

By: Ellis

S.B. No. 269

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the continuation and functions of the Texas Aerospace
3 Commission.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 482.001, Government Code, is amended by
6 amending Subsections (b), (c), (e), and (f) and adding Subsection
7 (b-1) to read as follows:

8 (b) The commission is composed of nine members appointed by
9 the governor with the advice and consent of the senate as follows:

10 (1) six members [~~. To be eligible for appointment, a~~
11 ~~person~~] must have demonstrated experience in space research,
12 economic development in the private sector, marketing, banking, or
13 research and development in science or engineering; and

14 (2) three members must be representatives of the
15 general public.

16 (b-1) A person may not be a public member of the commission
17 if the person or the person's spouse:

18 (1) is registered, certified, or licensed by a
19 regulatory agency in the field of aerospace or aviation;

20 (2) is employed by or participates in the management
21 of a business entity or other organization regulated by or
22 receiving money from the commission;

23 (3) owns or controls, directly or indirectly, more
24 than a 10 percent interest in a business entity or other

1 organization regulated by or receiving money from the commission;

2 or

3 (4) uses or receives a substantial amount of tangible
4 goods, services, or money from the commission other than
5 compensation or reimbursement authorized by law for commission
6 membership, attendance, or expenses.

7 (c) Appointments to the commission shall be made without
8 regard to the race, color, disability, sex, religion, [~~handicap,~~
9 age, or national origin of the appointee.

10 (e) The governor shall designate a member of the commission
11 as the presiding officer of the commission to serve in that capacity
12 at the pleasure of the governor [~~shall elect one of its members to~~
13 ~~serve as chairman for two years~~]. The presiding officer [~~chairman~~]
14 shall have a vote on all matters before the commission.

15 (f) The commission shall meet at least once in each quarter
16 of the calendar year. The commission may meet at other times at the
17 call of the presiding officer [~~chairman~~] or as provided by the rules
18 of the commission.

19 SECTION 2. Chapter 482, Government Code, is amended by
20 adding Sections 482.0011-482.0013 and amending Section 482.002 to
21 read as follows:

22 Sec. 482.0011. CONFLICT OF INTEREST. (a) In this section,
23 "Texas trade association" means a cooperative and voluntarily
24 joined statewide association of business or professional
25 competitors in this state designed to assist its members and its
26 industry or profession in dealing with mutual business or
27 professional problems and in promoting their common interest.

1 (b) A person may not be a member of the commission and may
2 not be a commission employee employed in a "bona fide executive,
3 administrative, or professional capacity," as that phrase is used
4 for purposes of establishing an exemption to the overtime
5 provisions of the federal Fair Labor Standards Act of 1938 (29
6 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

7 (1) the person is an officer, employee, or paid
8 consultant of a Texas trade association in the field of aerospace or
9 aviation; or

10 (2) the person's spouse is an officer, manager, or paid
11 consultant of a Texas trade association in the field of aerospace or
12 aviation.

13 (c) A person may not be a member of the commission or act as
14 the general counsel to the commission if the person is required to
15 register as a lobbyist under Chapter 305 because of the person's
16 activities for compensation on behalf of a profession related to
17 the operation of the commission.

18 Sec. 482.0012. REMOVAL. (a) It is a ground for removal
19 from the commission that a member:

20 (1) does not have at the time of taking office the
21 qualifications required by Section 482.001(b);

22 (2) does not maintain during service on the commission
23 the qualifications required by Section 482.001(b);

24 (3) is ineligible for membership under Section
25 482.001(b-1) or 482.0011;

26 (4) cannot, because of illness or disability,
27 discharge the member's duties for a substantial part of the member's

1 term; or

2 (5) is absent from more than half of the regularly
3 scheduled commission meetings that the member is eligible to attend
4 during a calendar year without an excuse approved by a majority vote
5 of the commission.

6 (b) The validity of an action of the commission is not
7 affected by the fact that it is taken when a ground for removal of a
8 commission member exists.

9 (c) If the executive director has knowledge that a potential
10 ground for removal exists, the executive director shall notify the
11 presiding officer of the commission of the potential ground. The
12 presiding officer shall then notify the governor and the attorney
13 general that a potential ground for removal exists. If the
14 potential ground for removal involves the presiding officer, the
15 executive director shall notify the next highest ranking officer of
16 the commission, who shall then notify the governor and the attorney
17 general that a potential ground for removal exists.

18 Sec. 482.0013. TRAINING PROGRAM. (a) A person who is
19 appointed to and qualifies for office as a member of the commission
20 may not vote, deliberate, or be counted as a member in attendance at
21 a meeting of the commission until the person completes a training
22 program that complies with this section.

23 (b) The training program must provide the person with
24 information regarding:

25 (1) the legislation that created the commission;

26 (2) the programs operated by the commission;

27 (3) the role and functions of the commission;

1 (4) the rules of the commission with an emphasis on the
2 rules that relate to disciplinary and investigatory authority;

3 (5) the current budget for the commission;

4 (6) the results of the most recent formal audit of the
5 commission;

6 (7) the requirements of:

7 (A) the open meetings law, Chapter 551;

8 (B) the public information law, Chapter 552;

9 (C) the administrative procedure law, Chapter
10 2001; and

11 (D) other laws relating to public officials,
12 including conflict-of-interest laws; and

13 (8) any applicable ethics policies adopted by the
14 commission or the Texas Ethics Commission.

15 (c) A person appointed to the commission is entitled to
16 reimbursement, as provided by the General Appropriations Act, for
17 the travel expenses incurred in attending the training program
18 regardless of whether the attendance at the program occurs before
19 or after the person qualifies for office.

20 Sec. 482.002. SUNSET PROVISION. The Texas Aerospace
21 Commission is subject to Chapter 325 (Texas Sunset Act). Unless
22 continued in existence as provided by that chapter, the commission
23 is abolished and this chapter expires September 1, 2015 [~~2003~~].

24 SECTION 3. Sections 482.003(a), (b), and (e), Government
25 Code, are amended to read as follows:

26 (a) The commission shall encourage economic development in
27 this state by fostering the development of aerospace and aviation

1 industries in Texas [~~related to the commercialization of space~~].

2 (b) The commission shall:

3 (1) analyze space-related research currently
4 conducted in this state and may conduct activities designed to
5 further that research;

6 (2) analyze the state's economic position in the
7 aerospace and aviation industries;

8 (3) develop short-term and long-term business
9 strategies to promote the retention, development, and expansion of
10 aerospace and aviation industry facilities in the state;

11 (4) make specific recommendations to the legislature
12 and the governor regarding the promotion of those industries;

13 (5) act as a liaison with other state and federal
14 entities with related economic, educational, and defense
15 responsibilities to support the marketing of the state's aerospace
16 and aviation capabilities; and

17 (6) provide technical support and expertise to the
18 state and to local spaceport authorities regarding aerospace and
19 aviation business matters.

20 (e) The commission may hire an executive director and staff
21 as necessary to perform its duties under this chapter. The
22 commission may hire a general counsel.

23 SECTION 4. Chapter 482, Government Code, is amended by
24 adding Sections 482.005–482.012 to read as follows:

25 Sec. 482.005. TECHNOLOGY POLICY. The commission shall
26 develop and implement a policy requiring the executive director and
27 commission employees to research and propose appropriate

1 technological solutions to improve the ability to perform
2 commission functions. The technological solutions must:

3 (1) ensure that the public is able to easily find
4 information about the commission on the Internet;

5 (2) ensure that persons who want to use the
6 commission's services are able to:

7 (A) interact with the commission through the
8 Internet; and

9 (B) access any service that can be provided
10 effectively through the Internet; and

11 (3) be cost-effective and developed through the
12 commission's planning process.

13 Sec. 482.006. QUALIFICATIONS AND STANDARDS OF
14 CONDUCT. The executive director or the executive director's
15 designee shall provide to members of the commission and to
16 commission employees, as often as necessary, information regarding
17 the requirements for office or employment under this chapter,
18 including information regarding a person's responsibilities under
19 applicable laws relating to standards of conduct for state officers
20 or employees.

21 Sec. 482.007. SEPARATION OF POLICYMAKING AND MANAGEMENT
22 RESPONSIBILITIES. The commission shall develop and implement
23 policies that clearly separate the policymaking responsibilities
24 of the commission and the management responsibilities of the
25 executive director and the staff of the commission.

26 Sec. 482.008. PUBLIC ACCESS. The commission shall develop
27 and implement policies that provide the public with a reasonable

1 opportunity to appear before the commission and to speak on any
2 issue under the jurisdiction of the commission.

3 Sec. 482.009. USE OF ALTERNATIVE PROCEDURES. (a) The
4 commission shall develop and implement a policy to encourage the
5 use of:

6 (1) negotiated rulemaking procedures under Chapter
7 2008 for the adoption of commission rules; and

8 (2) appropriate alternative dispute resolution
9 procedures under Chapter 2009 to assist in the resolution of
10 internal and external disputes under the commission's
11 jurisdiction.

12 (b) The commission's procedures relating to alternative
13 dispute resolution must conform, to the extent possible, to any
14 model guidelines issued by the State Office of Administrative
15 Hearings for the use of alternative dispute resolution by state
16 agencies.

17 Sec. 482.010. COMPLAINTS. (a) The commission shall
18 maintain a file on each written complaint filed with the
19 commission. The file must include:

20 (1) the name of the person who filed the complaint;

21 (2) the date the complaint is received by the
22 commission;

23 (3) the subject matter of the complaint;

24 (4) the name of each person contacted in relation to
25 the complaint;

26 (5) a summary of the results of the review or
27 investigation of the complaint; and

1 (6) an explanation of the reason the file was closed,
2 if the commission closed the file without taking action other than
3 to investigate the complaint.

4 (b) The commission shall provide to the person filing the
5 complaint and to each person who is a subject of the complaint a
6 copy of the commission's policies and procedures relating to
7 complaint investigation and resolution.

8 (c) The commission, at least quarterly until final
9 disposition of the complaint, shall notify the person filing the
10 complaint and each person who is a subject of the complaint of the
11 status of the investigation unless the notice would jeopardize an
12 undercover investigation.

13 Sec. 482.011. EQUAL EMPLOYMENT OPPORTUNITY. (a) The
14 executive director or the executive director's designee shall
15 prepare and maintain a written policy statement that implements a
16 program of equal employment opportunity to ensure that all
17 personnel decisions are made without regard to race, color,
18 disability, sex, religion, age, or national origin.

19 (b) The policy statement must include:

20 (1) personnel policies, including policies relating
21 to recruitment, evaluation, selection, training, and promotion of
22 personnel, that show the intent of the commission to avoid the
23 unlawful employment practices described by Chapter 21, Labor Code;
24 and

25 (2) an analysis of the extent to which the composition
26 of the commission's personnel is in accordance with state and
27 federal law and a description of reasonable methods to achieve

1 compliance with state and federal law.

2 (c) The policy statement must:

3 (1) be updated annually;

4 (2) be reviewed by the state Commission on Human
5 Rights for compliance with Subsection (b)(1); and

6 (3) be filed with the governor's office.

7 Sec. 482.012. STATE EMPLOYEE INCENTIVE PROGRAM. The
8 executive director or the executive director's designee shall
9 provide to commission employees information and training on the
10 benefits and methods of participation in the State Employee
11 Incentive Program.

12 SECTION 5. Section 482.001(h), Government Code, is
13 repealed.

14 SECTION 6. (a) The changes in law made by this Act in the
15 prohibitions or qualifications applying to members of the Texas
16 Aerospace Commission do not affect the entitlement of a member
17 serving on the commission immediately before September 1, 2003, to
18 continue to serve and function as a member of the commission for the
19 remainder of the member's term. Those changes in law apply only to
20 a member appointed on or after September 1, 2003.

21 (b) As the terms of commissioners expire or as vacancies are
22 created on the commission, the governor shall appoint commissioners
23 as necessary to comply with Sections 482.001(b) and (b-1),
24 Government Code, as amended and added by this Act.

25 SECTION 7. This Act takes effect September 1, 2003.