

GOVERNMENT CODE

TITLE 4. EXECUTIVE BRANCH

SUBTITLE F. COMMERCE AND INDUSTRIAL DEVELOPMENT

CHAPTER 490. WINDING UP CONTRACTS AND STATE'S INVESTMENT PORTFOLIO
IN CONNECTION WITH AWARDS FROM TEXAS EMERGING TECHNOLOGY FUND

SUBCHAPTER C. TEXAS EMERGING TECHNOLOGY FUND

Sec. 490.101. TEXAS EMERGING TECHNOLOGY FUND. (a) The Texas emerging technology fund is a dedicated account in the general revenue fund.

(b) The following amounts shall be deposited in the fund:

(1) any amounts appropriated by the legislature for the fund;

(2) benefits realized from a project undertaken with money from the fund, as provided by a contract entered into under Section 490.103;

(3) gifts, grants, and other donations received for the fund; and

(4) interest earned on the investment of money in the fund.

Text of subsection as added by Acts 2015, 84th Leg., R.S., Ch. 448

(H.B. 7), Sec. 16

(b-1) The fund may be used only for the purposes described by Section 490.104.

Text of subsection as added by Acts 2015, 84th Leg., R.S., Ch. 323

(S.B. 632), Sec. 3, and Ch. 915 (H.B. 26), Sec. 1.03

(b-1) Notwithstanding Subsection (b), benefits realized from a project undertaken with money from the fund, as provided by a contract entered into under former Section 490.103 before September 1, 2015, shall be deposited to the credit of the governor's university research initiative fund established under Subchapter H, Chapter 62, Education Code.

(b-2) The fund may be used only for the purposes described by Section [490.104](#).

(c) Repealed by Acts 2015, 84th Leg., R.S., Ch. 323 , Sec. 4(a)(1), Ch. 448 , Sec. 47(1), and Ch. 915 , Sec. 1.04(a)(1), eff. September 1, 2015.

(d) Repealed by Acts 2015, 84th Leg., R.S., Ch. 323 , Sec. 4(a)(1), Ch. 448 , Sec. 47(1), and Ch. 915 , Sec. 1.04(a)(1), eff. September 1, 2015.

(e) Repealed by Acts 2015, 84th Leg., R.S., Ch. 323 , Sec. 4(a)(1), Ch. 448 , Sec. 47(1), and Ch. 915 , Sec. 1.04(a)(1), eff. September 1, 2015.

(f) Repealed by Acts 2015, 84th Leg., R.S., Ch. 323 , Sec. 4(a)(1), Ch. 448 , Sec. 47(1), and Ch. 915 , Sec. 1.04(a)(1), eff. September 1, 2015.

(f-1) Repealed by Acts 2015, 84th Leg., R.S., Ch. 323 , Sec. 4(a)(1), Ch. 448 , Sec. 47(1), and Ch. 915 , Sec. 1.04(a)(1), eff. September 1, 2015.

(g) Repealed by Acts 2015, 84th Leg., R.S., Ch. 323 , Sec. 4(a)(1), Ch. 448 , Sec. 47(1), and Ch. 915 , Sec. 1.04(a)(1), eff. September 1, 2015.

(h) Repealed by Acts 2015, 84th Leg., R.S., Ch. 323 , Sec. 4(a)(1), Ch. 448 , Sec. 47(1), and Ch. 915 , Sec. 1.04(a)(1), eff. September 1, 2015.

(i) Repealed by Acts 2015, 84th Leg., R.S., Ch. 323 , Sec. 4(a)(1), Ch. 448 , Sec. 47(1), and Ch. 915 , Sec. 1.04(a)(1), eff. September 1, 2015.

Added by Acts 2005, 79th Leg., Ch. 280 (H.B. [1765](#)), Sec. 1, eff. June 14, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 852 (H.B. [1188](#)), Sec. 8, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 1297 (H.B. [2457](#)), Sec. 10, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 323 (S.B. [632](#)), Sec. 3, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 323 (S.B. [632](#)), Sec. 4(a)(1), eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 448 (H.B. 7), Sec. 16, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 448 (H.B. 7), Sec. 47(1), eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 915 (H.B. 26), Sec. 1.03, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 915 (H.B. 26), Sec. 1.04(a)(1), eff. September 1, 2015.

Text of section as added by Acts 2015, 84th Leg., R.S., Ch. 448 (H.B. 7), Sec. 17

For text of section as added by Acts 2015, 84th Leg., R.S., Ch. 323 (S.B. 632), Sec. 2, and Ch. 915 (H.B. 26), Sec. 1.02, see other Sec. 490.104.

Sec. 490.104. MANAGEMENT OF INVESTMENT PORTFOLIO; WINDING UP AND FINAL LIQUIDATION. (a) In this section, "state's emerging technology investment portfolio" means:

(1) the equity positions in the form of stock or other security the governor took, on behalf of the state, in companies that received awards under the Texas emerging technology fund; and

(2) any other investments made by the governor, on behalf of the state, in connection with an award made under the Texas emerging technology fund.

(b) The Texas Treasury Safekeeping Trust Company shall manage and wind up the state's emerging technology investment portfolio. The trust company shall wind up the portfolio in a manner that, to the extent feasible, provides for the maximum return on the state's investment while also ensuring the return of the state's investment. In managing those investments through procedures and subject to restrictions that the trust company considers appropriate, the trust company may acquire, exchange, sell, supervise, manage, or retain any kind of investment that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances then prevailing pertinent to each investment. The trust company may recover its reasonable and necessary costs incurred in the management of the

portfolio, including costs incurred in the retaining of professional or technical advisors, from the earnings on the investments in the portfolio.

(c) Any realized proceeds or other earnings from the sale of stock or other investments in the state's emerging technology investment portfolio, less the amount permitted to be retained for payment of its costs for managing the portfolio as provided by Subsection (b), shall be remitted by the Texas Treasury Safekeeping Trust Company to the comptroller for deposit in the general revenue fund.

(d) The Texas Treasury Safekeeping Trust Company has any power necessary to accomplish the purposes of this section.

(e) On final liquidation of the state's emerging technology investment portfolio, the Texas Treasury Safekeeping Trust Company shall promptly notify the comptroller of that occurrence. As soon as practicable after receiving that notice, the comptroller shall verify that the final liquidation has been completed and, if the comptroller so verifies, shall certify to the governor that the final liquidation of the portfolio has been completed. The governor shall post notice of the certification on the office of the governor's Internet website.

Added by Acts 2015, 84th Leg., R.S., Ch. 448 (H.B. 7), Sec. 17, eff. September 1, 2015.

Text of section as added by Acts 2015, 84th Leg., R.S., Ch. 323

(S.B. 632), Sec. 2, and Ch. 915 (H.B. 26), Sec. 1.02

For text of section as added by Acts 2015, 84th Leg., R.S., Ch. 448

(H.B. 7), Sec. 17, see other Sec. 490.104.

Sec. 490.104. MANAGEMENT OF INVESTMENT PORTFOLIO; WINDING UP AND FINAL LIQUIDATION. (a) In this section, "state's emerging technology investment portfolio" means:

(1) the equity positions in the form of stock or other security the governor took, on behalf of the state, in companies that received awards under the Texas emerging technology fund; and

(2) any other investments made by the governor, on behalf of the state, and associated assets in connection with an award made under the Texas emerging technology fund.

(b) The Texas Treasury Safekeeping Trust Company shall manage and wind up the state's emerging technology investment portfolio. The trust company shall wind up the portfolio in a manner that, to the extent feasible, provides for the maximum return on the state's investment. In managing those investments and associated assets through procedures and subject to restrictions that the trust company considers appropriate, the trust company may acquire, exchange, sell, supervise, manage, or retain any kind of investment or associated assets that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances then prevailing pertinent to each investment or associated asset. The trust company may recover its reasonable and necessary costs incurred in the management of the portfolio from the earnings on the investments and associated assets in the portfolio.

(c) Any realized proceeds or other earnings from the sale of stock or other investments or associated assets in the state's emerging technology investment portfolio, less the amount permitted to be retained for payment of its costs for managing the portfolio as provided by Subsection (b), shall be remitted by the Texas Treasury Safekeeping Trust Company to the comptroller for deposit in the general revenue fund.

(d) The Texas Treasury Safekeeping Trust Company has any power necessary to accomplish the purposes of this section.

(e) On final liquidation of the state's emerging technology investment portfolio, the Texas Treasury Safekeeping Trust Company shall promptly notify the comptroller of that occurrence. As soon as practicable after receiving that notice, the comptroller shall verify that the final liquidation has been completed and, if the comptroller so verifies, shall certify to the governor that the final liquidation of the portfolio has been completed. The governor shall post notice of the certification on the office of the governor's Internet website.

(f) Any balance remaining in the Texas emerging technology fund on final liquidation by the Texas Treasury Safekeeping Trust Company shall be remitted to the comptroller for deposit in the

general revenue fund.

Added by Acts 2015, 84th Leg., R.S., Ch. 323 (S.B. 632), Sec. 2, eff. September 1, 2015.

Added by Acts 2015, 84th Leg., R.S., Ch. 915 (H.B. 26), Sec. 1.02, eff. September 1, 2015.

Sec. 490.105. CONFIDENTIALITY OF CERTAIN INFORMATION.

(a) Except as provided by Subsection (b), information concerning the identity, background, finance, marketing plans, trade secrets, or other commercially or academically sensitive information of an individual or entity that was considered for or received an award from the Texas emerging technology fund is confidential unless the individual or entity consents to disclosure of the information.

(b) The following information collected in connection with the Texas emerging technology fund is public information and may be disclosed under Chapter 552, Government Code:

(1) the name and address of an individual or entity that received an award from the fund;

(2) the amount of funding received by an award recipient;

(3) a brief description of the project funded by the award;

(4) if applicable, a brief description of the equity position that the governor, on behalf of the state, has taken in an entity that received an award from the fund; and

(5) any other information with the consent of:

(A) the governor;

(B) the lieutenant governor;

(C) the speaker of the house of representatives;

and

(D) the individual or entity that received an award from the fund, if the information relates to that individual or entity.

Added by Acts 2015, 84th Leg., R.S., Ch. 448 (H.B. 7), Sec. 17, eff. September 1, 2015.