

By: Bonnen

H.B. No. 3447

A BILL TO BE ENTITLED

AN ACT

relating to the creation, management and administration of the Texas Space Commission and the Texas Aerospace Research and Space Economy Consortium.

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

SECTION 1. Chapter 481, Government Code, is amended by adding Subchapter EE to read as follows:

SUBCHAPTER EE. TEXAS SPACE COMMISSION

Sec. 481.505. TEXAS SPACE COMMISSION; ESTABLISHMENT. The Texas Space Commission is established to strengthen the state's proven leadership in civil, commercial, and military aerospace activity. The goal of the commission is to promote innovation in the field of space operations and commercial aerospace opportunities, including the integration of space, aeronautics, and aviation industries into the Texas economy.

Sec. 481.506. COMMISSION BOARD OF DIRECTORS

(a) The Commission shall be governed by a nine-member independent board of directors that consists of:

(1) 5 members appointed by the governor;

(2) 2 members appointed by the lieutenant governor; and

(3) 2 members appointed by the speaker of the house of representatives.

(b) In making appointments under Subsection (a), priority shall be given to individuals with experience in commercial

1 aerospace, civil aviation, military aerospace, space economic
2 development, and space-related academic research. The governor,
3 lieutenant governor, and speaker of the house of representatives
4 shall coordinate to ensure at least one representative is appointed
5 from each of the following entities:

6 (1) the United States military;

7 (2) the National Aeronautics and Space Administration;

8 (3) a commercial spaceflight operator with a presence in the
9 state of Texas; and

10 (4) a designee of the Texas Aerospace Research and Space
11 Economy Consortium established under Chapter 61, Education Code.

12 (c) Board members serve for a two-year term upon
13 appointment. Board members are eligible to be reappointed upon
14 completion of their two-year term. A vacancy on the commission
15 shall be filled in the same manner as the original appointment.

16 (d) The commission is administratively attached to the
17 office of the governor. The office shall provide the staff and
18 facilities necessary to assist the commission in performing its
19 duties.

20 Sec. 481.507. COMMISSION DUTIES. (a) The commission may:

21 (1) execute all contracts and other documents, adopt all
22 proceedings, and conduct all activities determined by the
23 commission to be necessary to carry out the purposes of this act.

24 The commission may authorize one or more members of the commission
25 to execute contracts and other documents on behalf of the
26 commission;

27 (2) establish and create any boards, committees, or other

1 entities the commission may deem necessary to exercise commission
2 powers provided in this act. The commission may delegate to such
3 committees, boards, or other entities administrative duties and
4 other powers as the commission may deem necessary. Such entities
5 may include an advisory board comprised of representatives of
6 military, federal government, and private aeronautic entities;

7 (3) Provide financial services to support aerospace-related
8 development within the state. Financial services may include
9 capitalizing, underwriting, leasing, selling, or securing funding
10 for aerospace-related infrastructure; and acquiring, accepting, or
11 administering grants and contracts to perform activities that are
12 consistent with the goal of the commission;

13 (4) Execute intergovernmental agreements and development
14 agreements consistent with prevailing statutory provisions,
15 including with local and federal organizations, institutions of
16 higher education and non-profit entities; and

17 (5) Engage in the planning and implementation of
18 aerospace-related educational opportunities within the state in
19 conjunction with the Texas Aerospace Research and Space Economy
20 Consortium established under Education Code, Chapter 61,
21 Subchapter PP.

22 (b) The commission shall:

23 (1) adopt rules to implement this act;

24 (2) elect a presiding officer for the board;

25 (3) select a person to act as the executive director of the
26 commission, having such official title, functions, duties, powers,
27 and salary as the commission may prescribe. The executive director

1 may staff the commission with other employees necessary for the
2 commission to properly function; and

3 (4) organize and deliver the strategic plan required by
4 Section 481.508 of this chapter.

5 Sec. 481.508. STRATEGIC PLAN.

6 (a) The commission shall develop a strategic plan for the
7 promotion of space, aeronautics, and aviation economic development
8 in the State of Texas. Such a plan shall include:

9 (1) A list of potential projects that further the goal of
10 the commission;

11 (2) An estimated total cost required to complete each
12 project identified in Subsection (1), including a potential state
13 matching cost;

14 (3) An assessment of the availability of external funding
15 sources for each project identified in Subsection (1); and

16 (4) Any other information the commission determines is
17 relevant to the furtherance of the goal established in Section
18 481.505.

19 (b) The strategic plan required by this section shall be
20 submitted not later than December 31 of each year to the governor,
21 the lieutenant governor, and the speaker of the house of
22 representatives.

23 Sec. 481.509. SPACE EXPLORATION AND AERONAUTICS RESEARCH
24 FUND. (a) The Space Exploration and Aeronautics Research Fund is
25 created as a trust fund outside the treasury with the comptroller.
26 The fund consists of money from

27 (1) gifts, grants, or donations to the commission; and

1 (2) any other source designated by the legislature.

2 (b) The commission may utilize the fund to make grants to
3 eligible institutions for the following purposes:

4 (1) development of emerging technologies required for all
5 aspects of space operations;

6 (2) research involving all aspects of space exploration and
7 spaceflight;

8 (3) workforce training to promote space exploration and
9 spaceflight; and

10 (4) processing, exploitation, or research involving
11 materials derived from or developed through space exploration and
12 spaceflight.

13 (d) The commission shall develop procedures for
14 administration and approval of grants through the fund.

15 (e) For the purposes of this section, "Eligible
16 institutions" shall include:

17 (1) Business or non-profit entities involved in the space
18 exploration, research, or aeronautics industries; and

19 (2) Other governmental entities with which an
20 intergovernmental agreement has been executed pursuant to Section
21 481.507, Subsection (a)(3) and Subsection (b)(4).

22 SECTION 2. Chapter 61, Education Code, is amended by adding
23 new subchapter PP to read as follows:

24 SUBCHAPTER PP. AEROSPACE RESEARCH AND SPACE ECONOMY CONSORTIUM

25 Sec. 61.997. ESTABLISHMENT; PURPOSE. The Texas Aerospace
26 Research and Space Economy Consortium is established to:

27 (a) identify research opportunities for entities within the

1 state of Texas that:

2 (1) strengthen Texas' proven leadership in civil,
3 commercial, and military aerospace activity;

4 (2) enhance the state's position in aeronautics research
5 and development, astronautics, space commercialization, and
6 spaceflight infrastructure; and

7 (3) enhance the integration of the space, aeronautics,
8 astronautics, and aviation industries into the Texas economy.

9 (b) make funding and research recommendations to the Texas
10 Space Commission established in Government Code, Chapter 481,
11 Subchapter EE.

12 Sec. 61.9971. MEMBERSHIP. The consortium is composed of:

13 (a) all entities identified in Texas Education Code,
14 Section 61.003(8).

15 (b) any other entities that the executive committee
16 considers necessary.

17 Sec. 61.9972. ADMINISTRATIVE ATTACHMENT. (a) The
18 consortium is administratively attached to the Texas Higher
19 Education Coordinating Board for the purpose of receiving and
20 administering appropriations and other funds under this chapter.
21 The board is not responsible for providing to the consortium staff
22 human resources, contract monitoring, purchasing, or any other
23 administrative support services.

24 (b) The Texas Higher Education Coordinating Board may not
25 use funds intended to carry out the purposes of this chapter for any
26 costs incurred by the board under this chapter.

1 SUBCHAPTER QQ. EXECUTIVE COMMITTEE

2 Sec. 61.9973. EXECUTIVE COMMITTEE COMPOSITION.

3 (a) The Commission shall be governed by a nine-member
4 independent executive committee that consists of:

5 (1) 2 members appointed by the governor;

6 (2) 2 members appointed by the lieutenant governor;

7 (3) 2 members appointed by the speaker of the house of
8 representatives;

9 (4) The Chancellor of the Texas A&M University System, or
10 their designee;

11 (5) The Chancellor of the University of Texas System, or
12 their designee; and

13 (6) The President of Rice University, or their designee.

14 (b) In making appointments under Subsection (a), priority
15 shall be given to individuals with experience in administration of
16 research and development relevant to space, aeronautics, space
17 economic development, astronautics, and other academic disciplines
18 relevant to space. In making appointments under Subsection (a),
19 the governor, lieutenant governor, and speaker of the house of
20 representatives shall coordinate to ensure that the membership of
21 the executive committee reflects, to the extent possible, the
22 ethnic and geographic diversity of this state.

23 (c) A vacancy on the executive committee shall be filled in
24 the same manner as the original appointment.

25 Sec. 61.9974. GIFTS, GRANTS, AND DONATIONS. The executive
26 committee may accept on behalf of the consortium gifts, grants, or
27 donations from any public or private source for the purpose of

1 carrying out this chapter.

2 SUBCHAPTER RR. POWERS AND DUTIES

3 Sec. 61.9975. GENERAL DUTIES. (a) The executive committee
4 established under Section 61.9973 shall:

5 (1) develop and execute a comprehensive statewide
6 strategic plan to further the objectives identified in Section
7 88.901, Subsection (a);

8 (2) solicit proposals from consortium members on
9 funding and research opportunities related to the objectives
10 identified in Section 61.997, Subsection (a);

11 (3) report the recommendations assembled in
12 Subsection (a)(2) as outlined in Section 61.9976;

13 (4) establish procedures and policies for the
14 administration of the consortium;

15 (5) establish procedures to document compliance by
16 executive committee members and staff with applicable laws
17 governing conflicts of interest;

18 (6) designate a member of the executive committee to
19 work in liaison with the Texas Space Commission established under
20 Government Code, Chapter 481, Subchapter EE;

21 (7) contract with the Texas A&M University System for
22 administrative and staff support for the consortium;

23 (8) elect a presiding officer from among the
24 membership of the executive committee; and

25 (9) meet at the call of the presiding officer.

26 (b) consortium members identified by Section 61.9971 may
27 participate in consortium fact-finding, strategic planning, and

1 the formation of recommendations under Subsection (a)(1) and
2 Subsection (a)(2). Any consortium member working with the
3 executive committee under this subsection shall designate a liaison
4 to the consortium executive committee before engaging in such work.

5 (c) the consortium is required to implement a provision of
6 this chapter only if the legislature appropriates money
7 specifically for that purpose. If the legislature does not
8 appropriate money specifically for that purpose, the consortium
9 may, but is not required to, implement a provision of this chapter.

10 Sec. 61.9976. BIENNIAL REPORT. Not later than December 31
11 of each even numbered year, the consortium executive committee
12 shall submit to the Texas Space Commission established under
13 Government Code, Chapter 481, Subchapter EE, a written report that
14 outlines:

- 15 (1) the activities and objectives of the consortium;
16 (2) a synopsis of the funding and research
17 opportunities identified in Section 61.9975, Subsection (a)(2);
18 (3) any legislative recommendations to the
19 commission;
20 (4) any prospective grants or funding the consortium
21 members expect to receive; and
22 (5) any research accomplishments associated with the
23 consortium.

24 SECTION 3. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

H.B. No. 3447

1 Act takes effect September 1, 2023.