



FLOOR AMENDMENT NO. \_\_\_\_\_

BY:

Bonnen

Amend H.B. No. 5246 (house committee report) as follows:

(1) Strike page 7, line 22, through page 8, line 25, and substitute the following:

(4) acquire and convey property or an interest in property;

(5) procure insurance and pay premiums on insurance of any type, in accounts, and from insurers as the board considers necessary and advisable to accomplish any of the commission's purposes;

(6) make grants to public or private persons with an established presence within this state to encourage economic development related to space and aerospace;

(7) make grants to enhance the capacity of institutions of higher education to participate in and support classified research;

(8) provide matching funding to external funding provided by relevant federal agencies, private industry, or private research organizations; ~~and~~

(9) engage in the planning and implementation of space exploration and spaceflight-related ~~[aerospace-related]~~ educational opportunities within this state in coordination with the Texas Aerospace Research and Space Economy Consortium established under Chapter 483; and

(10) subject to the governor's approval, enter into an intergovernmental agreement with another state or the United States, including the United States Department of Defense and the National Aeronautics and Space Administration, as necessary to carry out the purposes of this chapter ~~[Subchapter G]~~.

(2) On page 9, line 5, following "(e)," insert "(e-1),"

1           (3) On page 10, between lines 11 and 12, insert the  
2 following:

3           (e-1) Using money available in the fund, and subject to the  
4 approval of the governor, the commission may provide grants to, or  
5 fund the costs and expenses incurred under agreements between the  
6 commission and, another state, the United States, or entities  
7 described by Subsection (b) for the purposes of:

8                 (1) establishing a space-related office, base, or  
9 major facility in this state by the United States Department of  
10 Defense or the National Aeronautics and Space Administration; and

11                 (2) relocating or acquiring decommissioned assets  
12 related to the space industry to this state.

13           (4) On page 11, strike lines 3 through 9 and substitute the  
14 following:

15           Sec. 482.501. RULES; CERTAIN LIMITATIONS ON [FOR] GRANT  
16 AWARDS [AWARD PROCEDURE]. (a) The board shall adopt rules  
17 regarding the procedure for awarding grants to applicants ~~[an~~  
18 ~~applicant]~~ under this chapter. The rules must authorize the  
19 commission to:

20                 (1) identify the specific purpose under Section  
21 482.302(a) for which the commission awards a grant; and

22                 (2) obtain information from the Texas Aerospace  
23 Research and Space Economy Consortium established under Chapter 483  
24 as necessary to make award determinations~~[, including a procedure~~  
25 ~~for the Texas Aerospace Research and Space Economy Consortium to~~  
26 ~~make recommendations to the board for grant awards].~~

27           (5) Add the following appropriately numbered SECTIONS to  
28 the bill and renumber subsequent SECTIONS of the bill accordingly:

29           SECTION \_\_\_\_\_. Subchapter B, Chapter 482, Government Code,  
30 is amended by adding Sections 482.108 and 482.109 to read as  
31 follows:

1       Sec. 482.108. PROCUREMENT OF CERTAIN SPACE-RELATED  
2 VEHICLES AND EQUIPMENT. (a) Notwithstanding Section 2155.083 or  
3 any other law and subject to Subsection (b), the board may authorize  
4 the commission to procure, lease, or otherwise secure access to  
5 capacity on or through a spacefaring vehicle, platform, or  
6 infrastructure, including a rocket, shuttle, spaceplane,  
7 satellite, space station, lunar or planetary base, and other  
8 orbital, suborbital, or extraterrestrial transport or habitation  
9 system, regardless of whether the vehicle, platform, or  
10 infrastructure is owned or operated by a governmental, commercial,  
11 or private entity.

12       (b) Before the commission takes a proposed action under  
13 Subsection (a), the board must:

14               (1) determine the proposed action:

15                       (A) promotes or serves a legitimate and clearly  
16 defined public purpose;

17                       (B) provides demonstrable value, taking into  
18 consideration:

19                               (i) the feasibility and cost-effectiveness  
20 of the proposed action;

21                               (ii) alternative approaches to attaining  
22 the same or a similar public purpose as the proposed action; and

23                               (iii) potential benefits of the proposed  
24 action; and

25                       (C) is subject to appropriate controls and  
26 contractual requirements sufficient to protect the interests of the  
27 state;

28               (2) discuss the determinations the board must find  
29 under Subdivision (1) in an open meeting held in accordance with  
30 Chapter 551; and

31               (3) by a majority vote of the voting board members

1 present and voting, authorize the action in an open meeting held in  
2 accordance with Chapter 551.

3 Sec. 482.109. CERTAIN GRANT APPLICATIONS AND DEFENSE,  
4 MILITARY, AND AEROSPACE ISSUES: CLOSED MEETING. (a) The board may  
5 conduct a closed meeting in accordance with Subchapter E, Chapter  
6 551, to deliberate or confer with one or more employees,  
7 consultants of the commission, or legal counsel of the commission  
8 to discuss:

9 (1) a grant application being considered by the board  
10 if, before conducting the closed meeting, a majority of the voting  
11 members of the board in an open meeting vote that deliberating or  
12 conferring in an open meeting would:

13 (A) reveal the grant applicant's confidential  
14 information;

15 (B) reveal national security information; or

16 (C) have a detrimental effect on the position of  
17 the commission in negotiations with a grant applicant; or

18 (2) a matter related to:

19 (A) the establishment of an office, base, or  
20 major facility in this state by the United States Department of  
21 Defense or the National Aeronautics and Space Administration; or

22 (B) an economic incentive a governmental body may  
23 offer to a private entity or nonprofit organization to meet a match  
24 requirement or other requirement established by the United States  
25 Department of Defense or the National Aeronautics and Space  
26 Administration in relation to grants or strategic endeavors.

27 (b) Notwithstanding any other law, the commission may  
28 disclose a matter discussed under Subsection (a)(2) with any state  
29 agency if the presiding officer of the board determines it  
30 necessary to accomplish the establishment of an office, base, or  
31 major facility in this state by the United States Department of



1 Defense or the National Aeronautics and Space Administration.

2 (c) Any vote or final action taken on a matter described by  
3 Subsection (a)(1) or (2) must be conducted in an open meeting.

4 SECTION \_\_\_\_\_. Section 482.301(a), Government Code, is  
5 amended to read as follows:

6 (a) The space exploration and aeronautics research fund is  
7 established to provide grants to eligible entities and for other  
8 purposes as provided by this chapter.

9 SECTION \_\_\_\_\_. Subchapter D, Chapter 482, Government Code,  
10 is amended by adding Section 482.303 to read as follows:

11 Sec. 482.303. USE OF FUND FOR OTHER PURPOSE. Money  
12 available in the fund may be used to fund the costs and expenses  
13 incurred under intergovernmental agreements between the commission  
14 and another state or the United States under this subchapter.

15 SECTION \_\_\_\_\_. Section 482.505, Government Code, is amended  
16 to read as follows:

17 Sec. 482.505. GRANT RECORDS; PUBLIC INFORMATION EXCEPTION.

18 (a) The commission shall maintain complete records of:

19 (1) the review of each grant application submitted to  
20 the board, including an application reviewed in accordance with  
21 rules adopted under this chapter, even if the grant application is  
22 not funded by the board or is withdrawn after submission;

23 (2) ~~[each grant recipient's]~~ financial reports of each  
24 grant recipient described by Section 482.302(b), including the  
25 amount of matching money dedicated to the research specified for  
26 the grant award, if applicable;

27 (3) each grant recipient's progress reports; and

28 (4) the board's review of the grant recipient's  
29 financial reports, if applicable, and progress reports.

30 (b) A grant application submitted to the commission is  
31 confidential and not subject to disclosure under Chapter 552.