

BILL ANALYSIS

C.S.S.B. No. 444
By: Staples
Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under existing law, dry cleaning facilities that have never used perchloroethylene (perc), a toxic chemical, had the option to register as non-participating if they registered before January 1, 2004, as non-perc, non-participating facilities. A non-participating facility is required to pay a \$250 annual registration fee, but is exempt from financing from the remediation fund. Facilities that have never used perc may choose to participate in the dry cleaner environmental response program. They pay the registration fees and get the benefits from the fund.

The committee substitute for Senate Bill No. 444 amends Section 374.104(b), Health and Safety Code, the provision that required dry cleaning facilities to register as non-participating facilities before January 1, 2004. It extends the option not to participate in the fund to February 28, 2006. It also directs the Texas Commission on Environmental Quality to credit the difference between non-perc participating and non-perc, non-participating registration fees to the accounts of dry cleaners registered as non-perc participating facilities from 2004 or 2005.

RULEMAKING AUTHORITY

It is the opinion of the Committee on Business and Industry that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 3 of this bill.

SECTION-BY-SECTION ANALYSIS

SECTION 1. Amended Section 374.104(b) (relating to the deadline for filing an option not to participate in the dry cleaning facility release fund), Health and Safety Code.

SECTION 2. Provides that an owner of a dry cleaning facility who files an option not to participate in the dry cleaning facility release fund on or before February 28, 2006, and whose facility is designated as nonparticipating by the Texas Commission on Environmental Quality (commission) is entitled to a credit against future registration fees to the extent that a registration fee paid in 2004 or 2005 exceeded the amount due for a nonparticipating dry cleaning facility.

SECTION 3. Requires the commission to adopt rules governing applications to register a dry cleaning facility as nonparticipating in the dry cleaning facility release fund under Section 374.104, Health and Safety Code, as amended by this Act, no later than February 28, 2005.

SECTION 4. Effective date: upon passage or September 1, 2005.

EFFECTIVE DATE

September 1, 2005, or upon passage if it receives a vote of two-thirds of all members.

COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 1. The substitute amends Subsection (b), Section 374.104, Health and Safety Code to extend the deadline for the option not to participate. The original bill would have repealed that subsection.

SECTION 2. The substitute changes the date from December 31, 2005 to February 28, 2006 on filing an option not to participate.

SECTION 3. The substitute changes the date from December 31, 2005 to February 28, 2006 on the commission adopting rules.

SECTION 4. The substitute is the same as the original bill.