

BILL ANALYSIS

Senate Research Center
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S.B. 269
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DIGEST AND PURPOSE

The legislature created the Texas Space Commission in 1987 to encourage economic development of industries related to the commercialization of space, later renaming it the Texas Aerospace Commission (TAC) in 1993. TAC helps recruit and expand aerospace industries in Texas, administers state grant funds to assist with the establishment of spaceports, and helps promote space-related research. TAC is subject to the Sunset Act and will be abolished on September 1, 2003, unless continued by the legislature. The Sunset Commission found that TAC could serve a needed function and should be continued, but with an updated mission to foster the development of both aerospace and aviation industries, and clearly defined statutory duties to help focus the agency's activities. As proposed, S.B. 269 continues TAC for 12 years and expands the scope of its responsibility to include both aerospace and aviation industries.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 482.001, Government Code, by amending Subsections (b), (c), (e), and (f) and adding Subsection (b-1), as follows:

(b) Provides that the Texas Aerospace Commission (TAC) is composed of nine members appointed by the governor with the advice and consent of the senate as follows:

Requires six members to have demonstrated experience in space research, economic development in the private sector, marketing, banking, or research and development in science or engineering and requires three members to be representatives of the general public.

(b-1) Provides that a person may not be a public member of TAC if the person or the person's spouse meets certain criteria.

(c) Requires appointments to TAC to be made without regard to the race, color, disability, sex, religion, age or national origin of the appointee.

(e) Requires the governor to designate a member of TAC as the presiding officer of TAC to serve in that capacity at the pleasure of the governor. Requires the presiding officer to have a vote on all matters before TAC.

(f) Makes a conforming change.

SECTION 2. Amends Chapter 482, Government Code, by adding Sections 482.0011-482.0013 and amending Section 482.002, as follows:

Sec. 482.0011. CONFLICT OF INTEREST. (a) Defines "Texas trade association." (b)

Provides that a person may not be a member of TAC and may not be a TAC employee employed “in a bona fide executive, administrative, or professional capacity,” as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if certain criteria are met.

(c) Provides that a person may not be a member of TAC or act as the general counsel to TAC if the person is required to register as a lobbyist under Chapter 305 because of the person’s activities for compensation on behalf of a profession related to the operation of TAC.

Sec. 482.0012. REMOVAL. (a) Provides that it is a ground for removal from TAC if a member does not meet certain requirements.

(b) Provides that the validity of an action of TAC is not affected by the fact that it is taken when a ground for removal of a TAC member exists.

(c) Requires the executive director, if he or she has knowledge that a potential ground for removal exists, to notify the presiding officer of TAC of the potential ground. Requires the presiding officer to then notify the governor and the attorney general that a potential ground for removal exists. Requires the executive director, if the potential ground for removal involves the presiding officer, to notify the next highest ranking officer of TAC, who is required to then notify the governor and the attorney general that a potential ground for removal exists.

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

(b) Requires the training program to provide the person with certain information.

(c) Provides that a person appointed to TAC is entitled to reimbursement, as provided by the General Appropriations Act, for travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Sec.482.002. Continues the Texas Aerospace Commission for a 12-year period until September 1, 2015.

SECTION 3. Amends Sections 482.003(a), (b), and (e), Government Code, as follows:

(a) Requires TAC to encourage economic development in this state by fostering the development of aerospace and aviation industries in Texas, rather than the commercialization of space.

(b) Requires TAC to perform certain additional functions related to aerospace and aviation industries.

(e) Authorizes TAC to hire an executive director and staff as necessary to perform its duties under this chapter.

SECTION 4. Amends Chapter 482, Government Code, by adding Sections 482.005-482.012, as follows:

Sec. 482.005. TECHNOLOGY POLICY. Requires TAC to develop and implement a policy requiring the executive director and TAC employees to research and propose appropriate technological solutions to improve the ability to perform TAC functions. Requires the technological solutions to ensure that certain services are provided.

Sec. 482.006. QUALIFICATIONS AND STANDARDS OF CONDUCT. Requires the executive director or the executive director's designee to provide to members of TAC and to TAC employees information regarding the requirements for office or employment under this chapter, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees.

Sec. 482.007. SEPARATION OF POLICYMAKING AND MANAGEMENT RESPONSIBILITIES. Requires TAC to develop and implement policies that clearly separate the policymaking responsibilities of TAC and the management responsibilities of the executive director and the staff of TAC.

Sec. 482.008. PUBLIC ACCESS. Requires TAC to develop and implement policies that provide the public with a reasonable opportunity to appear before TAC and to speak on any issue under the jurisdiction of TAC.

Sec. 482.009. USE OF ALTERNATIVE PROCEDURES. (a) Requires TAC to develop and implement a policy to encourage the use of certain rulemaking and alternative dispute resolution procedures.

(b) Requires TAC's procedures relating to alternative dispute resolution to conform to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

Sec. 482.010. COMPLAINTS. (a) Requires TAC to maintain a file on each written complaint filed with TAC. Requires the file to include certain information.

(b) Requires TAC to provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the commission's policies and procedures relating to complaint investigation and resolution.

(c) Requires TAC, at least quarterly until final disposition of the complaint, to notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an undercover investigation.

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

(b) Requires the policy to include certain information.

(c) Requires the policy statement to be updated annually, be reviewed by the state Commission on Human Rights for compliance with Subsection (b)(1) and be filed with the governor's office.

Sec. 482.012. STATE EMPLOYEE INCENTIVE PROGRAM. Requires the executive director or the executive director's designee to provide to TAC employees information and training on the benefits and methods of participation in the State Employee Incentive Program.

SECTION 5. Repealer: Section 482.001(h), Government Code (relating to a registered lobbyist serving

on TAC).

SECTION 6. (a) Makes application of this Act prospective.

(b) Requires the governor, as the terms of commissioners expire or as vacancies are created on TAC, to appoint commissioners as necessary to comply with Sections 482.001(b) and (b-1), Government Code, as amended and added by this Act.

SECTION 7. Effective date: September 1, 2003.