

AN ACT

relating to the Texas emissions reduction plan.

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

SECTION 1. Section 386.001(2), Health and Safety Code, is amended to read as follows:

(2) "Affected county" includes:

- (A) Bastrop County;
- (B) Bexar County;
- (C) Caldwell County;
- (D) Comal County;
- (E) Ellis County;
- (F) Gregg County;
- (G) Guadalupe County;
- (H) Harrison County;
- (I) Hays County;
- (J) Henderson County;
- (K) Hood County;
- (L) Hunt County;
- (M) Johnson County;
- (N) [~~K~~] Kaufman County;
- (O) [~~L~~] Nueces County;
- (P) [~~M~~] Parker County;
- (Q) [~~N~~] Rockwall County;
- (R) [~~O~~] Rusk County;

1 (S) [~~(P)~~] San Patricio County;
2 (T) [~~(Q)~~] Smith County;
3 (U) [~~(R)~~] Travis County;
4 (V) [~~(S)~~] Upshur County;
5 (W) [~~(T)~~] Victoria County;
6 (X) [~~(U)~~] Williamson County; [~~and~~]
7 (Y) [~~(V)~~] Wilson County; and
8 (Z) any other county designated as an affected
9 county by commission rule because of deteriorating air quality.

10 SECTION 2. Section 386.053(d), Health and Safety Code, is
11 amended to read as follows:

12 (d) The commission may propose revisions to the guidelines
13 and criteria adopted under this section as necessary to improve the
14 ability of the plan to achieve its goals. Revisions may include,
15 among other changes, adding additional pollutants, adding
16 stationary engines or engines used in stationary applications,
17 adding vehicles and equipment that use fuels other than diesel, or
18 adjusting eligible program categories, as appropriate, to ensure
19 that incentives established under this chapter achieve the maximum
20 possible emissions reductions. The commission shall make a
21 proposed revision available to the public before the 45th day
22 preceding the date of final adoption of the revision and shall hold
23 at least one public meeting to consider public comments on the
24 proposed revision before final adoption.

25 SECTION 3. Sections 386.101(6) and (9), Health and Safety
26 Code, are amended to read as follows:

27 (6) "On-road diesel" means an on-road diesel-powered

1 motor vehicle that has a gross vehicle weight rating of 8,500
2 [~~10,000~~] pounds or more.

3 (9) "Repower" means to replace an old engine powering
4 an on-road or non-road diesel with a new engine, a used engine, a
5 remanufactured engine, or electric motors, drives, or fuel cells[~~+~~

6 [~~(A) a new engine that emits at least 30 percent~~
7 ~~less than the oxides of nitrogen emissions standard required by~~
8 ~~federal regulation for the current model year for that engine;~~

9 [~~(B) an engine manufactured later than 1987 that~~
10 ~~emits at least 30 percent less than the oxides of nitrogen emissions~~
11 ~~standard emitted by a new engine certified to the baseline oxides of~~
12 ~~nitrogen emissions standard for that engine;~~

13 [~~(C) an engine manufactured before 1988 that~~
14 ~~emits not more than 50 percent of the oxides of nitrogen emissions~~
15 ~~standard emitted by a new engine certified to the baseline oxides of~~
16 ~~nitrogen emissions standard for that engine; or~~

17 [~~(D) electric motors, drives, or fuel cells~~].

18 SECTION 4. Section 386.102(b), Health and Safety Code, is
19 amended to read as follows:

20 (b) Projects that may be considered for a grant under the
21 program include:

22 (1) purchase or lease of on-road or non-road diesels;

23 (2) emissions-reducing retrofit projects for on-road
24 or non-road diesels;

25 (3) emissions-reducing repower projects for on-road
26 or non-road diesels;

27 (4) purchase and use of emissions-reducing add-on

1 equipment for on-road or non-road diesels;

2 (5) development and demonstration of practical,
3 low-emissions retrofit technologies, repower options, and advanced
4 technologies for on-road or non-road diesels with lower emissions
5 of oxides of nitrogen;

6 (6) use of qualifying fuel; ~~and~~

7 (7) implementation of infrastructure projects; and

8 (8) replacement of on-road or non-road diesels with
9 newer on-road or non-road diesels.

10 SECTION 5. Section 386.103(a), Health and Safety Code, is
11 amended to read as follows:

12 (a) Any person as defined by Section 382.003 that owns one
13 or more on-road or non-road diesels that operate primarily within a
14 nonattainment area or affected county of this state or that
15 otherwise contributes to the state inventory of emissions of oxides
16 of nitrogen may apply for a grant under the program. The commission
17 may adopt guidelines to allow a person other than the owner to apply
18 for and receive a grant in order to improve the ability of the
19 program to achieve its goals.

20 SECTION 6. Section 386.104(f), Health and Safety Code, is
21 amended to read as follows:

22 (f) A proposed retrofit, repower, replacement, or add-on
23 equipment project must document, in a manner acceptable to the
24 commission, a reduction in emissions of oxides of nitrogen of at
25 least 30 percent compared with the baseline emissions adopted by
26 the commission for the relevant engine year and application. After
27 study of available emissions reduction technologies, after public

1 notice and comment, and after consultation with the advisory board,
2 the commission may revise the minimum percentage reduction in
3 emissions of oxides of nitrogen required by this subsection to
4 improve the ability of the program to achieve its goals.

5 SECTION 7. Section 386.105, Health and Safety Code, is
6 amended by adding Subsection (e) to read as follows:

7 (e) The commission may allow for the apportionment of
8 credits associated with a project between the plan and another
9 program or entity if the part of the credit assigned to the program
10 that is part of the plan still meets any applicable
11 cost-effectiveness criteria.

12 SECTION 8. Section 386.106(a), Health and Safety Code, is
13 amended to read as follows:

14 (a) Except as provided by Section 386.107 and except for
15 infrastructure projects and infrastructure purchases that are part
16 of a broader retrofit, repower, replacement, or add-on equipment
17 project, the commission may not award a grant for a proposed project
18 the cost-effectiveness of which, calculated in accordance with
19 Section 386.105 and criteria developed under that section, exceeds
20 \$13,000 per ton of oxides of nitrogen emissions reduced in the
21 nonattainment area or affected county for which the project is
22 proposed. This subsection does not restrict commission authority
23 under other law to require emissions reductions with a
24 cost-effectiveness that exceeds \$13,000 per ton.

25 SECTION 9. Section 386.112(b), Health and Safety Code, is
26 amended to read as follows:

27 (b) The program shall authorize statewide incentives for

1 the reimbursement of incremental costs for the purchase or lease,
2 according to the schedule provided by Section 386.113, of new
3 on-road diesels that are certified by the United States
4 Environmental Protection Agency or the California Air Resources
5 Board to an emissions standard provided by Section 386.113 if the
6 purchaser or lessee of the on-road diesel agrees to register the
7 vehicle in this state and to operate the on-road diesel in this
8 state for not less than 75 percent of the on-road diesel's annual
9 mileage.

10 SECTION 10. Subchapter C, Chapter 386, Health and Safety
11 Code, is amended by adding Sections 386.115 and 386.116 to read as
12 follows:

13 Sec. 386.115. MODIFICATION OF VEHICLE ELIGIBILITY. After
14 evaluating the availability of vehicles meeting the emissions
15 standards and after public notice and comment, the commission, in
16 consultation with the advisory board, may expand the program to
17 include other on-road vehicles, regardless of fuel type used, that
18 meet the emissions standards, have a gross vehicle weight rating of
19 greater than 8,500 pounds, and are purchased or leased in lieu of a
20 new on-road diesel.

21 Sec. 386.116. SMALL BUSINESS INCENTIVES. (a) In this
22 section, "small business" means a business owned by a person who:

23 (1) owns and operates not more than two vehicles, one
24 of which is:

25 (A) an on-road diesel with a pre-1994 engine
26 model; or

27 (B) a non-road diesel with an engine with

1 uncontrolled emissions; and

2 (2) has owned the vehicle described by Subdivision
3 (1)(A) or (B) for more than one year.

4 (b) The commission by rule shall develop a method of
5 providing fast and simple access to grants under this subchapter
6 for a small business.

7 (c) The commission shall publicize and promote the
8 availability of grants under this section to encourage the use of
9 vehicles that produce fewer emissions.

10 (d) On or before December 1 of each even-numbered year, the
11 commission shall report commission actions and results under this
12 section to the governor, lieutenant governor, and speaker of the
13 house of representatives.

14 SECTION 11. Section 386.202(b), Health and Safety Code, is
15 amended to read as follows:

16 (b) Programs approved under this subchapter and other
17 energy efficiency programs administered by the utility commission
18 must include energy conservation programs for the retirement of
19 materials and appliances that contribute to energy consumption or
20 peak energy demand to ensure the reduction of energy consumption,
21 energy demand, or peak loads, and associated emissions of air
22 contaminants.

23 SECTION 12. Section 386.252, Health and Safety Code, is
24 amended to read as follows:

25 Sec. 386.252. USE OF FUND. (a) Money in the fund may be
26 used only to implement and administer programs established under
27 the plan and shall be allocated as follows:

1 (1) for the diesel emissions reduction incentive
2 program, 87.5 [~~72~~] percent of the money in the fund, of which not
3 more than [~~three percent may be used for infrastructure projects~~
4 ~~and not more than~~] 10 percent may be used for on-road diesel
5 purchase or lease incentives;

6 (2) [~~for the motor vehicle purchase or lease incentive~~
7 ~~program, 15 percent of the money in the fund,~~

8 [~~(3) for the energy efficiency grant program, 7.5~~
9 ~~percent of the money in the fund,~~

10 [~~(4)~~] for the new technology research and development
11 program, 9.5 [~~7.5~~] percent of the money in the fund, of which up to
12 \$250,000 is allocated for administration, up to \$200,000 is
13 allocated for a health effects study, [~~and~~] \$500,000 is to be
14 deposited in the state treasury to the credit of the clean air
15 account created under Section 382.0622 to supplement funding for
16 air quality planning activities in affected counties, and not less
17 than 20 percent is to be allocated each year to support research
18 related to air quality for the Houston-Galveston-Brazoria and
19 Dallas-Fort Worth nonattainment areas by a nonprofit organization
20 based in Houston; [~~and~~]

21 (3) [~~(5)~~] for administrative costs incurred by [~~the~~
22 ~~utility commission,~~] the commission[~~, the comptroller,~~] and the
23 laboratory, three percent.

24 (b) Up to 25 [~~15~~] percent of the money allocated under
25 Subsection (a) to a particular program and not expended under that
26 program by January [~~March~~] 1 of the second fiscal year of a fiscal
27 biennium may be used for another program under the plan as

1 determined by the commission in consultation with the advisory
2 board.

3 SECTION 13. Section 387.003(b), Health and Safety Code, is
4 amended to read as follows:

5 (b) Under the program, the Texas Council on Environmental
6 Technology shall provide grants to be used to support development
7 of emissions-reducing technologies that may be used for projects
8 eligible for awards under Chapter 386 and other new technologies
9 that show promise for commercialization. The primary objective of
10 this chapter is to promote the development of commercialization
11 technologies that will support projects that may be funded under
12 Chapter 386 and this chapter, including advanced technologies such
13 as fuel cells, catalysts, and fuel additives.

14 SECTION 14. Section 387.006(a), Health and Safety Code, is
15 amended to read as follows:

16 (a) An application for a technology grant under this chapter
17 must show clear and compelling evidence that:

18 (1) the proposed technology project has a strong
19 commercialization plan and organization; and

20 (2) the technology proposed for funding:

21 (A) is likely to be offered for commercial sale
22 in this state as soon as practicable but no later than ~~[within]~~ five
23 years after the date of the application for funding; and

24 (B) once commercialized, will offer
25 opportunities for projects eligible for funding under Chapter 386.

26 SECTION 15. Section 388.003, Health and Safety Code, is
27 amended by adding Subsection (i) to read as follows:

1 (i) A building certified by a national, state, or local
2 accredited energy efficiency program and determined by the
3 laboratory to be in compliance with the energy efficiency
4 requirements of this section may, at the option of the
5 municipality, be considered in compliance. The United States
6 Environmental Protection Agency's Energy Star Program
7 certification of energy code equivalency shall be considered in
8 compliance.

9 SECTION 16. Section 388.004, Health and Safety Code, is
10 amended to read as follows:

11 Sec. 388.004. ENFORCEMENT OF ENERGY STANDARDS OUTSIDE OF
12 MUNICIPALITY. (a) For construction outside of the local
13 jurisdiction of a municipality:

14 (1) a building certified by a national, state, or
15 local accredited energy efficiency program shall be considered in
16 compliance;

17 (2) a building with inspections from private
18 code-certified inspectors using the energy efficiency chapter of
19 the International Residential Code or International Energy
20 Conservation Code shall be considered in compliance; and

21 (3) a builder who does not have access to either of the
22 above methods for a building shall certify compliance using a form
23 provided by the laboratory, enumerating the code-compliance
24 features of the building.

25 (b) A builder shall retain until the third anniversary of
26 the date on which compliance is achieved the original copy of any
27 documentation that establishes compliance under this section. The

1 builder on receipt of any compliance documentation shall provide a
2 copy to the owner of the building.

3 (c) A single-family residence built in the unincorporated
4 area of a county the construction of which was completed on or after
5 September 1, 2001, but not later than August 31, 2002, shall be
6 considered in compliance.

7 SECTION 17. Chapter 388, Health and Safety Code, is amended
8 by adding Sections 388.009 and 388.010 to read as follows:

9 Sec. 388.009. ENERGY-EFFICIENT BUILDING PROGRAM. (a) In
10 this section, "National Housing Act" means Section 203(b), (i), or
11 (k) of the National Housing Act (12 U.S.C. Sections 1709(b), (i),
12 and (k)), as amended.

13 (b) The General Land Office, in consultation with the
14 laboratory, the commission, and an advisory committee appointed by
15 the General Land Office, may develop an energy-efficient building
16 accreditation program for buildings that exceed the building energy
17 performance standards under Section 388.003 by 15 percent or more.

18 (c) If the General Land Office adopts a program under this
19 section, the General Land Office, in consultation with the
20 laboratory, shall update the program on or before December 1 of each
21 even-numbered year using the best available energy-efficient
22 building practices.

23 (d) If the General Land Office adopts a program under this
24 section, the program shall use a checklist system to produce an
25 energy-efficient building scorecard to help:

26 (1) home buyers compare potential homes and, by
27 providing a copy of the completed scorecard to a mortgage lender,

1 qualify for energy-efficient mortgages under the National Housing
2 Act; and

3 (2) communities qualify for emissions reduction
4 credits by adopting codes that meet or exceed the energy-efficient
5 building or energy performance standards established under this
6 chapter.

7 (e) The General Land Office may establish a public
8 information program to inform homeowners, sellers, buyers, and
9 others regarding energy-efficient building ratings.

10 (f) If the General Land Office adopts a program under this
11 section, the laboratory shall establish a system to measure the
12 reduction in energy and emissions produced under the
13 energy-efficient building program and report those savings to the
14 commission.

15 Sec. 388.010. OUTREACH TO NEAR-NONATTAINMENT AREAS. The
16 commission shall conduct outreach to near-nonattainment areas and
17 affected counties on the benefits of implementing energy efficiency
18 initiatives, including the promotion of energy-efficient building
19 programs and urban heat island mitigation techniques, as a way to
20 meet air quality attainment goals under the federal Clean Air Act
21 (42 U.S.C. Section 7401 et seq.), as amended.

22 SECTION 18. Chapter 389, Health and Safety Code, is amended
23 by adding Section 389.003 to read as follows:

24 Sec. 389.003. COMPUTING ENERGY EFFICIENCY EMISSIONS
25 REDUCTIONS. The commission shall develop a method to use in
26 computing emissions reductions obtained through energy efficiency
27 initiatives.

1 SECTION 19. Subchapter H, Chapter 2155, Government Code, is
2 amended by adding Section 2155.451 to read as follows:

3 Sec. 2155.451. VENDORS THAT MEET OR EXCEED AIR QUALITY
4 STANDARDS. (a) This section applies only to a contract to be
5 performed, wholly or partly, in an affected county, as that term is
6 defined by Section 386.001, Health and Safety Code.

7 (b) The commission and state agencies procuring goods or
8 services may:

9 (1) give preference to goods or services of a vendor
10 that demonstrates that the vendor meets or exceeds any state or
11 federal environmental standards, including voluntary standards,
12 relating to air quality; or

13 (2) require that a vendor demonstrate that the vendor
14 meets or exceeds any state or federal environmental standards,
15 including voluntary standards, relating to air quality.

16 (c) The preference may be given only if the cost to the state
17 for the goods or services would not exceed 105 percent of the cost
18 of the goods or services provided by a vendor who does not meet the
19 standards.

20 SECTION 20. Subchapter Z, Chapter 271, Local Government
21 Code, is amended by adding Section 271.907 to read as follows:

22 Sec. 271.907. VENDORS THAT MEET OR EXCEED AIR QUALITY
23 STANDARDS. (a) In this section, "governmental agency" has the
24 meaning assigned by Section 271.003.

25 (b) This section applies only to a contract to be performed,
26 wholly or partly, in an affected county, as that term is defined by
27 Section 386.001, Health and Safety Code.

1 (c) A governmental agency procuring goods or services may:

2 (1) give preference to goods or services of a vendor
3 that demonstrates that the vendor meets or exceeds any state or
4 federal environmental standards, including voluntary standards,
5 relating to air quality; or

6 (2) require that a vendor demonstrate that the vendor
7 meets or exceeds any state or federal environmental standards,
8 including voluntary standards, relating to air quality.

9 (d) The preference may be given only if the cost to the
10 governmental agency for the goods or services would not exceed 105
11 percent of the cost of the goods or services provided by a vendor
12 who does not meet the standards.

13 SECTION 21. Section 151.0515, Tax Code, is amended by
14 amending Subsections (a), (b), and (c) and adding Subsection (b-1)
15 to read as follows:

16 (a) In this section, "equipment" includes all off-road,
17 heavy-duty diesel equipment [~~classified as construction~~
18 ~~equipment~~], other than implements of husbandry used solely for
19 agricultural purposes, including:

- 20 (1) pavers;
- 21 (2) tampers/rammers;
- 22 (3) plate compactors;
- 23 (4) concrete pavers;
- 24 (5) rollers;
- 25 (6) scrapers;
- 26 (7) paving equipment;
- 27 (8) surface equipment;

- 1 (9) signal boards/light plants;
- 2 (10) trenchers;
- 3 (11) bore/drill rigs;
- 4 (12) excavators;
- 5 (13) concrete/industrial saws;
- 6 (14) cement and mortar mixers;
- 7 (15) cranes;
- 8 (16) graders;
- 9 (17) off-highway trucks;
- 10 (18) crushing/processing equipment;
- 11 (19) rough terrain forklifts;
- 12 (20) rubber tire loaders;
- 13 (21) rubber tire tractors/dozers;
- 14 (22) tractors/loaders/backhoes;
- 15 (23) crawler tractors/dozers;
- 16 (24) skid steer loaders;
- 17 (25) off-highway tractors; ~~and~~
- 18 (26) Dumpsters/tenders; and
- 19 (27) mining equipment.

20 (b) In each county in this state, a surcharge is imposed on
21 the retail sale, lease, or rental of new or used equipment in an
22 amount equal to two ~~one~~ percent of the sale price or the lease or
23 rental amount.

24 (b-1) In each county in this state, a surcharge is imposed on
25 the storage, use, or other consumption in this state of new or used
26 equipment. The surcharge is at the same percentage rate as is
27 provided by Subsection (b) on the sales price or the lease or rental

1 amount of the equipment.

2 (c) The surcharge shall be collected at the same time and in
3 the same manner and shall be administered and enforced in the same
4 manner as the tax imposed under this chapter [~~subchapter~~]. The
5 comptroller shall adopt any additional procedures needed for the
6 collection, administration, and enforcement of the surcharge
7 authorized by this section and shall deposit all remitted
8 surcharges to the credit of the Texas emissions reduction plan
9 fund.

10 SECTION 22. Section 152.0215(a), Tax Code, is amended to
11 read as follows:

12 (a) A surcharge is imposed on every retail sale, [~~or~~] lease,
13 or use of every on-road diesel motor vehicle that is over 14,000
14 pounds [~~and is of a model year 1996 or earlier~~] and that is sold,
15 [~~or~~] leased, or used in this state. The amount of the surcharge for
16 a vehicle of a model year 1996 or earlier is 2.5 percent of the total
17 consideration and for a vehicle of a model year 1997 or later, one
18 percent of the total consideration.

19 SECTION 23. Section 224.153, Transportation Code, is
20 amended by adding Subsection (d) to read as follows:

21 (d) The department may not authorize vehicles addressed in
22 Subsection (c) to use a high occupancy vehicle lane if such use
23 would violate federal transit or highway funding restrictions.

24 SECTION 24. Sections 501.138(a) and (b), Transportation
25 Code, are amended to read as follows:

26 (a) An applicant for a certificate of title, other than the
27 state or a political subdivision of the state, must pay the county

1 assessor-collector a fee of:

2 (1) \$33 if the applicant's residence is a county
3 located within a nonattainment area as defined under Section 107(d)
4 of the federal Clean Air Act (42 U.S.C. Section 7407), as amended,
5 or is an affected county, as defined by Section 386.001, Health and
6 Safety Code;

7 (2) \$28 if the applicant's residence is any other
8 county; or

9 (3) on or after September 1, 2008, \$28 regardless of
10 the county in which the applicant resides [~~\$13~~].

11 (b) The county assessor-collector shall send:

12 (1) \$5 of the fee to the county treasurer for deposit
13 in the officers' salary fund; ~~and~~

14 (2) \$8 of the fee to the department:

15 (A) together with the application within the time
16 prescribed by Section 501.023; or

17 (B) if the fee is deposited in an
18 interest-bearing account or certificate in the county depository or
19 invested in an investment authorized by Subchapter A, Chapter 2256,
20 Government Code, not later than the 35th day after the date on which
21 the fee is received; and

22 (3) the following amount to the comptroller at the
23 time and in the manner prescribed by the comptroller:

24 (A) \$20 of the fee if the applicant's residence
25 is a county located within a nonattainment area as defined under
26 Section 107(d) of the federal Clean Air Act (42 U.S.C. Section
27 7407), as amended, or is an affected county, as defined by Section

1 386.001, Health and Safety Code;

2 (B) \$15 of the fee if the applicant's residence
3 is any other county; or

4 (C) Fees collected under this subsection to be
5 sent to the comptroller shall be deposited as follows:

6 (i) before September 1, 2008, to the credit
7 of the Texas emissions reduction fund; and

8 (ii) after September 1, 2008, to the credit
9 of the Texas Mobility Fund.

10 SECTION 25. Section 545.353, Transportation Code, is
11 amended by adding Subsection (j) to read as follows:

12 (j) The commission may not determine or declare, or agree to
13 determine or declare, a prima facie speed limit for environmental
14 purposes on a part of the highway system.

15 SECTION 26. Sections 386.157 and 386.159, Health and Safety
16 Code, are repealed.

17 SECTION 27. (a) Except as provided by Subsection (b) of
18 this section, this Act takes effect immediately if it receives a
19 vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2003.

23 (b) Sections 21 and 22 of this Act take effect on the first
24 day of the first month beginning on or after the earliest date on
25 which this Act may take effect if it receives a vote of two-thirds
26 of all the members elected to each house, as provided by Section 39,
27 Article III, Texas Constitution. If this Act does not receive the

1 vote necessary for effect before September 1, 2003, Sections 21 and
2 22 of this Act take effect September 1, 2003. The comptroller of
3 public accounts may adopt emergency rules for the implementation of
4 Sections 21 and 22 of this Act.

5 (c) The change in law made by Section 25 of this Act does not
6 affect speed limits that have been approved by the Texas
7 Transportation Commission before the effective date of this Act.

President of the Senate

Speaker of the House

I certify that H.B. No. 1365 was passed by the House on April 8, 2003, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 1365 on May 7, 2003, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1365 on June 1, 2003, by the following vote: Yeas 132, Nays 11, 4 present, not voting; and that the House adopted H.C.R. No. 300 authorizing certain corrections in H.B. No. 1365 on June 2, 2003, by a non-record vote.

Chief Clerk of the House

H.B. No. 1365

I certify that H.B. No. 1365 was passed by the Senate, with amendments, on May 5, 2003, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1365 on June 1, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate adopted H.C.R. No. 300 authorizing certain corrections in H.B. No. 1365 on June 2, 2003, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor