts from the conflict of interest provision in the law.

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 Section 1958.155, Occupations Code, by adding Subsection (d), to provide that this section (prohibiting a license holder from performing both mold assessment and mold remediation on the same project) does not apply to a license holder employed by a school district working on a project for that school district.

SECTION 2. Effective date: upon passage or September 1, 2005.