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AN ACT

relating to registration fee credits for the owners of certain dry cleaning facilities that do not participate in the dry cleaning facility release fund.

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

SECTION 1. Subsection (b), Section 374.104, Health and Safety Code, is amended to read as follows:

(b) An option not to participate must be filed on or before February 28, 2006 [~~January 1, 2004~~]. An owner may not file an option not to participate unless the owner was:

(1) the owner of the dry cleaning facility or drop station on January 1, 2004; and

(2) eligible to file the option on or before January 1, 2004, and inadvertently failed to file before that date.

SECTION 2. 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 under Section 374.104, Health and Safety Code, as amended by this Act, is entitled to a credit against future registration fees under Section 374.102, Health and Safety Code, to the extent that a registration fee paid in 2004 or 2005 exceeded the amount due for a nonparticipating dry cleaning facility.

SECTION 3. Not later than February 28, 2006, the Texas

1 Commission on Environmental Quality shall adopt rules governing
2 applications to register a dry cleaning facility as
3 nonparticipating in the dry cleaning facility release fund under
4 Section 374.104, Health and Safety Code, as amended by this Act.

5 SECTION 4. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2005.

David Newkumst
President of the Senate

Jim Caddell
Speaker of the House

I hereby certify that S.B. No. 444 passed the Senate on April 27, 2005, by the following vote: Yeas 30, Nays 0; May 27, 2005, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 28, 2005, House granted request of the Senate; May 29, 2005, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Letsy Gau
Secretary of the Senate

I hereby certify that S.B. No. 444 passed the House, with amendment, on May 25, 2005, by the following vote: Yeas 144, Nays 0, two present not voting; May 28, 2005, House granted request of the Senate for appointment of Conference Committee; May 29, 2005, House adopted Conference Committee Report by the following vote: Yeas 140, Nays 0, two present not voting.

Robert Haney
Chief Clerk of the House

Approved:

17 JUNE '05

Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
O'CLOCK

Roger Williams
Secretary of State