

By: Tinderholt

H.B. No. 4737

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the acquisition and 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; REPORT. (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) Except as otherwise provided by Subsection (d), a governmental entity may not acquire or use an unmanned aircraft produced by a company that the governmental entity knows or has

1 reason to believe is:

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

4 (A) individuals who are citizens of China; or

5 (B) a company or other entity, including a  
6 government entity, that is owned or controlled by citizens of or is  
7 directly controlled by the government of China; or

8 (2) headquartered in China.

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

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

13 (2) the company or its parent company is listed on a  
14 public stock exchange as a Chinese company.

15 (d) A governmental entity that, before September 1, 2023,  
16 acquired, or entered into a contract or agreement to acquire, an  
17 unmanned aircraft described by Subsection (b) may continue to use  
18 the unmanned aircraft after that date, except that for each  
19 acquisition of an unmanned aircraft that is not prohibited under  
20 Subsection (b) that occurs on or after September 1, 2023, the  
21 governmental entity must discontinue use of an unmanned aircraft  
22 described by Subsection (b).

23 (e) Not later than October 1 of each even-numbered year, a  
24 governmental entity that continues to use an unmanned aircraft as  
25 described by Subsection (d) must submit the following information  
26 for the preceding state fiscal biennium to the Department of Public  
27 Safety in the form and manner prescribed by the department:

1           (1) the number and percentage of the governmental  
2 entity's unmanned aircraft that are described by Subsection (b);

3           (2) the number of unmanned aircraft acquired;

4           (3) the number and percentage of unmanned aircraft  
5 described by Subsection (b) that the governmental entity  
6 discontinued using; and

7           (4) any other information prescribed by the  
8 department.

9           (f) Not later than December 1 of each even-numbered year,  
10 the Department of Public Safety shall submit to the governor, the  
11 lieutenant governor, and the legislature a report summarizing the  
12 information received by the department under Subsection (e) for the  
13 preceding state fiscal biennium.

14           SECTION 3. Section 423.010(b), Government Code, as added by  
15 this Act:

16           (1) applies to the acquisition of an unmanned aircraft  
17 on or after the effective date of this Act, except that a contract  
18 or agreement to purchase or otherwise acquire an unmanned aircraft  
19 described by that section that is entered into before the effective  
20 date of this Act is unaffected by this Act; and

21           (2) except as otherwise provided by Section  
22 423.010(d), as added by this Act, applies to the use of an unmanned  
23 aircraft on or after the effective date of this Act, regardless of  
24 whether the unmanned aircraft was acquired before, on, or after the  
25 effective date of this Act.

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