CHAPTER 83

S.B. No. 412

AN ACT
relating to the authority of certain counties to impose a hotel occupancy tax for the maintenance, operation, and promotion of a coliseum in the county; authorizing a tax.

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

SECTION 1. Section 352.002, Tax Code, is amended by adding Subsection (q) to read as follows:

(q) The commissioners court of a county with a population of less than 200,000 in which a minor league hockey team is or has been located and in which a component institution of The University of Texas System is located may impose a tax as provided by Subsection (a).

SECTION 2. Section 352.003, Tax Code, is amended by adding Subsection (r) to read as follows:

(r) The tax rate in a county authorized to impose the tax under Section 352.002(q) may not exceed two percent of the price paid for a room in a hotel.

SECTION 3. Subchapter B, Chapter 352, Tax Code, is amended by adding Section 352.1038 to read as follows:

Sec. 352.1038. USE OF REVENUE: CERTAIN COUNTIES CONTAINING UNIVERSITIES. The revenue from a tax imposed under this chapter by a county authorized to impose the tax under Section 352.002(q) may be used only to:

(1) operate, maintain, and improve a coliseum in the county; and

(2) advertise and conduct solicitations and promotional programs to attract visitors to the coliseum.

SECTION 4. 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 March 13, 2013: Yeas 31, Nays 0; the Senate concurred in House amendment on May 7, 2013: Yeas 29, Nays 0; passed the House, with amendment, on May 2, 2013: Yeas 142, Nays 5, two present not voting.

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

CHAPTER 84

S.B. No. 447

AN ACT
relating to annual and special meetings of and election procedures for members of boards of directors for water supply or sewer service corporations.

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

SECTION 1. Section 67.0052, Water Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) To be listed on the ballot as a candidate for a director's position, a person must file an application with the corporation that includes:

(1) the director's position sought, including any position number or other distinguishing number;

(2) if the corporation has 1,500 or more members or shareholders, a petition, signed by [the lesser of] 20 members or shareholders [or five percent of the members or shareholders]...
requesting that the person's name be placed on the ballot as a candidate for that position;

(3) the person's written consent to serve, if elected;

(4) biographical information about the person; and

(5) a statement of the person's qualifications, including a statement that the person has the qualifications prescribed by Section 67.0051.

(b) The application must be filed with the corporation not later than the 45th day before the date of the annual meeting. The corporation shall notify the members or shareholders of the application deadline not later than the 30th day before the deadline.

(d) This section applies only to a corporation that provides retail water or sewer service.

SECTION 2. Section 67.0053, Water Code, is amended by adding Subsection (c) to read as follows:

(c) This section:

(1) applies only to a corporation that provides retail water or sewer service; and

(2) does not apply to an election in relation to a candidate for a director's position for which the board has adopted a resolution under Section 67.0055.

SECTION 3. Section 67.0054, Water Code, is amended by amending Subsection (c) and adding Subsection (g) to read as follows:

(c) For each director's position, the candidate who receives the highest number of votes or who is the subject of a resolution described by Section 67.0055 is elected.

(g) This section applies only to a corporation that provides retail water or sewer service.

SECTION 4. Subchapter A, Chapter 67, Water Code, is amended by adding Section 67.0055 to read as follows:

Sec. 67.0055. ELECTION OF UNOPPOSED CANDIDATE. (a) This section applies only to an election for a director's position on a board of a corporation that provides retail water or sewer service in which a candidate who is to appear on the ballot for the position is unopposed.

(b) The board by resolution may declare a candidate elected to a director's position if the board certifies in writing that the candidate is unopposed for the position. A copy of the resolution shall be posted at the corporation's main office.

(c) If a declaration is made under Subsection (b), the election for that position is not held.

(d) If the election for the unopposed candidate would have been held with an annual meeting of the members or shareholders of the corporation, the text of the declaration described by Subsection (b) shall be read into the record at the annual meeting.

(e) The ballots used at a separate election that is held at the same time as an election for an unopposed candidate would have been held shall include after measures or contested races the position and name of a candidate declared elected under this section, under the heading “Unopposed Candidates Declared Elected.”

(f) A person may not, by intimidation or by means of coercion, influence or attempt to influence a person to withdraw as a candidate or not to file an application for a place on the ballot so that an election may be canceled.

(g) The board may adopt necessary rules or bylaws to implement this section, including rules or bylaws to ensure the fairness, integrity, and openness of the process.

SECTION 5. The heading to Section 67.007, Water Code, is amended to read as follows:

Sec. 67.007. ANNUAL OR SPECIAL MEETING OF RETAIL CORPORATION.

SECTION 6. Section 67.007, Water Code, is amended by adding Subsection (e) to read as follows:

(e) This section applies only to a corporation that provides retail water or sewer service.

SECTION 7. Subchapter A, Chapter 67, Water Code, is amended by adding Section 67.0075 to read as follows:
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Sec. 67.0075. ANNUAL OR SPECIAL MEETING OF OTHER CORPORATION. A corporation to which Section 67.007 does not apply shall comply with the annual meeting and director election provisions prescribed by Chapter 22, Business Organizations Code.

SECTION 8. The change in law made by this Act applies only to an annual or special meeting or a director election held on or after the 75th day after the effective date of this Act. A meeting or an election held before the 75th day after the effective date of this Act is governed by the law in effect when the meeting or election was held, and that law is continued in effect for that purpose.

SECTION 9. 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 March 13, 2013: Yeas 31, Nays 0; the Senate concurred in House amendment on May 7, 2013: Yeas 29, Nays 0; passed the House, with amendment, on April 25, 2013: Yeas 136, Nays 0, two present not voting.

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

CHAPTER 85
S.B. No. 458
AN ACT relating to certain motor vehicle records excepted from disclosure under the Public Information Act.

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

SECTION 1. Subsection (c), Section 552.130, Government Code, is amended to read as follows:

(c) Subject to Chapter 730, Transportation Code, a governmental body may redact information described by Subsection (a) [Subsections (a)(1) and (3)] from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G.

SECTION 2. The changes in law made by this Act apply only to a request for information that is received by a governmental body or an officer for public information on or after the effective date of this Act. A request for information that was received before the effective date of this Act is governed by the law in effect on the date the request was received, and the former law is continued in effect for that purpose.

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 March 27, 2013: Yeas 30, Nays 0; passed the House on May 2, 2013: Yeas 147, Nays 0, two present not voting.

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

CHAPTER 86
S.B. No. 466
AN ACT relating to the authority of the Texas Department of Transportation to participate in certain federal transportation programs.