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

SECTION 1. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.6035 to read as follows:

Sec. 201.6035. AUTHORIZATION TO PARTICIPATE IN CERTAIN FEDERAL TRANSPORTATION PROGRAMS. (a) The department may assume responsibilities of the United States Department of Transportation with respect to duties under the National Environmental Policy Act of 1969 (42 U.S.C. Section 4321 et seq.) and with respect to duties under other federal environmental laws. The department may:

(1) assume responsibilities under 23 U.S.C. Sections 326 and 327; and

(2) enter into one or more agreements, including memoranda of understanding, with the United States secretary of transportation related to:

(A) designating categorical exclusions from federally required environmental assessments or impact statements for highway projects as provided by 23 U.S.C. Section 326; or

(B) the federal surface transportation project delivery program for the delivery of transportation projects, including highway, railroad, public transportation, and multi-modal projects, as provided by 23 U.S.C. Section 327.

(b) The commission may adopt rules to implement this section and may adopt relevant federal environmental standards as the standards for this state for a program described by Subsection (a).

(c) Except as provided by Subsection (d), sovereign immunity to suit in federal court and from liability is waived and abolished with regard to the compliance, discharge, or enforcement of a responsibility assumed by the department under this section.

(d) Subsection (c) does not create liability for the department that exceeds the liability created under 23 U.S.C. Section 326(c)(3) or 327(d).

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 the Senate on March 13, 2013: Yeas 31, Nays 0; passed the House on May 2, 2013: Yeas 145, Nays 2, two present not voting.

Approved May 18, 2013.

Effective May 18, 2013.

CHAPTER 87

S.B. No. 471

AN ACT
relating to technological efficiencies in the recording of certain open meetings.

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

SECTION 1. Section 551.001, Government Code, is amended by adding Subdivision (7) to read as follows:

(7) “Recording” means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed.

SECTION 2. The heading to Section 551.021, Government Code, is amended to read as follows:

Sec. 551.021. MINUTES OR [TAPE] RECORDING OF OPEN MEETING REQUIRED.
SECTION 3. Subsection (a), Section 551.021, Government Code, is amended to read as follows:
(a) A governmental body shall prepare and keep minutes or make a [tape] recording of each open meeting of the body.

SECTION 4. Section 551.022, Government Code, is amended to read as follows:
Sec. 551.022. MINUTES AND [TAPE] RECORDINGS OF OPEN MEETING: PUBLIC RECORD. The minutes and [tape] recordings of an open meeting are public records and shall be available for public inspection and copying on request to the governmental body's chief administrative officer or the officer's designee.

SECTION 5. Subsection (a), Section 551.023, Government Code, is amended to read as follows:
(a) A person in attendance may record all or any part of an open meeting of a governmental body by means of a [tape] recorder, video camera, or other means of aural or visual reproduction.

SECTION 6. Subsection (b), Section 551.0725, Government Code, is amended to read as follows:
(b) Notwithstanding Section 551.103(a), Government Code, the commissioners court must make a [tape] recording of the proceedings of a closed meeting to deliberate the information.

SECTION 7. Subsection (b), Section 551.0726, Government Code, is amended to read as follows:
(b) Notwithstanding Section 551.103(a), the commission must make a [tape] recording of the proceedings of a closed meeting held under this section.

SECTION 8. The heading to Section 551.103, Government Code, is amended to read as follows:
Sec. 551.103. CERTIFIED AGENDA OR [TAPE] RECORDING REQUIRED.

SECTION 9. Subsections (a) and (d), Section 551.103, Government Code, are amended to read as follows:
(a) A governmental body shall either keep a certified agenda or make a [tape] recording of the proceedings of each closed meeting, except for a private consultation permitted under Section 551.071.
(d) A [tape] recording made under Subsection (a) must include announcements by the presiding officer at the beginning and the end of the meeting indicating the date and time.

SECTION 10. Section 551.104, Government Code, is amended to read as follows:
Sec. 551.104. CERTIFIED AGENDA OR RECORDING [TAPE]; PRESERVATION; DISCLOSURE. (a) A governmental body shall preserve the certified agenda or [tape] recording of a closed meeting for at least two years after the date of the meeting. If an action involving the meeting is brought within that period, the governmental body shall preserve the certified agenda or [tape] recording while the action is pending.
(b) In litigation in a district court involving an alleged violation of this chapter, the court:
(1) is entitled to make an in camera inspection of the certified agenda or recording [tape];
(2) may admit all or part of the certified agenda or recording [tape] as evidence, on entry of a final judgment; and
(3) may grant legal or equitable relief it considers appropriate, including an order that the governmental body make available to the public the certified agenda or recording [tape] of any part of a meeting that was required to be open under this chapter.
(c) The certified agenda or recording [tape] of a closed meeting is available for public inspection and copying only under a court order issued under Subsection (b)(3).

SECTION 11. Subsection (f), Section 551.121, Government Code, is amended to read as follows:
(f) Each part of the telephone conference call meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting as
the location of the meeting and shall be [tape] recorded. The [tape] recording shall be made available to the public.

SECTION 12. Subsection (d), Section 551.122, Government Code, is amended to read as follows:

(d) Each part of the telephone conference call meeting that is required to be open to the public shall be audible to the public at the location where the quorum is present and shall be recorded [tape recorded]. The [tape] recording shall be made available to the public.

SECTION 13. Subsection (e), Section 551.125, Government Code, is amended to read as follows:

(e) Each part of the telephone conference call meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting as the location of the meeting and shall be recorded [tape recorded]. The [tape] recording shall be made available to the public.

SECTION 14. Subsection (e), Section 551.130, Government Code, is amended to read as follows:

(e) The location where a quorum is physically present must be open to the public during the open portions of a telephone conference call meeting. The open portions of the meeting must be audible to the public at the location where the quorum is present and be recorded [tape recorded] at that location. The [tape] recording shall be made available to the public.

SECTION 15. The heading to Section 551.145, Government Code, is amended to read as follows:

Sec. 551.145. CLOSED MEETING WITHOUT CERTIFIED AGENDA OR [TAPE] RECORDING; OFFENSE; PENALTY.

SECTION 16. Subsection (a), Section 551.145, Government Code, is amended to read as follows:

(a) A member of a governmental body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a [tape] recording of the closed meeting is not being made.

SECTION 17. The heading to Section 551.146, Government Code, is amended to read as follows:

Sec. 551.146. DISCLOSURE OF CERTIFIED AGENDA OR [TAPE] RECORDING OF CLOSED MEETING; OFFENSE; PENALTY; CIVIL LIABILITY.

SECTION 18. Subsections (a) and (c), Section 551.146, Government Code, are amended to read as follows:

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or [tape] recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and
(2) is liable to a person injured or damaged by the disclosure for:
(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;
(B) reasonable attorney fees and court costs; and
(C) at the discretion of the trier of fact, exemplary damages.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:
(1) the defendant had good reason to believe the disclosure was lawful; or
(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or [tape] recording.

SECTION 19. 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.
CHAPTER 88

S.B. No. 506

AN ACT

relating to an exemption from registration and regulation requirements for steam cookers.

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

SECTION 1. Section 755.001, Health and Safety Code, is amended by adding Subdivision (23-a) to read as follows:

(23-a) “Steam cooker” means a steam heating boiler that is:
(A) designed to steam cook food;
(B) operated at a pressure not exceeding five pounds per square inch; and
(C) equipped with a safety appliance operated at a pressure not exceeding five pounds per square inch.

SECTION 2. Subsection (a), Section 755.022, Health and Safety Code, is amended to read as follows:

(a) This chapter does not apply to:
(1) boilers owned or operated by the federal government;
(2) pressure vessels or process steam generators, other than steam collection or liberation drums of process steam generators;
(3) manually fired miniature boilers that:
(A) are constructed or maintained for locomotives, boats, tractors, or stationary engines only as a hobby for exhibition, recreation, education, or historical purposes and not for commercial use;
(B) have an inside diameter of 12 inches or less or a grate area of two square feet or less; and
(C) are equipped with a safety valve of adequate size, a water level indicator, and a pressure gauge; [or]
(4) boilers that are designed for operation only at atmospheric pressure and that are equipped with two independent means to prevent the buildup of pressure; or
(5) steam cookers.

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 13, 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 May 18, 2013.