

Amend CSHB 1366 as follows:

(1) On page 1, between lines 9 and 10, insert the following new Subdivision (1) and renumber subsequent subdivisions accordingly:

(1) "Carbon dioxide facility" means a dry cleaning facility that:

(A) is equipped for and uses the dry cleaning solvent carbon dioxide; and

(B) is owned by a person who has not used or allowed the use of the dry cleaning solvent perchloroethylene at any other dry cleaning facility in this state.

(2) On page 1, between lines 19 and 20, insert the following appropriately numbered subdivision and renumber the subsequent subdivisions accordingly:

() "Dry cleaning drop station" means a retail commercial establishment that acts as a collection point for the drop-off and pick-up of garments or other fabrics that are sent to a dry cleaning facility for processing.

(3) On page 2, line 8, between "solvents," and "and other", insert "hydrocarbons, silicone-based solvents,".

(4) On page 6, strike lines 2 and 3 and substitute the following:

(A) installed around each dry cleaning unit that uses chlorinated dry cleaning solvents and each storage area for chlorinated dry cleaning solvents or waste; and

(5) On page 6, line 6, immediately before "dry cleaning", insert "chlorinated".

(6) On page 9, line 17, between "facility" and "shall", insert "or dry cleaning drop station".

(7) On page 9, strike lines 19 and 20 and substitute the following:

(b) Except for a carbon dioxide facility, the registration must be accompanied by a fee of:

(1) \$250 for:

(A) a dry cleaning facility with gross annual receipts of \$100,000 or less; or

(B) a dry cleaning facility designated as non-

participating under Section 374.104;

(2) \$1,000 for a dry cleaning drop station;

(3) \$2,500 for a dry cleaning facility with gross annual receipts of more than \$100,000.

(8) Strike page 10, line 2, through page 11, line 9.

(9) On page 11, line 10, strike "Sec. 374.104" and substitute "Sec. 374.103".

(10) On page 11, lines 11 and 12, strike "Subject to Section 374.105, a fee of \$5 per gallon is imposed on the purchase of dry cleaning solvent" and substitute "Except as provided by Subsection (b) and Section 374.104(d), a fee of \$15 per gallon is imposed on the purchase of the dry cleaning solvent perchloroethylene and \$5 per gallon on the purchase of any other dry cleaning solvent".

(11) On page 11, line 14, strike "comptroller" and substitute "commission".

(12) On page 11, strike lines 15 through 17 and substitute the following:

(b) Subsection (a) does not apply to:

(1) an owner who has never used or allowed the use of the dry cleaning solvent perchloroethylene at a dry cleaning facility in this state; or

(2) the purchase of the dry cleaning solvent carbon dioxide.

(13) On page 11, lines 22 and 23, strike "(d) The comptroller, after consultation with the commission," and substitute "(c) The commission".

(14) Strike page 11, line 26, through page 12, line 19, and substitute the following:

Sec. 374.104. OPTION NOT TO PARTICIPATE IN FUND BENEFITS.

(a) The owner of a dry cleaning facility may file with the commission an option for the facility not to participate in fund benefits.

(b) An option not to participate must be filed before January 1, 2004.

(c) The commission shall designate a facility as non-participating if the owner demonstrates, at the owner's expense and in accordance with commission rules, that the owner has never used

or allowed the use of the dry cleaning solvent perchloroethylene at any dry cleaning facility in this state. The owner must also agree that perchloroethylene will not be used as a dry cleaning solvent at the facility.

(d) A facility designated as non-participating is not subject to the fees on dry cleaning solvents, other than perchloroethylene, under Section 374.103.

(e) On payment of the registration fee, the commission shall issue a specially marked registration document to the owner of a non-participating facility. The owner shall post the registration document in the public area of the facility.

(f) After a facility is designated as non-participating:

(1) the owner of the facility is not eligible for any expenditures of money from the fund or other benefits of participation under this chapter for that facility; and

(2) that facility may not later become a participating facility.

Sec. 374.105. NEW DRY CLEANING FACILITY BOND; EXCEPTION.

(a) The owner of a dry cleaning facility for which the owner has filed with the commission under Section 374.104 an option not to participate and which begins operation on or after September 1, 2003, shall furnish to the commission a bond or other financial assurance authorized by the commission in the amount of \$500,000 to guarantee costs of any future corrective action that may be required at the facility.

(b) The commission shall return the bond posted under this section on the second anniversary of the date of closing of the dry cleaning facility for use as a dry cleaning facility if the commission has certified that corrective action is not required at the facility.

(c) This section does not apply to a carbon dioxide facility that begins operation on or after September 1, 2003.

(15) On page 23, strike Subsection (c), (lines 20 through 23) and reletter existing Subsections (d) and (e) as (c) and (d).