By:  Romero, Jr., Leman, Patterson H.B. No. 1739

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

(1)  an entity that:

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

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

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

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

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

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

(d)  If the written statement required in an airport infrastructure or equipment contract under Subsection (c) is found to be false, the contract is voidable by the local government or person operating the airport.

SECTION 3.  Section 22.020(a), Transportation Code, is amended to read as follows:

(a)  A local government, by contract, lease, or other arrangement, on a consideration fixed by the local government and for a term not to exceed 99 [~~40~~] years, may authorize a qualified person to operate, as the agent of the local government or otherwise, an airport owned or controlled by the local government.

SECTION 4.  Sections 22.021(a) and (d), Transportation Code, are amended to read as follows:

(a)  In operating an airport or air navigation facility that it owns, leases, or controls, a local government may enter into a contract, lease, or other arrangement for a term not exceeding 99 [~~40~~] years with a person:

(1)  granting the privilege of using or improving the airport or air navigation facility, a portion or facility of the airport or air navigation facility, or space in the airport or air navigation facility for commercial purposes;

(2)  conferring the privilege of supplying goods, services, or facilities at the airport or air navigation facility; or

(3)  making available services to be furnished by the local government or its agents at the airport or air navigation facility.

(d)  The 99-year [~~40-year~~] limit on the term of a contract, lease, or other arrangement provided by Subsection (a) does not apply to a contract, lease, or other arrangement under this section between a local government and this state, the United States, or an agency or instrumentality of this state or the United States.

SECTION 5.  Sections 22.022(a) and (b), Transportation Code, are amended to read as follows:

(a)  A lease of real property may not exceed 99 [~~40~~] years if:

(1)  the lease is made under Section 22.011(c) or (d), Section 22.020, or Section 22.021; and

(2)  at the time of the execution of the lease, the property is used as nonaeronautical property and is located on an airport on which there are active federal governmental aircraft operations on federal government property.

(b)  A renewal or extension of a lease under Subsection (a) may not exceed 99 [~~40~~] years. If the lease provides for more than one renewal or extension, the renewals or extensions may not in the aggregate exceed 99 [~~40~~] years.

SECTION 6.  Section 22.0191, Transportation Code, as added by this Act, applies only to an airport infrastructure or equipment contract entered into, modified, or renewed on or after the effective date of this Act.

SECTION 7.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.