

By: Guillen

H.B. No. 4102

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the acquisition or use of certain unmanned aircraft by a governmental entity.

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

SECTION 1. The heading to Chapter 423, Government Code, is amended to read as follows:

CHAPTER 423. ~~[USE OF]~~ UNMANNED AIRCRAFT

SECTION 2. Chapter 423, Government Code, is amended by adding Section 423.010 to read as follows:

Sec. 423.010. ACQUISITION OR USE OF CERTAIN FOREIGN UNMANNED AIRCRAFT BY GOVERNMENTAL ENTITY PROHIBITED. (a) In this section:

(1) "Company" means a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit.

(2) "Governmental entity" means this state, a political subdivision of this state, or an agency of this state or a political subdivision of this state.

(b) A governmental entity may not acquire or use an unmanned aircraft or any related services or equipment produced by a company that the governmental entity knows or has reason to believe is:

1 (1) owned by or the majority of stock or other
2 ownership interest of the company is held or controlled by:

3 (A) by the government of China, Iran, North
4 Korea, Russia, or Syria; or

5 (B) a company or other entity, including a
6 government entity, that is owned or controlled by the government of
7 China, Iran, North Korea, Russia, or Syria; or

8 (2) headquartered in China, Iran, North Korea, Russia,
9 or Syria.

10 (c) The prohibition described by Subsection (b) applies
11 regardless of whether:

12 (1) the company's or its parent company's securities
13 are publicly traded; or

14 (2) the company or its parent company is listed on a
15 public stock exchange as a Chinese, Iranian, North Korean, Russian,
16 or Syrian company.

17 (d) The Department of Information Resources shall include
18 companies described by Subsection (b) and Subsection (c) in the
19 Model Security Plan for Prohibited Technologies and make the plan
20 available to governmental entities.

21 (d-1) The Model Security Plan for Prohibited Technologies
22 described in Subsection (d) shall include, without limitation,
23 companies listed in Section 889 of the federal National Defense
24 Authorization Act.

25 (d-2) The Model Security Plan for Prohibited Technologies
26 described in Subsection (d) shall include companies who are
27 excluded by future Acts of Congress, or federal administrative

1 rulemaking.

2 (d-3) The Model Security Plan for Prohibited Technologies
3 described in Subsection (d) shall include any other companies The
4 Department of Information Resources deems unsuitable for use by a
5 public agency.

6 SECTION 3. Section 423.010, Government Code, as added by
7 this Act:

8 (1) applies to the acquisition of unmanned aircraft or
9 any related services or equipment on or after the effective date of
10 this Act, except that a contract or agreement to purchase or
11 otherwise acquire an unmanned aircraft or related services or
12 equipment described by that section that is entered into before the
13 effective date of this Act is unaffected by this Act;

14 (2) applies to the use of an unmanned aircraft or any
15 related services or equipment two years after the effective date of
16 this Act, regardless of whether the unmanned aircraft or any
17 related services or equipment were acquired before, on, or after
18 the effective date of this Act.

19 SECTION 4. This Act takes effect September 1, 2023.