(1) the clerk shall attach a certificate to the petition stating the facts supporting the determination that the petition is not valid;

(2) the clerk shall notify the person who filed the petition of the clerk’s determination;

(3) the petition may be amended or supplemented and resubmitted not later than the 10th day after the date of the certification under Subdivision (1); and

(4) the clerk shall return the petition to the person who filed it.

(c) The municipal clerk shall determine the validity of a petition resubmitted under Subsection (b)(3) in the same manner as the original submission except that if the clerk determines the petition is not valid the petition may not be further amended or supplemented and the recall election is not held.

Sec. 21.104. ELECTION. (a) Unless the member who is the target of the petition resigns before the sixth day after the date a petition and certificate are delivered to the governing body of the municipality, the governing body shall order that a recall election be held on the first uniform election date that occurs 78 days after the date of the order.

(b) The ballot for a recall election shall be printed to permit voting for or against the proposition: “The removal of (name of the member of the governing body) from the governing body of (name of the municipality)”. 

(c) If less than a majority of the votes received at the recall election are in favor of removal of the member of the governing body named on the ballot, the member remains in office. If a majority of the votes received are in favor of the removal of the member, the governing body shall immediately declare the member’s office vacant and the vacancy shall be filled in the manner prescribed by law for filling a vacancy on the governing body. A member removed by recall may not be appointed to fill the vacancy and may not be a candidate in any election called to fill the vacancy.

Sec. 21.105. CLERK. In this subchapter, a municipal clerk includes a municipal secretary or any other officer of the municipality who performs the duties of a municipal clerk or secretary.

SECTION 2. The heading to Subchapter B, Chapter 21, Local Government Code, is amended to read as follows:

SUBCHAPTER B. JUDICIAL REMOVAL OF MEMBER OF GOVERNING BODY OF GENERAL-LAW MUNICIPALITY

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 May 8, 2013: Yeas 135, Nays 12, 2 present, not voting; passed by the Senate on May 22, 2013: Yeas 29, Nays 2.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 702

H.B. No. 3042

AN ACT

relating to the allocation of state hotel occupancy tax revenue to certain municipalities for cleaning and maintenance of and erosion control for public beaches.

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

SECTION 1. Section 156.2512(a), Tax Code, is amended to read as follows:

(a) Not later than the last day of the month following a calendar quarter and subject to Subsection (d), the comptroller shall:
(1) compute the amount of revenue derived from the collection of taxes imposed under this chapter at a rate of one percent and received from hotels located on barrier islands in an eligible barrier island coastal municipality described by Subsection (c)(1)(C)(i) or (ii) and 

(2) issue to the eligible barrier island coastal municipality a warrant drawn on the general revenue fund for that amount.

(2) compute the amount of revenue derived from the collection of taxes imposed under this chapter at a rate of two percent and received from hotels located on barrier islands in an eligible barrier island coastal municipality described by Subsection (c)(1)(C)(iii) and issue to the municipality a warrant drawn on the general revenue fund for that amount computed under Subdivision (1).

SECTION 2. Section 156.2512(c)(1), Tax Code, is amended to read as follows:

(1) “Eligible barrier island coastal municipality” means a municipality:

(A) that borders on the Gulf of Mexico;

(B) that is located wholly or partly on a barrier island; and

(C) the boundaries of which include:

(i) a portion of a national seashore; or

(ii) a national estuarine research reserve; or

(iii) are within 30 miles of the United Mexican States.

SECTION 3. Section 156.2512, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) The comptroller may not issue a warrant to any municipality under this section for an amount that exceeds the amount of revenue derived from the collection of taxes imposed under this chapter at a rate of two percent and received from hotels located within the municipality.

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

Passed by the House on May 9, 2013: Yeas 92, Nays 46, 2 present, not voting; passed by the Senate on May 22, 2013: Yeas 23, Nays 8.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 703

H.B. No. 3068

AN ACT
relating to debit card or stored value card surcharges.

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

SECTION 1. Chapter 59, Finance Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. PROHIBITION OF SURCHARGE

Sec. 59.401. DEFINITIONS. In this subchapter:

(1) “Cardholder” means the person named on the face of a debit or stored value card to whom or for whose benefit the card is issued.

(2) “Debit card” has the meaning in Section 502.001, Business & Commerce Code.

(3) “Merchant” means a person in the business of selling or leasing goods or services.