(b) In making a determination under Subsection (a)(2), the commission shall consider the factors set forth in Sections 53.022 and 53.023 and the guidelines issued by the department under Section 53.025.

SECTION 2. Section 53.021(d), Occupations Code, is amended to read as follows:

(d) A licensing authority may consider a person to have been convicted of an offense for purposes of this section regardless of whether the proceedings were dismissed and the person was discharged as described by Subsection (c) if:

(1) the person was charged with:
   (A) any offense described by Article 62.001(5), Code of Criminal Procedure; or
   (B) an offense other than an offense described by Paragraph (A) if:
      (i) the person has not completed the period of supervision or the person completed the period of supervision less than five years before the date the person applied for the license; or
      (ii) a conviction for the offense would make the person ineligible for the license by operation of law; and
   (2) [,] after consideration of the factors described by Sections 53.022 and 53.023(a), the licensing authority determines that:
      (A) [44] the person may pose a continued threat to public safety; or
      (B) [22] employment of the person in the licensed occupation would create a situation in which the person has an opportunity to repeat the prohibited conduct.

SECTION 3. The change in law made by this Act applies to an application for a license or other authorization that is filed, or a proceeding to revoke or suspend a license or authorization that is commenced, on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2013.

Passed by the House on May 8, 2013: Yeas 144, Nays 3, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 1659 on May 24, 2013: Yeas 143, Nays 0, 3 present, not voting; passed by the Senate, with amendments, on May 22, 2013: Yeas 21, Nays 10.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 939

H.B. No. 1662

AN ACT

relating to the use of local hotel occupancy tax revenue to conduct an audit.

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

SECTION 1. Subchapter B, Chapter 351, Tax Code, is amended by adding Section 351.1067 to read as follows:

Sec. 351.1067. ALLOCATION OF REVENUE; CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality that has a population of at least 190,000, no part of which is located in a county with a population of at least 150,000.

(b) Notwithstanding any other provision of this chapter, a municipality to which this section applies may use revenue from the municipal hotel occupancy tax to conduct an audit of a person in the municipality required to collect the tax authorized by this chapter, provided that the municipality use the revenue to audit not more than one-third of the total number of those persons in any fiscal year.

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 May 2, 2013: Yeas 147, Nays 0, 2 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.
Effective June 14, 2013.

CHAPTER 940

H.B. No. 1664

AN ACT relating to the regulation of banks, trust companies, and bank holding companies.

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

SECTION 1. Section 11.107(c), Finance Code, is amended to read as follows:

(c) The presiding officer may:

(1) adopt rules and procedures as the presiding officer considers necessary for the orderly operation of the finance commission and for communication among the finance commission, the Texas Department of Banking [department], the Department of Savings and Mortgage Lending, and the Office of Consumer Credit Commissioner;

(2) adopt internal procedures governing the time and place of meetings, the type of notice for special public meetings, the manner in which public meetings are to be conducted, and other similar matters; and

(3) appoint committees composed of finance commission members as the presiding officer considers necessary to carry out the commission's business.

SECTION 2. Section 31.002(a)(8), Finance Code, is amended to read as follows:

(8) "Branch" means a location of a bank, other than the bank’s home office, at which the bank engages the public in the business of banking. The term does not include:

(A) a drive-in facility located not more than 2,000 feet from the nearest wall of the home office or an approved branch office of the bank;

(B) a night depository;

(C) an electronic terminal;

(D) a deposit or loan production office as described by Section 32.204;

(E) a state or federally licensed armored car service or other courier service transporting items for deposit or payment, unless:

(i) the risk of loss of items in the custody of the service is borne by the employing bank; or

(ii) the items in the custody of the service are considered to be in customer accounts at the employing bank or federally insured through the employing bank;

(F) a location at which the bank offers exclusively nondepository financial products or services to the public, including financial, investment, or economic advisory services;

(G) a location that combines permissible non-branch functions or facilities; or

(H) another office or facility as provided by this subtitle or a rule adopted under this subtitle.

SECTION 3. Section 31.105, Finance Code, is amended by amending Subsections (c) and (d) and adding Subsections (c-1) and (e) to read as follows:

(c) The banking commissioner may: