

By: Madden

H.B. No. 49

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the environmental regulation and remediation of certain
3 dry cleaning facilities.

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

5 SECTION 1. Section 374.207, Health and Safety Code, as
6 added by Chapter 540 (H.B. No. 1366), Acts of the 78th Legislature,
7 Regular Session, 2003, is amended to read as follows:

8 Sec. 374.207. ELIGIBLE OWNER EXEMPT FROM CERTAIN CLAIMS.

9 (a) If a ~~[an owner or other]~~ person is eligible under Subsection
10 (b) ~~[this chapter]~~ to have corrective action costs paid by the fund,
11 an administrative or judicial claim may not be made under state law
12 against the ~~[owner or other]~~ person by or on behalf of this state or
13 by any other person, except a political subdivision, to compel
14 corrective action or seek recovery of the costs of corrective
15 action that result from the release.

16 (b) A person who is an owner of a dry cleaning facility or an
17 owner of the real property on which the facility is located is
18 eligible under this chapter to have corrective action costs paid by
19 the fund if:

20 (1) an application for ranking under Section 374.154
21 has been properly submitted to and accepted by the commission; and

22 (2) the person is not otherwise ineligible for
23 corrective action under this chapter.

24 (c) This section does not preempt the provisions of a

1 contract entered into or renewed before June 1, 2004, between the
2 owner of a dry cleaning facility and any other party that allocates
3 between the parties to the contract the responsibilities for and
4 liabilities resulting from a release.

5 SECTION 2. Section 3, Chapter 540 (H.B. No. 1366), Acts of
6 the 78th Legislature, Regular Session, 2003, is amended by amending
7 Subsections (a) and (b) and adding Subsection (e) to read as
8 follows:

9 (a) Not later than June [~~December~~] 1, 2004 [~~2003~~], the Texas
10 Commission on Environmental Quality shall adopt any rules,
11 performance standards, or forms required for the implementation of
12 Chapter 374, Health and Safety Code, as added by this Act.

13 (b) Performance standards for new dry cleaning facilities
14 under Section 374.053, Health and Safety Code, as added by this Act,
15 apply only to a dry cleaning facility first brought into use [~~on or~~]
16 after January [~~April~~] 1, 2004.

17 (e) Chapter 374, Health and Safety Code, and Section 7.0525,
18 Water Code, as added by this Act, apply to a contract between a dry
19 cleaning facility owner, as defined by Section 374.001, Health and
20 Safety Code, as added by this Act, and a real property owner only if
21 the contract is entered into or renewed on or after June 1, 2004. A
22 contract between a dry cleaning facility owner, as defined by
23 Section 374.001, Health and Safety Code, as added by this Act, and a
24 real property owner that is entered into or renewed before June 1,
25 2004, is governed by the law in effect immediately before September
26 1, 2003, and that law is continued in effect for that purpose.

27 SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect on the 91st day after the last day of the
5 legislative session.