

Amend **CSHB 2531** (Senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 14), strike "Section 490.005" and substitute "Sections 490.005 and 490.006".

(2) In SECTION 1 of the bill (page 1, between lines 14 and 15}, insert the following:

Sec. 490.005. AUTHORITY TO CONTRACT WITH AN OUTSIDE ENTITY.

(a) In this section, "investment portfolio" means the stocks or other securities of the fund that:

(1) are held by the governor from time to time; and

(2) were received by the governor in consideration for an award made from the fund under Subchapter D.

(b) The governor may contract with an outside entity to:

(1) assist in the negotiation and drafting of contracts between the governor and a recipient of an award under this chapter;

(2) oversee outstanding awards and monitor compliance with a contract described by Subdivision (1);

(3) evaluate the fund's investment portfolio;

(4) advise the office of the governor regarding the value and performance of the investment portfolio; and

(5) assist the governor in preparing the annual report required by Section 490.006.

(c) A contract described by Subsection (b) may provide for the outside entity to receive compensation from the fund each year.

(d) An outside entity with which the governor contracts under this section must have substantial experience in evaluating institutional investment practices and performance in order to evaluate fund investment practices and performance.

(3) In SECTION 1 of the bill, in added Section 490.005, Government Code (page 1, line 15), strike "Sec. 490.005" and substitute "Sec. 490.006".

(4) In SECTION 1 of the bill, strike added Section 490.005(a), Government Code (page 1, lines 15 through 20), and substitute the following:

(a) In this section, "investment portfolio" has the meaning assigned by Section 490.005.

(5) In SECTION 2 of the bill (page 1, line 62), strike "Section 490.005" and substitute "Section 490.006".

(6) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 490.057, Government Code, is transferred to Subchapter A, Chapter 490, Government Code, renumbered as Section 490.004, Government Code, and amended to read as follows:

Sec. 490.004 [~~490.057~~]. CERTAIN INFORMATION CONFIDENTIAL [~~CONFIDENTIALITY~~]. (a) Except as provided by Subsection (d), this section applies to information in any form provided by or on behalf of an individual or entity being considered for an award from the fund or a recipient of an award from the fund, including:

(1) information contained in, accompanying, or derived from any application; and

(2) information [~~Information collected by the governor's office, the committee, or the committee's advisory panels~~] concerning the identity, background, finance, marketing plans, trade secrets, or other commercially or academically sensitive information of the [~~an~~] individual or entity [~~being considered for an award from the fund is confidential unless the individual or entity consents to disclosure of the information~~].

(b) The information described by Subsection (a) collected, assembled, or maintained by or for the governor, the lieutenant governor, the speaker of the house of representatives, the committee, or the committee's advisory panels is confidential and may not be disclosed under Chapter 552.

(c) Any application for an award from the fund that is withdrawn by the applicant before the award is made or that is denied shall be returned to the applicant promptly on request, together with all materials submitted by or on behalf of the applicant that relate to the application, except that a record of the submission and disposition of the application that does not include any information described by Subsection (a) may be retained.

(d) Not later than the 10th business day after the date a contract for an award from the fund is entered into under Section 490.101, the governor's office shall prepare a summary of the contract and shall make the summary available to the public. The summary must include the award recipient's name and address, the amount of funding applied for, and the type of emerging technology

to which the award relates. The summary must not include any confidential information.

SECTION _____. Subsection (a), Section 490.102, Government Code, is amended to read as follows:

(a) Money appropriated to the fund by the legislature, less amounts necessary to administer the fund under Section 490.055, shall be allocated as follows:

(1) 60 ~~[50]~~ percent of the money for incentives for collaboration between certain entities as provided by Subchapter D;

(2) 10 ~~[16.67]~~ percent of the money for research award matching as provided by Subchapter E; and

(3) 30 ~~[33.33]~~ percent of the money for acquisition of research superiority as provided by Subchapter F.

SECTION _____. Subchapter C, Chapter 490, Government Code, is amended by adding Section 490.104 to read as follows:

Sec. 490.104. TRANSFERS BETWEEN TEXAS EMERGING TECHNOLOGY FUND AND TEXAS ENTERPRISE FUND. Notwithstanding any other law, including an appropriations act, the governor may not, without the prior written approval of the Legislative Budget Board:

(1) make an award or transfer otherwise authorized by law from the Texas emerging technology fund to the Texas Enterprise Fund under Section 481.078 for purposes of making a grant or other expenditure from the Texas Enterprise Fund; or

(2) make a grant or transfer otherwise authorized by law from the Texas Enterprise Fund to the Texas emerging technology fund for purposes of making an award or other expenditure from the Texas emerging technology fund.

SECTION _____. Subsection (a), Section 490.253, Government Code, is amended to read as follows:

(a) The committee shall review and consider proposals by public institutions of higher education for:

(1) creating new research superiority;

(2) attracting existing research superiority from institutions of higher education not located in this state ~~[and other research entities]; [or]~~

(3) attracting existing research superiority from entities other than institutions of higher education, whether those

entities are located in or outside this state;

(4) enhancing existing research superiority by attracting from institutions of higher education located outside this state additional researchers and resources; or

(5) enhancing existing research superiority by attracting additional researchers and resources from entities other than institutions of higher education, whether those entities are located in or outside this state.