(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.

c) 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 the municipality or special purpose district 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 [$10,000], 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 ($50,000), 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.
CHAPTER 58

H.B. No. 1305

AN ACT relating to the criminal penalty for acting as an agent after suspension or revocation of the agent's license.

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

SECTION 1. Section 4005.151(b), Insurance Code, is amended to read as follows:

(b) An offense under this section is a felony of the third degree punishable by:

(1) a fine not to exceed $5,000;
(2) imprisonment for a term of not more than two years; or
(3) both fine and imprisonment under this subsection.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

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

Passed by the House on April 18, 2013: Yeas 143, Nays 0, 2 present, not voting; passed by the Senate on May 8, 2013: Yeas 30, Nays 0.

Approved May 18, 2013.

Effective September 1, 2013.

CHAPTER 59

H.B. No. 1550

AN ACT relating to unemployment compensation chargebacks regarding certain persons who are involuntarily separated from employment.

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

SECTION 1. Section 204.022(a), Labor Code, is amended to read as follows:

(a) Benefits computed on benefit wage credits of an employee or former employee may not be charged to the account of an employer if the employee's last separation from the employer's employment before the employee's benefit year:

(1) was required by a federal statute;
(2) was required by a statute of this state or an ordinance of a municipality of this state;
(3) would have disqualified the employee under Section 207.044, 207.045, 207.051, or 207.053 if the employment had been the employee's last work;
(4) imposes a disqualification under Section 207.044, 207.045, 207.051, or 207.053;