

By: Creighton

S.B. No. 1098

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain contracts regarding airports and associated air
3 navigation facilities operated by or on behalf of a local
4 government.

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

6 SECTION 1. Section 22.019, Transportation Code, is amended
7 to read as follows:

8 Sec. 22.019. CONTRACTS. Except as provided by Section
9 22.0191, a [A] local government may enter into a contract necessary
10 to the execution of a power granted the local government and for a
11 purpose provided by this chapter.

12 SECTION 2. Subchapter B, Chapter 22, Transportation Code,
13 is amended by adding Section 22.0191 to read as follows:

14 Sec. 22.0191. AIRPORT INFRASTRUCTURE OR EQUIPMENT
15 CONTRACTS. (a) In this section, "airport infrastructure or
16 equipment contract" means a contract for the acquisition,
17 construction, improvement, or renovation of airport infrastructure
18 or equipment, including a terminal, security system, or passenger
19 boarding bridge, used at an airport or an air navigation facility
20 associated with an airport.

21 (b) A local government or a person operating an airport on
22 behalf of a local government may not enter into an airport
23 infrastructure or equipment contract with:

24 (1) an entity that:

1 (A) a federal court determines has
2 misappropriated intellectual property or trade secrets from
3 another entity organized under federal, state, or local law; and

4 (B) is owned wholly or partly by, is controlled
5 by, or receives subsidies from the government of a country that:

6 (i) is identified under Section 182, Trade
7 Act of 1974 (19 U.S.C. Section 2242), as a priority foreign country;
8 or

9 (ii) is subject to monitoring by the Office
10 of the United States Trade Representative in accordance with
11 Section 306, Trade Act of 1974 (19 U.S.C. Section 2416); or

12 (2) any entity that owns, controls, is owned or
13 controlled by, is under common ownership with, or is a successor to
14 an entity described by Subdivision (1).

15 (c) An airport infrastructure or equipment contract for
16 goods or services entered into by a local government or a person
17 operating an airport on behalf of a local government must contain a
18 written statement by the entity with which the local government or
19 person is contracting verifying that the entity is not an entity
20 described by Subsection (b)(1) or (2).

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2021.