AN ACT
relating to the purchase of certain commodity items by a state agency.

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

SECTION 1. Section 2157.068, Government Code, is amended by amending Subsections (f) and (g) and adding Subsections (f-1) and (f-2) to read as follows:

(f) The department may adopt rules regulating a purchase by a state agency of a commodity item under this section, including a requirement that, notwithstanding other provisions of this chapter, the agency must make the purchase in accordance with a contract developed by the department unless [the agency obtains]:

(1) the agency obtains:
   (A) an exemption from the department; or
   (B) express prior approval from the Legislative Budget Board for the expenditure necessary for the purchase; or

(2) the department certifies in writing that the commodity item is not available for purchase under an existing contract developed by the department.

(f-1) Subject to Subsection (f-2), a state agency may purchase a commodity item through a contract developed by a local government purchasing cooperative under Chapter 791 if the department certifies in writing that the commodity item is not available for purchase under an existing contract developed by the department.

(f-2) A contract used by a state agency that purchases a commodity item through a contract described by Subsection (f-1) is subject to all provisions required by applicable law to be included in a state agency contract without regard to whether:

(1) the provision appears on the face of the contract; or

(2) the contract includes any provision to the contrary.

(g) The Legislative Budget Board's approval of a biennial operating plan under Section 2054.102 is not an express prior approval for purposes of Subsection (f)(1)(B). A state agency must request an exemption from the department under Subsection (f)(1)(A) before seeking prior approval from the Legislative Budget Board under Subsection (f)(1)(B).

SECTION 2. This Act takes effect September 1, 2013.

Passed by the House on April 18, 2013: Yeas 143, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 1994 on May 9, 2013: Yeas 137, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 6, 2013: Yeas 31, Nays 0.

Approved May 24, 2013.

Effective September 1, 2013.

CHAPTER 152
H.B. No. 2623

AN ACT
relating to the authority of certain counties and the General Land Office to temporarily close a beach or beach access point.

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

SECTION 1. Section 61.001, Natural Resources Code, is amended by adding Subdivision (4-a) to read as follows:

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CHAPTER 151
H.B. No. 1994

AN ACT
relating to the purchase of certain commodity items by a state agency.

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

SECTION 1. Section 2157.068, Government Code, is amended by amending Subsections (f) and (g) and adding Subsections (f-1) and (f-2) to read as follows:

(f) The department may adopt rules regulating a purchase by a state agency of a commodity item under this section, including a requirement that, notwithstanding other provisions of this chapter, the agency must make the purchase in accordance with a contract developed by the department unless [the agency obtains]:

(1) the agency obtains:
   (A) an exemption from the department; or
   (B) express prior approval from the Legislative Budget Board for the expenditure necessary for the purchase; or

(2) the department certifies in writing that the commodity item is not available for purchase under an existing contract developed by the department.

(f-1) Subject to Subsection (f-2), a state agency may purchase a commodity item through a contract developed by a local government purchasing cooperative under Chapter 791 if the department certifies in writing that the commodity item is not available for purchase under an existing contract developed by the department.

(f-2) A contract used by a state agency that purchases a commodity item through a contract described by Subsection (f-1) is subject to all provisions required by applicable law to be included in a state agency contract without regard to whether:

(1) the provision appears on the face of the contract; or

(2) the contract includes any provision to the contrary.

(g) The Legislative Budget Board's approval of a biennial operating plan under Section 2054.102 is not an express prior approval for purposes of Subsection (f)(1)(B). A state agency must request an exemption from the department under Subsection (f)(1)(A) before seeking prior approval from the Legislative Budget Board under Subsection (f)(1)(B).

SECTION 2. This Act takes effect September 1, 2013.

Passed by the House on April 18, 2013: Yeas 143, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 1994 on May 9, 2013: Yeas 137, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 6, 2013: Yeas 31, Nays 0.

Approved May 24, 2013.

Effective September 1, 2013.
"Launch" and "space flight activities" have the meanings assigned by Section 100A.001, Civil Practice and Remedies Code.

SECTION 2. Section 61.011(d), Natural Resources Code, is amended to read as follows:

(d) The commissioner shall promulgate rules, consistent with the policies established in this section, on the following matters only:

1. acquisition by local governments or other appropriate entities or public dedication of access ways sufficient to provide adequate public ingress and egress to and from the beach within the area described in Subdivision (6);
2. protection of the public easement from erosion or reduction caused by development or other activities on adjacent land and beach cleanup and maintenance;
3. local government prohibitions of vehicular traffic on public beaches, provision of off-beach parking, the use on a public beach of a golf cart, as defined by Section 502.001, Transportation Code, for the transportation of a person with a physical disability, and other minimum measures needed to mitigate for any adverse effect on public access and dune areas;
4. imposition of beach access, user, or parking fees and reasonable exercises of the police power by local governments with respect to public beaches;
5. contents and certification of beach access and use plans and standards for local government review of construction on land adjacent to and landward of public beaches, including procedures for expedited review of beach access and use plans under Section 61.015;
6. construction on land adjacent to and landward of public beaches and lying in the area either up to the first public road generally parallel to the beach or to any closer public road not parallel to the beach, or to within 1,000 feet of mean high tide, whichever is greater, that affects or may affect public access to and use of public beaches;
7. the temporary suspension under Section 61.0185 of enforcement of the prohibition against encroachments on and interferences with the public beach easement and the ability of a property owner to make repairs to a house while a suspension is in effect;
8. the determination of the line of vegetation or natural line of vegetation;
9. the factors to be considered in determining whether a structure, improvement, obstruction, barrier, or hazard on the public beach:
   A. constitutes an imminent hazard to safety, health, or public welfare; or
   B. substantially interferes with the free and unrestricted right of the public to enter or leave the public beach or traverse any part of the public beach; [and]
10. the procedures for determining whether a structure is not insurable property for purposes of Section 2210.004, Insurance Code, because of the factors listed in Subsection (b) of that section; and
11. the closure of beaches for space flight activities.

SECTION 3. Subchapter D, Chapter 61, Natural Resources Code, is amended by adding Section 61.132 to read as follows:

Sec. 61.132. CLOSING OF BEACHES FOR SPACE FLIGHT ACTIVITIES. (a) This section applies only to a county bordering on the Gulf of Mexico or its tidewater limits that contains a launch site the construction and operation of which have been approved in a record of decision issued by the Federal Aviation Administration following the preparation of an environmental impact statement by that administration.

(b) A person planning to conduct a launch in a county to which this section applies must submit to the commissioners court proposed primary and backup launch dates for the launch.

(c) To protect the public health, safety, and welfare, the commissioners court by order may temporarily close a beach in reasonable proximity to the launch site or access points to the beach in the county on a primary or backup launch date, subject to Subsection (d).
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(d) The commissioners court may not close a beach or access points to the beach on a primary launch date consisting of any of the following days without the approval of the land office:
(1) the Saturday or Sunday preceding Memorial Day;
(2) Memorial Day;
(3) July 4;
(4) Labor Day; or
(5) a Saturday or Sunday that is after Memorial Day but before Labor Day.
(e) The commissioners court must comply with the county’s beach access and use plan adopted and certified under Section 61.015 and dune protection plan adopted and certified under Chapter 63 when closing a beach or access point under this section.
(f) The land office may:
(1) approve or deny a beach or access point closure request under Subsection (d);
(2) enter into a memorandum of agreement with the commissioners court of a county to which this section applies to govern beach and access point closures made under this section; and
(3) adopt rules to govern beach and access point closures made under this section.
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 by the House on April 25, 2013: Yeas 135, Nays 0, 1 present, not voting; passed by the Senate on May 9, 2013: Yeas 30, Nays 0.
Approved May 24, 2013.
Effective May 24, 2013.

CHAPTER 153
S.B. No. 181
AN ACT
relating to verification of motor vehicle financial responsibility information.

Be it enacted by the Legislature of the State of Texas:
SECTION 1. Section 601.053, Transportation Code, is amended by amending Subsections (a) and (c) and adding Subsections (d), (e), and (f) to read as follows:
(a) As a condition of operating in this state a motor vehicle to which Section 601.051 applies, the operator of the vehicle on request shall provide to a peace officer, as defined by Article 2.12, Code of Criminal Procedure, or a person involved in an accident with the operator evidence of financial responsibility by exhibiting:
(1) a motor vehicle liability insurance policy covering the vehicle that satisfies Subchapter D or a photocopy of the policy;
(2) a standard proof of motor vehicle liability insurance form prescribed by the Texas Department of Insurance under Section 601.081 and issued by a liability insurer for the motor vehicle;
(2-a) an image displayed on a wireless communication device that includes the information required by Section 601.081 as provided by a liability insurer;
(3) an insurance binder that confirms the operator is in compliance with this chapter;
(4) a surety bond certificate issued under Section 601.121;
(5) a certificate of a deposit with the comptroller covering the vehicle issued under Section 601.122;