

By: Bonnen

H.B. No. 2481

Substitute the following for H.B. No. 2481:

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C.S.H.B. No. 2481

A BILL TO BE ENTITLED

AN ACT

1

2 relating to the Texas emissions reduction plan, including the use
3 of money currently dedicated to the Texas emissions reduction plan
4 fund.

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

6 SECTION 1. Section 386.002, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 386.002. EXPIRATION. This chapter expires August 31,
9 2013 [~~2008~~].

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

12 (c) The commission shall make draft guidelines and criteria
13 available to the public and the United States Environmental
14 Protection Agency before the 30th [~~45th~~] day preceding the date of
15 final adoption and shall hold at least one public meeting to
16 consider public comments on the draft guidelines and criteria
17 before final adoption. The public meeting shall be held in the
18 affected state implementation plan area, and if the guidelines
19 affect more than one state implementation plan area, a public
20 meeting shall be held in each affected state implementation plan
21 area affected by the guidelines.

22 SECTION 3. Section 386.056, Health and Safety Code, is
23 amended by amending Subsections (a), (b), and (c) and adding
24 Subsection (a-1) to read as follows:

1 (a) An owner or operator of a site located in the
2 Houston-Galveston or Dallas-Fort Worth nonattainment area may use
3 emissions reductions generated by a program established under this
4 chapter to offset the requirements of commission rules relating to
5 control of air pollution from oxides of nitrogen if:

6 (1) the owner or operator of the site contributes to
7 the Texas Mobility Fund [~~fund~~] \$75,000 for each ton of emissions
8 that is used, not to exceed 25 tons annually and not to exceed
9 one-half ton per day;

10 (2) the owner or operator of the site demonstrates to
11 the commission's satisfaction that the site will be in full
12 compliance with the commission's emissions reduction rules not
13 later than the fifth anniversary of the date on which the emissions
14 reductions would otherwise be required;

15 (3) emissions from the site are reduced by at least 80
16 percent from the established baseline; and

17 (4) the commission approves a petition by the owner or
18 operator that demonstrates that it is technically infeasible to
19 comply with the commission's emissions reduction requirements
20 above 80 percent.

21 (a-1) The comptroller shall establish a record of the amount
22 of the contributions deposited to the credit of the Texas Mobility
23 Fund under Subsection (a). The Texas Department of Transportation
24 may not use contributions deposited to the credit of the Texas
25 Mobility Fund under Subsection (a) to construct, maintain, or
26 operate a toll road, toll bridge, or turnpike. On or before the
27 fifth workday of each month, the Texas Department of Transportation

1 shall remit to the comptroller for deposit to the credit of the
2 Texas emissions reduction plan fund an amount of money equal to the
3 amount of the contributions deposited by the comptroller to the
4 credit of the Texas Mobility Fund under Subsection (a) in the
5 preceding month. The Texas Department of Transportation shall use
6 for remittance to the comptroller as required by this subsection
7 money in the state highway fund that is not required to be used for a
8 purpose specified by Section 7-a, Article VIII, Texas Constitution,
9 and may not use for that remittance money received by this state
10 under the congestion mitigation and air quality improvement program
11 established under 23 U.S.C. Section 149.

12 (b) Money deposited to the credit of the Texas emissions
13 reduction plan fund [~~Funds collected~~] under Subsection (a-1) [~~this~~
14 ~~section~~] shall be used to generate emissions reductions needed to
15 meet the commission's attainment demonstration.

16 (c) The commission shall verify that emissions reductions
17 generated from the use of money deposited to the credit of the Texas
18 emissions reduction plan fund [~~funds collected~~] under Subsection
19 (a-1) [~~this section~~] occur in the same nonattainment area in which
20 the site that purchased the emissions reductions is located.

21 SECTION 4. Sections 386.058(b) and (e), Health and Safety
22 Code, are amended to read as follows:

- 23 (b) The governor shall appoint to the advisory board:
- 24 (1) a representative of the trucking industry;
 - 25 (2) a representative of the air conditioning
26 manufacturing industry;
 - 27 (3) a representative of the electric utility industry;

1 (4) a representative of regional transportation; and

2 (5) a representative of the nonprofit organization
3 described by Section 386.252(a)(2) [~~the Texas Council on~~
4 ~~Environmental Technology~~].

5 (e) Appointed members of the advisory board serve staggered
6 four-year [~~two-year~~] terms, with the [~~. The~~] terms of seven or
7 eight appointed members expiring [~~expire~~] February 1 of each
8 [~~even-numbered year. The terms of eight appointed members expire~~
9 ~~February 1 of each~~] odd-numbered year. An appointed member may be
10 reappointed to a subsequent term.

11 SECTION 5. Section 386.101(6), Health and Safety Code, is
12 amended to read as follows:

13 (6) "On-road diesel" means an on-road diesel-powered
14 motor vehicle [~~that has a gross vehicle weight rating of 8,500~~
15 ~~pounds or more~~].

16 SECTION 6. Section 386.111(a), Health and Safety Code, is
17 amended to read as follows:

18 (a) The commission shall review an application for a grant
19 for a project authorized under this subchapter, including an
20 application for a grant for an infrastructure project, immediately
21 on receipt of the application. If the commission determines that an
22 application is incomplete, the commission shall notify the
23 applicant [~~, not later than the 15th working day after the date on~~
24 ~~which the commission received the application,~~] with an explanation
25 of what is missing from the application. The commission shall
26 [~~record the date and time of receipt of each application the~~
27 ~~commission determines to be complete and shall~~] evaluate the

1 completed application according to the appropriate project
2 criteria. Subject to available funding, the commission shall make
3 a final determination on an application as soon as possible [~~and not~~
4 ~~later than the 60th working day after the date the application is~~
5 ~~determined to be complete~~].

6 SECTION 7. Section 386.115, Health and Safety Code, is
7 amended to read as follows:

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

16 SECTION 8. Section 386.116(d), Health and Safety Code, is
17 amended to read as follows:

18 (d) The [~~On or before December 1 of each even-numbered year,~~
19 ~~the~~] commission shall include in the biennial plan report required
20 by Section 386.057(b) a report of commission actions and results
21 under this section [~~to the governor, lieutenant governor, and~~
22 ~~speaker of the house of representatives~~].

23 SECTION 9. Subchapter C, Chapter 386, Health and Safety
24 Code, is amended by adding Section 386.117 to read as follows:

25 Sec. 386.117. REBATE GRANTS. (a) The commission shall
26 adopt a process for awarding grants under this subchapter in the
27 form of rebates to streamline the grant application, contracting,

1 reimbursement, and reporting processes for certain projects. The
2 process adopted under this section must:

3 (1) designate certain types of projects, such as
4 repowers, replacements, and retrofits, as eligible for rebates;

5 (2) project standardized oxides of nitrogen emissions
6 reductions for each designated project type;

7 (3) assign a standardized rebate amount for each
8 designated project type;

9 (4) allow for processing rebates on an ongoing
10 first-come, first-served basis; and

11 (5) consolidate, simplify, and reduce the
12 administrative work for applicants and the commission associated
13 with grant application, contracting, reimbursement, and reporting
14 processes for designated project types.

15 (b) The commission may limit or expand the designated
16 project types as necessary to further the goals of the program.

17 (c) The commission may award rebate grants as a pilot
18 project for a specific region or may award the grants statewide.

19 (d) The commission may administer the rebate grants or may
20 designate another entity to administer the grants.

21 SECTION 10. Section 386.251(c), Health and Safety Code, is
22 amended to read as follows:

23 (c) The fund consists of:

24 (1) the amount of money deposited to the credit of the
25 fund [~~contributions, fees, and surcharges~~] under:

26 (A) Section 386.056;

27 (B) Sections 151.0515 and 152.0215, Tax Code; and

1 (C) Sections 501.138, 502.1675, and 548.5055
2 [~~and 548.256(c)~~], Transportation Code; and

3 (2) grant money recaptured under Section 386.111(d).

4 SECTION 11. Section 386.252(a), Health and Safety Code, is
5 amended to read as follows:

6 (a) Money in the fund may be used only to implement and
7 administer programs established under the plan and shall be
8 allocated as follows:

9 (1) for the diesel emissions reduction incentive
10 program, 87.5 percent of the money in the fund, of which not more
11 than 10 percent may be used for on-road diesel purchase or lease
12 incentives;

13 (2) for the new technology research and development
14 program, 9.5 percent of the money in the fund, of which up to
15 \$350,000 [~~\$250,000~~] is allocated for administration, up to \$200,000
16 is allocated for a health effects study, \$500,000 is to be deposited
17 in the state treasury to the credit of the clean air account created
18 under Section 382.0622 to supplement funding for air quality
19 planning activities in affected counties, [~~and~~] not less than 20
20 percent is to be allocated each year to support research related to
21 air quality for the Houston-Galveston-Brazoria and Dallas-Fort
22 Worth nonattainment areas by a nonprofit organization based in
23 Houston, and the balance is to be allocated each year to that
24 nonprofit organization based in Houston to be used to implement and
25 administer the new technology research and development program
26 under a contract with the commission for the purpose of
27 identifying, testing, and evaluating new emissions-reducing

1 technologies with potential for commercialization in this state and
2 to facilitate their certification or verification; and

3 (3) for administrative costs incurred by the
4 commission and the laboratory, three percent of the money in the
5 fund.

6 SECTION 12. Effective September 1, 2008, Section
7 386.252(a), Health and Safety Code, is amended to read as follows:

8 (a) Money in the fund may be used only to implement and
9 administer programs established under the plan and shall be
10 allocated as follows:

11 (1) for the diesel emissions reduction incentive
12 program, 64 [~~87.5~~] percent of the money in the fund, of which not
13 more than 10 percent may be used for on-road diesel purchase or
14 lease incentives;

15 (2) for the new technology research and development
16 program, 33 [~~9.5~~] percent of the money in the fund, of which up to
17 \$350,000 [~~\$250,000~~] is allocated for administration, up to \$200,000
18 is allocated for a health effects study, \$500,000 is to be deposited
19 in the state treasury to the credit of the clean air account created
20 under Section 382.0622 to supplement funding for air quality
21 planning activities in affected counties, [~~and~~] not less than 10
22 [~~20~~] percent is to be allocated each year to support research
23 related to air quality for the Houston-Galveston-Brazoria and
24 Dallas-Fort Worth nonattainment areas by a nonprofit organization
25 based in Houston, not less than 25.5 percent is to be allocated each
26 year to that nonprofit organization based in Houston to be used to
27 implement and administer the new technology research and

1 development program under a contract with the commission for the
2 purpose of identifying, testing, and evaluating new
3 emissions-reducing technologies with potential for
4 commercialization in this state and to facilitate their
5 certification or verification, and the balance is to be allocated
6 each year to the commission to fund promising new technologies as
7 identified through the new technology research and development
8 program and recommended by that nonprofit organization based in
9 Houston in order to permit obtaining the maximum credits for
10 emissions reductions under the state's air quality state
11 implementation plans; and

12 (3) for administrative costs incurred by the
13 commission and the laboratory, three percent of the money in the
14 fund.

15 SECTION 13. Section 387.003(a), Health and Safety Code, is
16 amended to read as follows:

17 (a) The nonprofit organization described by Section
18 386.252(a)(2), under a contract with the commission as described by
19 that section~~[, in consultation with the Texas Council on~~
20 ~~Environmental Technology]~~, shall establish and administer a new
21 technology research and development program as provided by this
22 chapter.

23 SECTION 14. Section 387.005(a), Health and Safety Code, is
24 amended to read as follows:

25 (a) Grants awarded under this chapter shall be directed
26 toward a balanced mix of:

27 (1) retrofit and add-on technologies to reduce

1 emissions from the existing stock of vehicles targeted by the Texas
2 emissions reduction plan;

3 (2) advanced technologies for new engines and vehicles
4 that produce very-low or zero emissions of oxides of nitrogen,
5 including stationary and mobile fuel cells;

6 (3) studies to improve air quality assessment and
7 modeling; and

8 (4) [~~advanced technologies that promote increased~~
9 ~~building and appliance energy performance; and~~

10 [~~(5)~~] advanced technologies that reduce emissions
11 from other significant sources.

12 SECTION 15. Section 388.003(e), Health and Safety Code, is
13 amended to read as follows:

14 (e) Local amendments may not result in less stringent energy
15 efficiency requirements in nonattainment areas and in affected
16 counties than the energy efficiency chapter of the International
17 Residential Code or International Energy Conservation Code. Local
18 amendments must comply with the National Appliance Energy
19 Conservation Act of 1987 (42 U.S.C. Sections 6291-6309), as
20 amended. The laboratory, at the request of a municipality or
21 county, shall determine the relative impact of proposed local
22 amendments to an energy code, including whether proposed amendments
23 are substantially equal to or less stringent than the unamended
24 code. For the purpose of establishing uniform requirements
25 throughout a region, and on request of a council of governments, a
26 county, or a municipality, the laboratory may recommend a
27 climatically appropriate modification or a climate zone

1 designation for a county or group of counties that is different from
2 the climate zone designation in the unamended code. The laboratory
3 shall:

4 (1) report its findings to the council, county, or
5 municipality, including an estimate of any energy savings potential
6 above the base code from local amendments; and

7 (2) annually submit a report to the commission:

8 (A) identifying the municipalities and counties
9 whose codes are more stringent than the unamended code, and whose
10 codes are equally stringent or less stringent than the unamended
11 code; and

12 (B) quantifying energy savings and emissions
13 reductions from this program.

14 SECTION 16. Section 389.003, Health and Safety Code, is
15 amended to read as follows:

16 Sec. 389.003. COMPUTING ENERGY EFFICIENCY EMISSIONS
17 REDUCTIONS AND ASSOCIATED CREDITS. (a) The commission shall
18 develop a method to use in computing emissions reductions obtained
19 through energy efficiency initiatives, including renewable energy
20 initiatives, and the credits associated with those reductions.

21 (b) The laboratory shall assist the commission and affected
22 political subdivisions in quantifying, as part of the state
23 implementation plan, credits for emissions reductions attributable
24 to energy efficiency programs, including renewable energy
25 programs.

26 SECTION 17. Section 151.0515, Tax Code, is amended by
27 amending Subsections (c) and (d) and adding Subsection (c-1) to

1 read as follows:

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. The comptroller shall
5 adopt any additional procedures needed for the collection,
6 administration, and enforcement of the surcharge authorized by this
7 section and shall deposit all remitted surcharges to the credit of
8 the Texas Mobility Fund [~~emissions reduction plan fund~~].

9 (c-1) The comptroller shall establish a record of the amount
10 of the surcharges deposited to the credit of the Texas Mobility Fund
11 under Subsection (c). The Texas Department of Transportation may
12 not use surcharges deposited to the credit of the Texas Mobility
13 Fund under Subsection (c) to construct, maintain, or operate a toll
14 road, toll bridge, or turnpike. On or before the fifth workday of
15 each month, the Texas Department of Transportation shall remit to
16 the comptroller for deposit to the credit of the Texas emissions
17 reduction plan fund an amount of money equal to the amount of the
18 surcharges deposited by the comptroller to the credit of the Texas
19 Mobility Fund under Subsection (c) in the preceding month. The
20 Texas Department of Transportation shall use for remittance to the
21 comptroller as required by this subsection money in the state
22 highway fund that is not required to be used for a purpose specified
23 by Section 7-a, Article VIII, Texas Constitution, and may not use
24 for that remittance money received by this state under the
25 congestion mitigation and air quality improvement program
26 established under 23 U.S.C. Section 149.

27 (d) This section expires September 30, 2013 [~~2008~~].

1 SECTION 18. Section 152.0215, Tax Code, is amended by
2 amending Subsections (b) and (c) and adding Subsection (b-1) to
3 read as follows:

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

12 (b-1) The comptroller shall establish a record of the amount
13 of the surcharges deposited to the credit of the Texas Mobility Fund
14 under Subsection (b). The Texas Department of Transportation may
15 not use surcharges deposited to the credit of the Texas Mobility
16 Fund under Subsection (b) to construct, maintain, or operate a toll
17 road, toll bridge, or turnpike. On or before the fifth workday of
18 each month, the Texas Department of Transportation shall remit to
19 the comptroller for deposit to the credit of the Texas emissions
20 reduction plan fund an amount of money equal to the amount of the
21 surcharges deposited by the comptroller to the credit of the Texas
22 Mobility Fund under Subsection (b) in the preceding month. The
23 Texas Department of Transportation shall use for remittance to the
24 comptroller as required by this subsection money in the state
25 highway fund that is not required to be used for a purpose specified
26 by Section 7-a, Article VIII, Texas Constitution, and may not use
27 for that remittance money received by this state under the

1 congestion mitigation and air quality improvement program
2 established under 23 U.S.C. Section 149.

3 (c) This section expires September 30, 2013 [~~2008~~].

4 SECTION 19. Section 501.138, Transportation Code, is
5 amended by amending Subsections (a) and (b) and adding Subsections
6 (b-1), (b-2), and (b-3) to read as follows:

7 (a) An applicant for a certificate of title, other than the
8 state or a political subdivision of the state, must pay the county
9 assessor-collector a fee of:

10 (1) \$33 if the applicant's residence is a county
11 located within a nonattainment area as defined under Section 107(d)
12 of the federal Clean Air Act (42 U.S.C. Section 7407), as amended,
13 or is an affected county, as defined by Section 386.001, Health and
14 Safety Code; or

15 (2) \$28 if the applicant's residence is any other
16 county[~~, or~~

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

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

20 (1) \$5 of the fee to the county treasurer for deposit
21 in the officers' salary fund;

22 (2) \$8 of the fee to the department:

23 (A) together with the application within the time
24 prescribed by Section 501.023; or

25 (B) if the fee is deposited in an
26 interest-bearing account or certificate in the county depository or
27 invested in an investment authorized by Subchapter A, Chapter 2256,

1 Government Code, not later than the 35th day after the date on which
2 the fee is received; and

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

5 (A) \$20 of the fee if the applicant's residence
6 is a county located within a nonattainment area as defined under
7 Section 107(d) of the federal Clean Air Act (42 U.S.C. Section
8 7407), as amended, or is an affected county, as defined by Section
9 386.001, Health and Safety Code; or

10 (B) \$15 of the fee if the applicant's residence
11 is any other county. [~~or~~]

12 (b-1) [~~(c)~~] Fees collected under Subsection (b) [~~this~~
13 ~~subsection~~] to be sent to the comptroller shall be deposited [~~as~~
14 ~~follows:~~

15 [~~(i) before September 1, 2008, to the~~
16 ~~credit of the Texas emissions reduction fund; and~~

17 [~~(ii) after September 1, 2008,~~] to the
18 credit of the Texas Mobility Fund.

19 (b-2) The comptroller shall establish a record of the amount
20 of the fees deposited to the credit of the Texas Mobility Fund under
21 Subsection (b-1). On or before the fifth workday of each month, the
22 department shall remit to the comptroller for deposit to the credit
23 of the Texas emissions reduction plan fund an amount of money equal
24 to the amount of the fees deposited by the comptroller to the credit
25 of the Texas Mobility Fund under Subsection (b-1) in the preceding
26 month. The department shall use for remittance to the comptroller
27 as required by this subsection money in the state highway fund that

1 is not required to be used for a purpose specified by Section 7-a,
2 Article VIII, Texas Constitution, and may not use for that
3 remittance money received by this state under the congestion
4 mitigation and air quality improvement program established under 23
5 U.S.C. Section 149.

6 (b-3) This subsection and Subsection (b-2) expire September
7 1, 2010.

8 SECTION 20. Section 502.1675, Transportation Code, is
9 amended by amending Subsections (b) and (c) and adding Subsection
10 (b-1) to read as follows:

11 (b) The county tax assessor-collector shall remit the
12 surcharge collected under this section to the comptroller at the
13 time and in the manner prescribed by the comptroller for deposit in
14 the Texas Mobility Fund [~~emissions reduction plan fund~~].

15 (b-1) The comptroller shall establish a record of the amount
16 of the surcharges deposited to the credit of the Texas Mobility Fund
17 under Subsection (b). The department may not use surcharges
18 deposited to the credit of the Texas Mobility Fund under Subsection
19 (b) to construct, maintain, or operate a toll road, toll bridge, or
20 turnpike. On or before the fifth workday of each month, the
21 department shall remit to the comptroller for deposit to the credit
22 of the Texas emissions reduction plan fund an amount of money equal
23 to the amount of the surcharges deposited by the comptroller to the
24 credit of the Texas Mobility Fund under Subsection (b) in the
25 preceding month. The department shall use for remittance to the
26 comptroller as required by this subsection money in the state
27 highway fund that is not required to be used for a purpose specified

1 by Section 7-a, Article VIII, Texas Constitution, and may not use
2 for that remittance money received by this state under the
3 congestion mitigation and air quality improvement program
4 established under 23 U.S.C. Section 149.

5 (c) This section expires August 31, 2013 [~~2008~~].

6 SECTION 21. Section 548.5055, Transportation Code, is
7 amended by amending Subsections (b) and (c) and adding Subsection
8 (b-1) to read as follows:

9 (b) The department shall remit fees collected under this
10 section to the comptroller at the time and in the manner prescribed
11 by the comptroller for deposit in the Texas Mobility Fund [~~emission~~
12 ~~reduction plan fund~~].

13 (b-1) The comptroller shall establish a record of the amount
14 of the fees deposited to the credit of the Texas Mobility Fund under
15 Subsection (b). The Texas Department of Transportation may not use
16 fees deposited to the credit of the Texas Mobility Fund under
17 Subsection (b) to construct, maintain, or operate a toll road, toll
18 bridge, or turnpike. On or before the fifth workday of each month,
19 the Texas Department of Transportation shall remit to the
20 comptroller for deposit to the credit of the Texas emissions
21 reduction plan fund an amount of money equal to the amount of the
22 fees deposited by the comptroller to the credit of the Texas
23 Mobility Fund under Subsection (b) in the preceding month. The
24 Texas Department of Transportation shall use for remittance to the
25 comptroller as required by this subsection money in the state
26 highway fund that is not required to be used for a purpose specified
27 by Section 7-a, Article VIII, Texas Constitution, and may not use

1 for that remittance money received by this state under the
2 congestion mitigation and air quality improvement program
3 established under 23 U.S.C. Section 149.

4 (c) This section expires August 31, 2013 [~~2008~~].

5 SECTION 22. Sections 386.001(4), 386.057(e), 387.002, and
6 387.010, Health and Safety Code, and Sections 548.256(c) and (d),
7 Transportation Code, are repealed.

8 SECTION 23. The Texas Commission on Environmental Quality
9 shall prepare guidance documents for the rebate grants required by
10 Section 386.117, Health and Safety Code, as added by this Act, not
11 later than January 1, 2006.

12 SECTION 24. (a) As soon as practicable on or after the
13 effective date of this Act, the governor shall appoint to the Texas
14 Emissions Reduction Plan Advisory Board a representative of the
15 nonprofit organization described by Section 386.252(a)(2), Health
16 and Safety Code, as required by Section 386.058(b), Health and
17 Safety Code, as amended by this Act, to replace the representative
18 of the Texas Council on Environmental Technology serving on that
19 board on the effective date of this Act.

20 (b) As soon as practicable on or after the effective date of
21 this Act, the governor, lieutenant governor, and speaker of the
22 house of representatives, by mutual agreement, shall designate the
23 terms of the appointed members of the Texas Emissions Reduction
24 Plan Advisory Board so that the terms of seven appointed members
25 expire on February 1, 2007, and the terms of eight appointed members
26 expire on February 1, 2009, as provided by Section 386.058(e),
27 Health and Safety Code, as amended by this Act.

1 SECTION 25. Except as otherwise provided by this Act, this
2 Act takes effect September 1, 2005.