CHAPTER 55
H.B. No. 994

AN ACT
relating to the applicability of state law regulating the decommissioning costs of certain newly constructed commercial nuclear-powered electric generating facilities.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 39.206(a)(3), Utilities Code, is amended to read as follows:

(3) “Nuclear generating unit” means an electric generating facility that uses nuclear energy to generate electricity for sale and is licensed by the Nuclear Regulatory Commission [and was under construction in this state after January 1, 2007, but before January 1, 2013].

SECTION 2. Section 39.206(b), Utilities Code, is amended to read as follows:

(b) This section applies only to the first six nuclear generating units the [under] construction of which begins on or after January 1, 2013, and before January 1, 2033, and which are [by January 1, 2015] owned in whole or in part by a power generation company that elects to utilize the decommissioning mechanism set forth in this section.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on April 17, 2013: Yeas 144, Nays 3, 1 present, not voting; passed by the Senate on May 8, 2013: Yeas 30, Nays 0.

Approved May 18, 2013.
Effective May 18, 2013.

CHAPTER 56
H.B. No. 1016

AN ACT
relating to legal representation for civil suits against peace officers employed by a school district.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 180.002(b), (c), and (d), Local Government Code, are amended to read as follows:
(b) A municipality or a school district or other special purpose district shall provide a municipal or district employee who is a peace officer, fire fighter, or emergency medical services employee with legal counsel without cost to the employee to defend the employee against a suit for damages by a party other than a governmental entity if:

(1) legal counsel is requested by the employee; and

(2) the suit involves an official act of the employee within the scope of the employee's authority.

e) To defend the employee against the suit, the municipality or [special purpose] district may provide counsel already employed by it or may employ private counsel.

d) An employee may recover from a [if the] municipality or [special purpose] district that fails to provide counsel as required by Subsection (b), the employee may recover from it the reasonable attorney's fees incurred in defending the suit if the trier of fact finds:

(1) that the fees were incurred in defending a suit covered by Subsection (b); and

(2) that the employee is without fault or that the employee acted with a reasonable good faith belief that the employee's actions were proper.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on April 11, 2013: Yeas 144, Nays 0, 2 present, not voting; passed by the Senate on May 7, 2013: Yeas 27, Nays 3.
Approved May 18, 2013.
Effective May 18, 2013.

CHAPTER 57
H.B. No. 1187
AN ACT
relating to the power of stewards or judges to impose penalties under the Texas Racing Act; providing penalties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 3.07(b), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) The commission shall make rules specifying the authority and the duties of each official, including the power of stewards or judges to impose penalties for unethical practices or violations of racing rules. A penalty imposed by the stewards or judges may include a fine of not more than $25,000 ($5,000), a suspension for not more than five years [one year], or both a fine and suspension. Before imposing a penalty under this subsection, the stewards and judges shall conduct a hearing that is consistent with constitutional due process. A hearing conducted by a steward or judge under this subsection is not subject to Chapter 2001, Government Code. A decision of a steward or judge is subject to review by the executive director, who may modify the penalty. A penalty modified by the executive director under this section may include a fine not to exceed $100,000 ($10,000), a suspension not to exceed five [two] years, or both a fine and a suspension. A decision of a steward or judge that is not reviewed or modified by the executive director is a final decision. Any decision of a steward or judge may be appealed under Section 3.08(a) of this Act regardless of whether the decision is modified by the executive director.

SECTION 2. The changes in law made by this Act apply only to a penalty imposed on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2013.