(b) To the extent an authority constructing a border inspection facility under this section considers appropriate to expedite commerce, the facility may include implementation of Intelligent Transportation Systems for Commercial Vehicle Operations (ITS/CVO) technology.

SECTION 6. 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 the Senate on April 25, 2013: Yeas 30, Nays 0; the Senate concurred in House amendment on May 8, 2013: Yeas 30, Nays 0; passed the House, with amendment, on May 2, 2013: Yeas 141, Nays 6, two present not voting.

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

CHAPTER 119
S.B. No. 1537
AN ACT
relating to certain required notices under the Texas Unemployment Compensation Act, including employer liability arising from failure to provide the notice.

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

SECTION 1. Section 205.013, Labor Code, is amended by adding Subsection (d) to read as follows:

(d) If a reimbursing employer pays a reimbursement to the commission for benefits paid to a claimant that are not in accordance with the final determination or decision under this subtitle, the employer is not entitled to a refund of, or credit for, the amount paid by the employer to the commission unless the employer has complied with the requirements of Section 208.004 with respect to the claimant.

SECTION 2. Section 208.004, Labor Code, is amended by adding Subsections (a-1), (c), (d), (e), and (f) to read as follows:

(a-1) A notification provided by a person under Subsection (a), including an initial response to a notice mailed to the person under Section 208.002, must include sufficient factual information to allow the commission to make a determination regarding the claimant's entitlement to benefits under this subtitle.

(c) Notwithstanding Subchapter B, Chapter 204, benefits paid to a claimant that are not in accordance with the final determination or decision under this subtitle shall be charged to the account of a person if:

(1) the person, or the person's agent, without good cause, fails to provide adequate or timely notification under this section; and

(2) the commission determines that the person, or the person's agent, has failed to provide timely or adequate notification under this section on at least two prior occasions.

(d) For purposes of Subsection (c), a notification is not adequate if the notification merely alleges that a claimant is not entitled to benefits without providing sufficient factual information, other than a general statement of the law, to support the allegation.

(e) For purposes of Subsection (c), good cause is established only by showing that a person, or the person's agent, was prevented from complying with this section due to compelling circumstances that were beyond the person's control.

(f) The commission may adopt rules as necessary to implement this section.

SECTION 3. Section 212.005, Labor Code, is amended to read as follows:

Sec. 212.005. CHARGEBACK ON REVERSAL OF DETERMINATION OR DECISION ALLOWING BENEFITS PROHIBITED; EXCEPTION. (a) Except as provided by Sub-
section (b), a [A] chargeback may not be made to an employer's account because of payments having been made under a determination or decision to the claimant for any benefit period with regard to which the claimant is finally denied benefits by a modification or reversal of the determination or decision.

(b) A chargeback shall be made to an employer's account for benefits paid to a claimant that are not in accordance with the final determination or decision under this subtitle if the benefits were paid due to the failure of the employer, or the employer's agents, to comply with Section 208.004.

SECTION 4. The changes in law made by this Act apply only to a final determination made by the Texas Workforce Commission on or after October 1, 2013, that a person received an erroneous payment. A final determination made before that date is governed by the law in effect on the date the determination was made, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect October 1, 2013.
Passed the Senate on April 11, 2013: Yeas 31, Nays 0; passed the House on May 2, 2013: Yeas 147, Nays 0, two present not voting.
Approved May 18, 2013.
Effective October 1, 2013.

CHAPTER 120
S.B. No. 1814
AN ACT
relating to a requirement that members of the Public Safety Commission hold a secret security clearance.

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

SECTION 1. Subsection (b), Section 411.003, Government Code, is amended to read as follows:

(b) The commission is composed of five citizens of this state appointed by the governor with the advice and consent of the senate. Members must be selected because of their peculiar qualifications for the position and must reflect the diverse geographic regions and population groups of this state. Members must have and maintain a secret security clearance granted by the United States government. A member may serve on the commission upon the granting of an interim secret security clearance, but may not be given access to classified information, participate in a briefing involving classified information, or vote on an issue involving classified information until a secret security clearance has been finally approved by the United States government. Appointments to the commission shall be made without regard to race, color, disability, sex, religion, age, or national origin. In making an appointment the governor shall consider, among other things, the person's knowledge of laws, experience in the enforcement of law, honesty, integrity, education, training, and executive ability.

SECTION 2. The changes in law made by this Act apply to a member of the Public Safety Commission serving on or after the effective date of this Act.

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 the Senate on April 29, 2013: Yeas 31, Nays 0; passed the House on May 8, 2013: Yeas 139, Nays 8, two present not voting.
Approved May 18, 2013.
Effective May 18, 2013.