

TRANSPORTATION CODE

TITLE 3. AVIATION

CHAPTER 22. COUNTY AND MUNICIPAL AIRPORTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 22.001. DEFINITIONS. In this chapter:

(1) "Air navigation facility" means:

(A) a facility, other than one owned and operated by the United States, used in or available or designed for use in aid of air navigation, including a structure, mechanism, light, beacon, marker, communications system, or other instrumentality;

(B) a device used or useful as an aid in the safe landing, navigation, or takeoff of aircraft or the safe and efficient operation or maintenance of an airport; or

(C) a combination of those facilities or devices.

(2) "Airport" means:

(A) an area used or intended for use for the landing and takeoff of aircraft;

(B) an appurtenant area used or intended for use for an airport building or other airport facility or right-of-way; and

(C) an airport building or facility located on an appurtenant area.

(3) "Airport hazard" means a structure, object of natural growth, or use of land that:

(A) obstructs the airspace required for the flight of aircraft in landing at or taking off from an airport; or

(B) is hazardous to the landing or takeoff of aircraft at an airport.

(4) "Airport hazard area" means an area on which an airport hazard could exist.

(5) "Area" includes land or water.

(6) "Local government" means a county or municipality in this state.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.002. PUBLIC PURPOSE; COUNTY OR MUNICIPAL PURPOSE.

(a) Subject to Chapter 101, Civil Practice and Remedies Code, the following functions are public and governmental functions, exercised for a public purpose, and matters of public necessity:

(1) the acquisition of an interest in real property under this chapter;

(2) the planning, acquisition, establishment, construction, improvement, equipping, maintenance, operation, regulation, protection, and policing of an airport or air navigation facility under this chapter, including the acquisition or elimination of an airport hazard;

(3) the exercise of any other power granted by this chapter to local governments and other public agencies, to be severally or jointly exercised; and

(4) the acquisition and use of property and privileges by or on behalf of a local government or other public agency in the manner and for the purposes described by this chapter.

(b) In the case of a county, a function described by Subsection (a) is a county function and purpose. In the case of a municipality, a function described by Subsection (a) is a municipal function and purpose.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.003. INTERPRETATION AND CONSTRUCTION. This chapter shall be interpreted to make uniform as far as possible the laws and regulations of this state, other states, and the United States relating to local governmental airports.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

SUBCHAPTER B. ESTABLISHMENT, ACQUISITION, OPERATION, MAINTENANCE,  
AND DISPOSAL OF AIRPORTS AND AIR NAVIGATION FACILITIES

Sec. 22.011. GENERAL POWERS REGARDING AIRPORTS AND AIR NAVIGATION FACILITIES. (a) A local government may plan, establish, construct, improve, equip, maintain, operate, regulate, protect, and police an airport or air navigation facility in or outside:

(1) the territory of the local government; or

(2) the territory of this state.

(b) The power granted under Subsection (a) includes:

(1) constructing, installing, equipping, maintaining, and operating at an airport a building or other facility, including a building or other facility for:

(A) the landing and takeoff of aircraft;

(B) cargo, freight, and mail handling, storage, and processing;

(C) the servicing or retrofitting of aircraft, aerospace aircraft, and other equipment and vehicles related to air transportation or aerospace flight; and

(D) the comfort and accommodation of air travelers, including a facility commonly found and provided at an airport; and

(2) buying and selling goods as an incident to the operation of the local government's airport.

(c) A local government, by eminent domain or any other method, may acquire an interest in property, including an easement in an airport hazard or land outside the boundaries of an airport or airport site:

(1) for a purpose described by Subsection (a); and

(2) as necessary to permit the safe and efficient operation of the airport or to prevent, eliminate, or mark an airport hazard.

(d) A local government may acquire an existing airport or air navigation facility but may not acquire or take over an airport or air navigation facility owned or controlled by another local government or public agency of this state or another state without the consent of the other local government or the public agency.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.012. FINANCING OF AIRPORT FACILITIES. Under Section 52-a, Article III, Texas Constitution, a local government may finance facilities to be located on airport property, other than those described by Section 22.011(b)(1), that the local government determines to be:

(1) beneficial to the operation or economic development of an airport; and

(2) for the public purpose of development and diversification of the economy.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.013. ESTABLISHMENT OF AIRPORTS ON PUBLIC WATERS. For the purposes of this chapter, a local government may:

(1) establish, acquire, or maintain, in or bordering the territory of the local government, an airport in, over, and on the public water of this state, submerged land under the public water of this state, or artificial or reclaimed land that before the artificial making or reclamation of that land was submerged under the public water of this state; and

(2) construct and maintain a terminal building, landing float, causeway, roadway, or bridge for an approach to or connection with an airport described by Subdivision (1) or a landing float or breakwater for the protection of an airport described by Subdivision (1).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.014. RULES AND JURISDICTION. (a) A local government may adopt ordinances, resolutions, rules, and orders necessary to manage, govern, and use an airport or air navigation facility under its control or an airport hazard area relating to the airport. This authority applies to an airport, air navigation facility, or airport hazard area in or outside the territory of the local government.

(b) An airport, air navigation facility, or airport hazard area that is controlled and operated by a local government and that is located outside the territory of the local government is, subject to federal and state law, under the jurisdiction and control of that local government. Another local government may not impose a license fee or occupation tax for operations on the airport, air navigation facility, or airport hazard area.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.015. ENFORCEMENT OF RULES. To enforce an ordinance, resolution, rule, or order adopted under Section 22.014(a), a local government, by ordinance or resolution as appropriate, may appoint airport guards or police, with full police powers, and establish a penalty for a violation of an ordinance, resolution, rule, or order, within the limits prescribed by law. A penalty is enforced in the same manner in which a penalty prescribed by other ordinances or resolutions of the local government is enforced.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.016. RELATIONSHIP TO ZONING. This chapter does not:

(1) authorize a local government to adopt an ordinance, resolution, rule, or order that establishes zones or otherwise regulates the height of structures or natural growths in an area or in a manner other than as provided by Chapter 241, Local Government Code; or

(2) limit the power of a local government to regulate airport hazards by zoning.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.017. DELEGATION OF AUTHORITY TO OFFICER, BOARD, OR AGENCY. (a) The governing body of a local government by resolution may delegate to an officer, board, or other local governmental agency any power granted by this chapter to the local government or the governing body for planning, establishing, constructing, improving, equipping, maintaining, operating, regulating, protecting, and policing an airport or air navigation facility established, owned, or controlled or to be established, owned, or controlled by the local government. The resolution must prescribe the powers and duties of the officer, board, or other local governmental agency.

(b) Notwithstanding Subsection (a), the local government is responsible for the expenses of planning, establishing, constructing, improving, equipping, maintaining, operating, regulating, protecting, and policing the airport or other air

navigation facility.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.018. DESIGNATION OF TEXAS DEPARTMENT OF TRANSPORTATION AS AGENT IN CONTRACTING AND SUPERVISING. (a) A local government or an owner of an eligible airport may designate the Texas Department of Transportation as its agent in contracting for and supervising the planning, acquiring, constructing, improving, equipping, maintaining, or operating of an airport or air navigation facility.

(b) A local government or an owner of an eligible airport may enter into an agreement with the department prescribing the terms of the agency relationship in accordance with the terms prescribed by the United States, if federal money is involved, and in accordance with the laws of this state.

(c) The department, in acting as the agent of a local government or an owner of an eligible airport under this section, shall make each contract in accordance with the law governing the making of contracts by or on behalf of the state.

(d) In this section, "eligible airport" means an airport eligible to receive grant funds under the airport improvement program established by 49 U.S.C. Section 47101 et seq.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 118 (H.B. [2314](#)), Sec. 1, eff. September 1, 2009.

Sec. 22.019. CONTRACTS. 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.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.020. OPERATION OF AIRPORT BY ANOTHER. (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 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.

(b) A local government may not authorize a person to:

(1) operate the airport except as a public airport; or

(2) enter into a contract, lease, or other agreement in connection with the operation of the airport that the local government may not have made under Section 22.021.

(c) An arrangement made under this section must be made subject to the terms of a grant, loan, or agreement under Section 22.055.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.021. USE OF AIRPORT BY ANOTHER. (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 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.

(b) In entering into the contract, lease, or other arrangement, the local government may establish the terms and fix the charges, rentals, or fees for the privileges or services. The charges, rentals, and fees must be reasonable and uniform for the same class of privilege or service and shall be established with due regard to the property and improvements used and the expenses of operation to the local government.

(c) An arrangement made under this section must be made subject to the terms of a grant, loan, or agreement under Section 22.055.

(d) The 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.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 557, Sec. 1, eff. June 2, 1997.

Sec. 22.022. DURATION OF CERTAIN LEASES. (a) A lease of real property may not exceed 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 40 years. If the lease provides for more than one renewal or extension, the renewals or extensions may not in the aggregate exceed 40 years.

(c) This section does not prevent the parties to a lease from making a new lease to take effect after the expiration of the previous lease or after the expiration of the period covered by a renewal or extension of the previous lease.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.023. LIENS. A local government has a lien on personal property to enforce the payment of a charge for repairs or improvements to, or the storage or care of, the property if the property is made or furnished by the local government or its agents in connection with the operation of an airport or air navigation facility owned or operated by the local government. The lien is enforceable as provided by law.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.024. DISPOSAL OF AIRPORT PROPERTY BY LOCAL GOVERNMENT. (a) A local government may dispose of an airport or air navigation facility or other property, or a portion of or interest in property, acquired under this chapter in any manner,

subject to the laws of this state or provisions of the charter of the local government governing the disposition of other property of the local government.

(b) A local government may dispose of the property to another local government or an agency of the state or federal government for use for aeronautical purposes, notwithstanding Subsection (a), in the manner and on the terms the governing body of the local government considers to be in the best interest of the local government.

(c) An arrangement made under this section is subject to the terms of a grant, loan, or agreement under Section 22.055.

(d) Notwithstanding Subsection (a), the competitive bidding requirements of Chapters 252 and 272, Local Government Code, do not apply to an exchange, sale, lease, or other disposition of land or other real property interest by a municipality if:

(1) the land or other property interest is part of an air navigation facility that is a former military installation; and

(2) the disposition:

(A) is part of a plan to redevelop the facility as an airport-related industrial park or community; and

(B) promotes the best interest of the municipality.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 358, Sec. 1, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1516, Sec. 3, eff. June 17, 2001.

Sec. 22.025. LIMITATION ON DESIGN AND OPERATION OF AIR NAVIGATION FACILITIES. An air navigation facility established or operated by a local government shall be supplementary to and coordinated in design and operation with those established and operated by the federal and state governments.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.026. NOISE ABATEMENT. (a) The governing body of a municipality that owns an airport and is a party to an executory grant agreement with the Federal Aviation Administration requiring

the municipality to plan, design, and acquire land for a replacement airport shall:

(1) comply with the Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. Sec. 2101 et seq.);

(2) provide adequate soundproofing and noise reduction devices for each public building within the 65 or higher average day-night sound level contour as determined by the governing body in accordance with Federal Aviation Administration Advisory Circulars; or

(3) award a contract for land acquisition services for the purchase of real property required for the site of a replacement airport, complete a master plan for the replacement airport, and provide the replacement airport.

(b) A court may grant appropriate relief to enforce this section in a suit brought by an affected person.

(c) In this section:

(1) "Public building" means a church, public or private hospital, or building owned or leased by a governmental entity, including a public school.

(2) "Replacement airport" means a new airport that is planned, designed, and constructed to replace a municipal airport operating on August 28, 1989.

(d) Expired.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.027. MUNICIPAL PERMISSION FOR GROUND TRANSPORTATION; OFFENSE. (a) In this section, "ground transportation business" means the transportation by motor vehicle of persons or baggage for compensation, and includes transportation by a bus service.

(b) A person commits an offense if, within the boundaries of an airport operated by a home-rule municipality, the person:

(1) solicits ground transportation business without the permission of the municipality, if required; or

(2) engages in ground transportation business without the permission of the municipality, if required.

(c) An offense under this section is a Class B misdemeanor.

SUBCHAPTER C. AIRPORT FINANCING

Sec. 22.051. TAXATION. (a) The governing body of a local government may impose an annual property tax not to exceed five cents on each \$100 valuation to improve, operate, and maintain an airport or air navigation facility or for any other purpose authorized by this chapter.

(b) The tax authorized by Subsection (a) is in addition to other taxes that may be imposed for the interest and sinking fund of bonds, notes, or time warrants issued under authority of this chapter or any other statute authorizing a local government to issue bonds, notes, or warrants for airport purposes.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.052. BONDS. (a) A local government may pay wholly or partly from the proceeds of the sale of bonds the cost of planning, acquiring, establishing, constructing, improving, or equipping an airport or air navigation facility or the site of an air navigation facility or acquiring or eliminating airport hazards.

(b) For a purpose described by Subsection (a), a local government, in the manner provided by Subtitles A, C, D, and E, Title 9, Government Code, may:

(1) issue any form of secured or unsecured bonds, including general or special obligation bonds, revenue bonds, or refunding bonds; and

(2) impose taxes to provide for the interest and sinking funds of any bonds issued.

(c) In a suit, action, or proceeding involving the security, validity, or enforceability of a bond issued by a local government that states on its face that it was issued under this chapter and for a purpose authorized to be accomplished by this chapter, the bond is considered to have been issued under this chapter for that purpose.

(d) If the principal and interest of a bond issued by a local

government under this chapter is payable solely from the revenue of an airport or air navigation facility, the bond must state so on its face.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 8.371, eff. Sept. 1, 2001.

Sec. 22.053. TIME WARRANTS. (a) The commissioners court of a county with a population of 14,300 to 14,500 may issue time warrants to:

(1) condemn or purchase land to be used and maintained as provided by Sections 22.011, 22.020, and 22.024; and

(2) improve and equip the land for the use provided by Sections 22.011, 22.020, and 22.024.

(b) The commissioners court of a county that issues time warrants under this section shall comply with:

(1) Subchapter C, Chapter 262, Local Government Code, regarding:

(A) notice to issue the time warrants; and

(B) the right to a referendum; and

(2) Chapter 1251, regarding the imposition of taxes for payment of the time warrants.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 1064, Sec. 42, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1163 (H.B. 2702), Sec. 123, eff. September 1, 2011.

Sec. 22.054. APPLICATION OF AIRPORT REVENUE AND SALE PROCEEDS. A local government shall deposit the revenue received by the local government from the ownership, control, or operation of an airport or air navigation facility, including proceeds from the sale of an airport or a portion of an airport or of air navigation facility property, in a fund to be designated the "\_\_\_\_\_ Airport Fund." The revenue may be used by the local government only for the purposes authorized by this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.055. FEDERAL AND STATE AID; OTHER GRANTS AND LOANS.

(a) A local government may accept, give a receipt for, disburse, and spend money from grants and loans for any of the purposes of this chapter. A local government must accept and spend federal money under this section on the terms prescribed by the United States and consistent with state law. A local government must accept and spend state money under this section on the terms prescribed by the state. Unless the agency from which the money is received prescribes otherwise, the chief financial officer of the local government shall deposit the money in separate funds designated according to the purposes for which the money is made available and shall keep it in trust for those purposes.

(b) A local government may designate the Texas Department of Transportation as its agent to accept, give a receipt for, and disburse money from grants and loans for any of the purposes of this chapter. The department shall accept and shall transfer or spend federal money accepted under this section on the terms prescribed by the United States. The department shall deposit money it receives under this subsection in the state treasury and, unless the agency from which the money is received prescribes otherwise, shall keep the money in separate funds designated according to the purposes for which the money is made available, and the state shall hold the money in trust for those purposes.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

SUBCHAPTER D. JOINT OPERATIONS

Sec. 22.071. DEFINITIONS. In this subchapter:

(1) "Constituent agency" means a public agency that is a party to an agreement under Section [22.072](#) to act jointly under this subchapter.

(2) "Governing authority" means the governing body of a county or municipality or the head of a public agency other than a county or municipality.

(3) "Joint board" means a board created under Section [22.074](#).

(4) "Populous home-rule municipality" means a

home-rule municipality with a population of more than 400,000.

(5) "Public agency" includes a local government, an agency of the state or of the United States, and a political subdivision or agency of another state.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.072. JOINT-ACTION AGREEMENT. (a) Two or more public agencies may enter into an agreement with each other for joint action under this chapter. Concurrent action by ordinance, resolution, or otherwise of the governing authorities of the participating public agencies constitutes joint action.

(b) A joint-action agreement must specify:

(1) its duration;

(2) the proportionate interest each public agency has in the property, facilities, and privileges involved;

(3) the proportion each public agency pays of:

(A) the preliminary costs and costs of acquiring, establishing, constructing, improving, and equipping the airport, air navigation facility, or airport hazard area; and

(B) the costs of maintaining, operating, regulating, and protecting the airport, air navigation facility, or airport hazard area; and

(4) any other terms required by this subchapter.

(c) A joint-action agreement may include:

(1) provisions for amending the agreement;

(2) conditions and methods of terminating the agreement;

(3) provisions for disposing of all or any of the property, facilities, and privileges jointly owned before or after all or part of the property, facilities, and privileges cease to be used for the purposes of this chapter or on termination of the agreement;

(4) provisions for distributing the proceeds received on disposal of the property, facilities, and privileges and any funds or other property jointly owned and undisposed of;

(5) provisions for assuming or paying any indebtedness arising from the joint venture that remains unpaid on the disposal

of all assets or on termination of the agreement; and

(6) any other necessary or convenient provision.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.073. ADDITIONAL AUTHORIZATION. A power or privilege granted to a local government by this chapter may be exercised jointly with a public agency of another state or the United States to the extent permitted by the laws of that state or of the United States. A state agency, when acting jointly with a local government, may exercise a power or privilege granted to a local government by this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.074. JOINT BOARD. (a) Public agencies acting jointly under this subchapter shall create a joint board consisting of members appointed by the governing authority of each participating public agency. Subject to Section 22.0745, the joint agreement shall provide for the number to be appointed and the members' terms and compensation, if any. The joint board shall organize, select officers for terms to be provided by the agreement, and adopt rules for its own procedures.

(b) A joint board may exercise on behalf of its constituent agencies all the powers of each with respect to an airport, air navigation facility, or airport hazard area, subject to the limitations of Sections 22.079-22.082.

(c) A joint board may plan, acquire, establish, construct, improve, equip, maintain, operate, regulate, protect, and police an airport, air navigation facility, or airport hazard area jointly acquired, controlled, and operated. The joint board may also realign, alter, acquire, abandon, or close a portion of a roadway or alleyway without a showing of paramount importance if the portions to be realigned, altered, acquired, abandoned, or closed are in the geographic boundaries of the airport at the time of or after the realignment, alteration, acquisition, abandonment, or closing. A taking of a right-of-way that occurs in the exercise of this power shall be compensated at fair market value.

(d) If the constituent agencies of a joint board are

populous home-rule municipalities, a power described by Subsection (c) is exclusively the power of the board regardless of whether all or part of the airport, air navigation facility, or airport hazard area is located in or outside the territory of any of the constituent agencies. Another local government or other political subdivision may not enact or enforce a zoning ordinance, subdivision regulation, construction code, or other ordinance purporting to regulate the use or development of property applicable in the geographic boundaries of the airport as it may be expanded.

(e) The powers exclusively given to a joint board under Subsection (d) do not affect the jurisdiction of a municipal court under Section 29.003, Government Code. The jurisdiction of a municipal court under that section does not authorize the officers or employees of a municipality that is not a constituent agency of the joint board to enter airport property to regulate, protect, or police the airport except as permitted by a valid interlocal agreement.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 611, Sec. 2, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 352, Sec. 1, eff. Sept. 1, 2001.

Sec. 22.0745. NONCONSTITUENT MUNICIPALITY REPRESENTATION ON JOINT BOARD. (a) In this section, "nonconstituent municipality" means a municipality that has territory within the boundaries of an airport that is governed by a joint board for which the constituent agencies are populous home-rule municipalities.

(b) A joint board for which the constituent agencies are populous home-rule municipalities must include in its membership a nonvoting member jointly appointed by the airport's nonconstituent municipalities.

(c) A member appointed under Subsection (b) serves a one-year term. The nonconstituent municipalities by agreement shall establish an order under which members are appointed under Subsection (b) that ensures that each nonconstituent municipality has a representative on the joint board on a rotating basis.

(d) The member appointed under Subsection (b) is not

entitled to:

(1) attend or participate in a meeting of the joint board that is a closed meeting under Chapter 551, Government Code; or

(2) inspect or copy information that is collected, assembled, or maintained by the joint board, if the information is confidential or excepted from public disclosure under Chapter 552, Government Code.

Added by Acts 2001, 77th Leg., ch. 352, Sec. 2, eff. Sept. 1, 2001.

Sec. 22.075. ACQUISITION OF PROPERTY BY POPULOUS HOME-RULE MUNICIPALITIES. (a) A joint board for which the constituent agencies are populous home-rule municipalities may not acquire in fee simple property in a municipality to enlarge an airport operated by the joint board, including property acquired for the runway protection zone and for mitigating the effects of additional airport noise caused by the enlargement of the airport, in more than an aggregate of 10 percent of that portion of the land area of the airport that is in the municipality unless the joint board has the consent of the municipality.

(b) Property acquired for the purpose of mitigating the effects of additional airport noise caused by the enlargement of the airport that is resold is not included as part of the limit prescribed by Subsection (a).

(c) A populous home-rule municipality may acquire property under Section 22.080(b) or Chapter 21, Property Code, for a purpose described by Subsection (a), except that the consent of the municipality in which the property is located is required for an acquisition in excess of the limit prescribed by Subsection (a).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.076. TREATMENT OF HAZARDOUS WASTE PROHIBITED. (a) A joint board may not construct a facility to treat hazardous waste as defined by Section 361.003, Health and Safety Code, in an area that the joint board acquires and that is subject to the limitation prescribed by Section 22.075 without first obtaining the permission of the municipality in which the facility is to be located.

(b) This section does not prohibit any process or other activity related to the deicing of aircraft, transportation or storage of fuel, or cleanup or remediation of a spill or leak.  
Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.077. CERTAIN ACTIVITIES NEAR AIRPORT BOUNDARIES PROHIBITED. (a) A joint board for which the constituent agencies are populous home-rule municipalities may not begin construction in a prohibited area of any of the following without receiving the approval of the municipality in which the facility or site is to be located:

- (1) a sewer and wastewater treatment plant;
- (2) an aboveground aviation fuel storage facility, not including pipelines for transporting fuel;
- (3) a sanitary landfill site;
- (4) a hazardous-waste disposal site; or
- (5) a facility designed primarily for aircraft engine testing.

(b) An area is a prohibited area for the purposes of construction of a facility or site described by Subsections (a)(1)-(4) if:

- (1) the area is within 1,000 feet of any part of the boundary of the airport as the boundary existed on the date the airport began operations; or
- (2) after the date the airport began operations the airport boundary is expanded under Section 22.075 to include contiguous property and the area is within 1,000 feet of any part of the boundary of the airport after that expansion.

(c) An area is a prohibited area for the purposes of construction of a facility or site described by Subsection (a)(5) if:

- (1) the area is within 500 feet of any part of the boundary of the airport as the boundary existed on the date the airport began operations; or
- (2) after the date the airport began operations the airport boundary is expanded under Section 22.075 by more than 500 feet to include contiguous property and the area is within 1,000

feet of any part of the boundary of the airport after that expansion.

(d) The construction of a deicing facility by the joint board does not require the approval of the local government in which the facility is to be located.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.078. INTERGOVERNMENTAL AGREEMENT WITH POLITICAL SUBDIVISION. A joint board for which the constituent agencies are populous home-rule municipalities may make an intergovernmental agreement with a political subdivision of the state.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.0781. REVENUE SHARING AGREEMENT WITH MUNICIPALITY.

(a) A municipality, a joint board for which the constituent agencies are populous home-rule municipalities, and the constituent agencies may make an agreement under which a portion of the revenue derived from a tax or fee of the municipality imposed in the territory of the municipality for which the joint board has exclusive power under Section 22.074(d) may be transferred to the constituent agencies if under the agreement the joint board agrees to encourage development opportunities in the territory of the municipality that are feasible and consistent with the development policies of the joint board.

(b) A tax or fee that may be transferred under an agreement includes a sales and use tax, an ad valorem property tax, a mixed beverage tax, a fine, a franchise fee, a cost of court, and a hotel occupancy tax.

(c) The agreement may provide for the inclusion of revenue from a tax imposed under Chapter 334, Local Government Code, in the transfer only if the election approving that tax is held after the date the agreement is made under this section. If any revenue from a tax imposed under Chapter 334, Local Government Code, is to be transferred, the municipality must provide general notice of that fact in the order calling the election and in the ballot proposition. The specifics of the transfer agreement are not required to be placed in the order or in the ballot proposition and

only the municipality that will transfer its revenue is required to hold an election for the agreement to be effective. The ballot for an election held under this subsection shall be prepared to permit voting for or against the proposition: "Authorizing \_\_\_\_\_(insert name of municipality) to impose a \_\_\_\_\_(insert type of tax) tax at the rate of \_\_\_\_\_(insert the maximum rate of the tax) with the revenue to be shared with \_\_\_\_\_ (insert name of each constituent agency covered by the agreement) under a revenue sharing agreement."

(d) A constituent agency may use revenue received under an agreement under this section for one or more of the following:

(1) the acquisition, construction, improvement, and renovation of any public work, including land, buildings, materials, supplies, equipment, furnishings, and machinery;

(2) to secure and pledge in support of the payment of bonds or other obligations issued by or on behalf of the constituent agency after the effective date of the agreement for any purpose for which the constituent agency, or an entity created by the constituent agency to act on its behalf, may issue bonds or obligations; and

(3) to pay the cost of a credit agreement, as defined by Section [1371.001](#), Government Code.

(e) Notwithstanding any other law, a municipality may use revenue retained under an agreement for any governmental purpose.

(f) Notwithstanding any other provision of Chapter [334](#), Local Government Code, a tax imposed under Chapter 334 that is subject to an agreement under this section continues in effect until the governing body of the municipality that imposed the tax acts at its discretion to repeal the tax.

(g) To the extent of any conflict between this section and another provision of law, including a charter provision, this section controls.

Added by Acts 1999, 76th Leg., ch. 160, Sec. 1, eff. May 21, 1999.  
Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 8.372, eff. Sept. 1, 2001.

Sec. 22.079. BUDGET. On or before December 1 of each year,

the governing authority of each constituent agency of a joint board shall approve a budget determining the total expenditures to be made by the joint board for any purpose in the following calendar year.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.080. ACQUISITION AND DISPOSAL OF PROPERTY. (a) A joint board may not, without the consent of each governing authority of the board's constituent agencies:

(1) acquire an airport, air navigation facility, airport hazard, or property if the cost of the property exceeds the amount set by the joint agreement or allotted in the annual budget;

(2) dispose of an airport, air navigation facility, or real property under the jurisdiction of the board; or

(3) enter into a contract, lease, or other arrangement for the use and occupancy by another of airport property for a term of more than 40 years, including renewals or options to renew.

(b) Eminent domain proceedings under this subchapter may be instituted only by authority of the governing authorities of the constituent agencies of the joint board. Eminent domain proceedings must be instituted in the names of the constituent agencies jointly, and property acquired in eminent domain proceedings shall be held by the agencies as tenants in common until the agencies convey the property to the joint board.

(c) Except as provided by Subsection (a)(3), a joint board may, without the consent of the governing authorities of the board's constituent agencies, enter into a contract, lease, or other arrangement for the use and occupancy by another of airport property on the terms approved by the board, including the amounts of rental, revenue, and payments, the periods of years, and the options of renewal.

(d) The consent required by Subsection (a)(3) is unnecessary if each governing authority by resolution waives that requirement.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.081. LICENSING OF VEHICLES FOR HIRE AND PASSENGER

TRANSPORTATION SERVICES. (a) A joint board may license taxicabs transporting passengers to or from the airport and impose fees for issuing the licenses.

(b) A joint board for which the constituent agencies are populous home-rule municipalities may:

(1) license vehicles for hire, including taxicabs, and passenger transportation services providing services to or from the airport for compensation; and

(2) impose fees for issuing the licenses.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1149 (S.B. 530), Sec. 1, eff. June 19, 2015.

Sec. 22.0815. OFFENSE: UNAUTHORIZED GROUND TRANSPORTATION. (a) In this section, "ground transportation business" means the transportation by motor vehicle of persons or baggage for compensation.

(b) A person commits an offense if, within the boundaries of an airport operated or controlled by a joint board for which the constituent agencies are populous home-rule municipalities, the person:

(1) solicits ground transportation business without the permission of the joint board, if required; or

(2) engages in ground transportation business without the permission of the joint board, if required.

(c) An offense under this section is a Class B misdemeanor.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. 3167), Sec. 15.001, eff. September 1, 2007.

Sec. 22.082. RULES. A resolution, rule, or order of a joint board dealing with a subject authorized by Section 22.014 or 22.081 is effective only on approval of the governing authorities of the constituent agencies. On approval, a resolution, rule, or order of the joint board has the same effect in the territories or jurisdictions involved as an ordinance, resolution, rule, or order

of the public agency would have in its own territory or jurisdiction.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.083. JOINT FUND. (a) Each constituent agency shall deposit in a joint fund created and maintained to provide the joint board with money for expenditures necessary to carry out this subchapter the agency's share of the fund as provided by the joint agreement.

(b) Federal, state, or other contributions or loans and the revenue obtained from the joint ownership, control, and operation of any airport or air navigation facility under the jurisdiction of the joint board shall be deposited to the credit of the joint fund.

(c) Disbursements from the fund shall be made by order of the joint board, subject to the limitations prescribed by Sections 22.079-22.082.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.084. AIRPORT REVENUE AND REVENUE BOND PROCEEDS; CONTRACTING OPPORTUNITIES FOR MINORITY- AND WOMEN-OWNED BUSINESSES. (a) If constituent agencies or a nonprofit corporation created under Section 22.152 issues revenue bonds to finance the construction or acquisition of a facility or other improvement at an airport, the proceeds of the bonds and any other airport income or revenue may be spent on projects for which the proceeds, income, or revenue may otherwise be spent. An agreement may be made to spend all or a portion of the proceeds, income, or revenue for the planning, construction, or acquisition of facilities authorized by Sections 22.011(a)-(c) and 22.012 without inviting, advertising for, or otherwise requiring competitive bids. A contract wholly or partly funded with proceeds, income, or revenue under this subsection shall be let in accordance with the joint board's rules and policies relating to creation of contracting opportunities for minority- and women-owned businesses.

(b) This section does not apply to a contract to be paid:

(1) from the proceeds of bonds unless the bonds from

which the particular proceeds derive provide that they may not be repaid in any circumstances from ad valorem taxes; or

- (2) wholly or partly from ad valorem taxes.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.085. INSURANCE. (a) A joint board, through self-insurance, purchased insurance, or both, may insure the joint board and its contractors and subcontractors against liability arising from the acquisition, construction, or operation of the programs and facilities of the joint board for:

- (1) damages to the person or property of others;
- (2) workers' compensation; and
- (3) officers' and employees' liability.

(b) A joint board may use contracts and rating plans and may implement risk management programs designed to prevent accidents. In developing its insurance program, a joint board may consider the peculiar hazards, indemnity standards, and past prospective loss and expense experience of the joint board and of its contractors and subcontractors.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.086. ACCEPTANCE OF CREDIT CARDS. A joint board may:

- (1) accept credit cards in payment of fees for all or certain categories of services provided by or on behalf of the joint board in connection with its operation of an airport;

- (2) collect a fee for processing a payment by credit card; and

- (3) collect a service charge from the person who owes the fee if the payment by credit card is not honored by the credit card company on which the funds are drawn.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.087. USE OF TERMINAL FACILITIES BY MANUFACTURERS AND CONCESSIONAIRES. A joint board may:

- (1) use the property, including terminal buildings, of a jointly owned airport to display, demonstrate, market, and sell aircraft and aircraft-related, airport-related, and

aviation-related property, including goods and equipment;

(2) lease to or permit the use of airport property by manufacturers, suppliers, concessionaires, and other providers of aircraft and aircraft-related, airport-related, and aviation-related property, including goods and equipment; and

(3) use the revenue of the airport and the proceeds of bonds authorized by this chapter or by any other law for a purpose described by Subdivision (1) or (2).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.088. EXPENDITURE OF BOND REVENUE BY JOINT BOARD WITHOUT COMPETITIVE BIDDING. (a) A joint board may spend or agree to spend the proceeds of revenue bonds under its control to acquire and install furniture, fixtures, and equipment to be used at an airport operated by the joint board without inviting, advertising for, or otherwise requiring competitive bids or requiring or obtaining a payment or performance bond.

(b) This section applies to furniture, fixtures, and equipment purchased by the joint board or a private entity that will lease the furniture, fixtures, and equipment in accordance with this section.

(c) The furniture, fixtures, and equipment must be, before the delivery of the bonds, the subject of a lease from the joint board to a private entity under the terms of which the lessee is:

(1) obligated to maintain the furniture, fixtures, and equipment solely at its expense; and

(2) unconditionally obligated throughout the term of the bonds to make payments of net rent in amounts and at times sufficient to provide for the timely payment of all principal, interest, redemption premiums, and other costs and expenses arising or to arise in connection with the payment of the bonds.

(d) This section does not apply to the expenditure of the proceeds of bonds:

(1) unless the bonds provide by their own terms that:

(A) they are payable solely from the net rents required by Subsection (c)(2); and

(B) they are not payable in any circumstances

from tax revenue; or

(2) that provide for the creation of a contractual mortgage lien against real property owned by the public agencies creating the joint board.

(e) A joint board may adopt rules it finds to be in the public interest to govern the method and installation of the properties to which this section relates.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.089. AIRPORT REVENUE OF NONCONSTITUENT MUNICIPALITIES. (a) In this section:

(1) "Airport revenue" means revenue that is not already pledged or dedicated for another purpose and is received by a nonconstituent municipality from:

(A) maintenance and operations ad valorem taxes imposed on real and personal property located within a revenue sharing area by the municipality;

(B) the sales and use tax imposed by the municipality under Chapter 321, Tax Code, derived only from the sale or use of taxable items in the revenue sharing area;

(C) franchise fees, right-of-way fees, and other compensation paid to the municipality by a utility for the use of the public right-of-way or other public property located within the revenue sharing area;

(D) money collected by the municipal court, including fines, fees, and court costs derived only from convictions for offenses that occur in the revenue sharing area;

(E) the mixed beverage taxes received by the municipality under Section 183.051, Tax Code, derived only from the sale, preparation, or service of a taxable item in the revenue sharing area;

(F) all other taxes attributable to the revenue sharing area and deposited to the credit of the municipality's general fund; and

(G) as agreed by the joint board and the nonconstituent municipality, from commercial development in an area of the municipality within the boundaries of the airport that

is not a revenue sharing area.

(2) "Excess airport revenue" means that amount of airport revenue received by a nonconstituent municipality in the municipality's fiscal year that exceeds the amount of airport revenue of the municipality in the later of:

(A) the municipality's fiscal year 2000; or

(B) the first fiscal year of the municipality in which the airport is fully operational.

(3) "Nonconstituent municipality" means a municipality:

(A) that has territory within the boundaries of an airport that is governed by a joint board for which the constituent agencies are populous home-rule municipalities; and

(B) that has not entered into an agreement under Section [22.0781](#) with the joint board.

(4) "Revenue sharing area" means the area of a nonconstituent municipality located within the boundaries of the airport that is not separated from the airport passenger terminal buildings by a controlled access highway, as defined by Section [203.001](#), that runs through the municipality.

(b) Not later than December 31 of each year, each nonconstituent municipality shall pay to the constituent agencies an amount equal to two-thirds of the nonconstituent municipality's excess airport revenues for the preceding fiscal year. The constituent agencies shall divide the payment according to their respective ownership interests in the airport to which the revenue was attributable.

(c) Each year, as part of its annual audit, each nonconstituent municipality shall retain an independent auditor to verify the nonconstituent municipality's excess airport revenue. The constituent agencies shall reimburse each nonconstituent municipality for two-thirds of the cost of the verification. The portion of the reimbursement to be paid by each constituent agency shall be based on the respective ownership interests in the airport to which the increased revenues were attributable. Once each calendar year, each constituent agency may audit a nonconstituent municipality's records relating to the excess airport revenue at

the sole expense of the constituent agency.

(d) Each nonconstituent municipality shall determine the amount of the municipality's airport revenue according to available statistical data indicating the estimated or actual total revenue attributable to that portion of the municipality that lies within the boundaries of the airport.

Added by Acts 2001, 77th Leg., ch. 352, Sec. 3, eff. Sept. 1, 2001.

Text of section effective until August 31, 2021

Sec. 22.090. RETAIL DEVELOPMENT WITHIN AIRPORT BOUNDARIES IN NONCONSTITUENT MUNICIPALITY. (a) A person may not develop a retail establishment in an area of a nonconstituent municipality, as defined by Section 22.089, that is separated from the airport passenger terminal buildings by a controlled access highway, as defined by Section 203.001, without the consent of the joint board and the nonconstituent municipality. This subsection does not affect the powers of a joint board under Section 22.074.

(b) This section expires August 31, 2021.

Added by Acts 2001, 77th Leg., ch. 352, Sec. 3, eff. Sept. 1, 2001.

Sec. 22.091. CONFIDENTIALITY OF CERTAIN INFORMATION COLLECTED BY JOINT BOARD. Personal identifying information collected by a joint board for which the constituent agencies are populous home-rule municipalities is confidential and not subject to disclosure under Chapter 552, Government Code, if the information collected is in relation to a commercial online payment system and includes a person's:

(1) name, address, e-mail address, or phone number;

(2) account number, password, payment transaction activity, toll or charge record, or credit, debit, or other payment card number; or

(3) other personal financial information.

Added by Acts 2017, 85th Leg., R.S., Ch. 393 (S.B. 1023), Sec. 1, eff. June 1, 2017.

Sec. 22.092. AIRPORT SECURITY VEHICLES. (a) In this section, "airport security vehicle" means a motor vehicle that:

(1) is owned or leased by a joint board; and  
(2) has been designated or authorized by the joint board.

(b) An airport security vehicle may be equipped with flashing blue and amber lights visible from directly in front of the center of the vehicle.

Added by Acts 2017, 85th Leg., R.S., Ch. 723 (S.B. 1024), Sec. 1, eff. September 1, 2017.

Redesignated from Transportation Code, Section 22.091 by Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 21.001(44), eff. September 1, 2019.

#### SUBCHAPTER E. NONPROFIT AIRPORT FACILITY FINANCING CORPORATIONS

Sec. 22.151. DEFINITIONS. The definitions in Subchapter D apply to this subchapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.152. NONPROFIT AIRPORT FACILITY FINANCING CORPORATIONS. (a) The public agencies, by concurrent order, ordinance, or resolution, may authorize the incorporation of a nonprofit airport facility financing corporation under this chapter to provide financing to pay the costs, including direct and indirect costs, capitalized interest, and reserves for the costs, of an airport facility authorized by Sections 22.011(a)-(c) and 22.012 and for other purposes set forth in the articles of incorporation.

(b) In fulfilling its purposes and performing its powers, duties, and operations, the corporation shall act on behalf of and as the duly constituted authority and instrumentality of the constituent agencies authorizing its creation for purposes of Section 103 of the Internal Revenue Code of 1986 (26 U.S.C. Section 103).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.153. APPROVAL OF ARTICLES OF INCORPORATION; APPOINTMENT OF BOARD OF DIRECTORS. (a) The concurrent order,

ordinance, or resolution of the constituent agencies authorizing incorporation of the nonprofit airport facility financing corporation must approve the articles of incorporation for the corporation and any amendments to the articles of incorporation.

(b) The board of directors of the corporation may be selected and appointed in any manner specified in the articles of incorporation, including the selection and appointment of the board of directors by the joint board under whose authority the jointly owned airport is operated and supervised under this chapter and the joint agreement.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.154. INCORPORATION. A nonprofit airport facility financing corporation may be incorporated under this chapter by filing its articles of incorporation with the secretary of state in the manner prescribed for the incorporation of nonprofit corporations under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes). On filing of the articles of incorporation, the secretary of state shall issue a certificate of incorporation showing that the corporation is incorporated under this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.155. BYLAWS. The joint board under whose authority the jointly owned airport is operated shall approve or prescribe the bylaws of the corporation. The bylaws may prescribe the procedures to be followed in fulfilling the purposes of the corporation and in exercising its powers and may include any limitations on exercising those powers the joint board considers appropriate.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.156. APPLICABLE LAWS. The corporation has the powers granted by this chapter, the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes), and all other laws applicable to nonprofit corporations. The internal affairs of the corporation are governed by, the purposes and powers

of the corporation are fulfilled and exercised in accordance with, and the corporation is subject to, the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes), except as otherwise provided by this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.157. BONDS. (a) A nonprofit airport facility financing corporation may provide financing for the purposes described by Section 22.152(a) by issuing bonds, notes, or other forms of obligations on behalf of the constituent agencies on terms the board of directors considers appropriate, consistent with the procedures and limitations set forth in the bylaws and subject only to the limitations in this subsection. The bonds, notes, or other obligations are payable only from:

(1) revenue, rents, income, or payments from one or more users of property of the jointly owned airport under a lease, loan, purchase, lease-purchase, or other agreement between the corporation and the user or users; and

(2) revenue of the airport that the joint board commits and pledges to the payment of the obligations under agreements between the joint board and the corporation as authorized by Subsection (b).

(b) A lease, loan, purchase, lease-purchase, or other agreement may be on terms the parties to the agreement determine appropriate. The joint board and the corporation may enter into agreements, including lease, lease-purchase, or other agreements, as they determine appropriate to accomplish financing under this section.

(c) Bonds, notes, or other obligations of the corporation must be submitted to the attorney general for review and approval. If the attorney general determines that the obligations are issued in accordance with this chapter, the attorney general shall approve them. On approval, the obligations are incontestable for any cause.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.158. EARNINGS. (a) No part of a nonprofit airport

facility financing corporation's net earnings remaining after payment of its expenses and other obligations may benefit an individual, private firm, or private corporation.

(b) If the board of directors determines that sufficient provision has been made for the full payment of the expenses, bonds, notes, and other obligations of the corporation, any net earnings of the corporation subsequently accruing shall be paid to the joint board for the benefit of the constituent agencies in their respective ownership shares of the airport in accordance with the joint agreement.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 22.159. ALTERATION OR TERMINATION OF CORPORATION. The constituent agencies that authorize the incorporation of a nonprofit airport facility financing corporation may alter the structure, organization, programs, or activities of the corporation or may terminate and dissolve the corporation, subject only to any limitations provided by state law relating to the impairment of contracts entered into by the corporation.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

#### SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 22.901. DISPOSAL OF ABANDONED AIRCRAFT. (a) A local government that is unable to determine the ownership of an aircraft that has been located for more than 90 days at an airport owned by the local government may petition a district court for the county in which the aircraft is located to determine the ownership of the aircraft if:

(1) the local government has provided notice in the same manner as provided by Section [683.012](#) for notice of an abandoned motor vehicle; and

(2) the local government has contacted the Federal Aviation Administration in an attempt to identify the owner of the aircraft.

(b) On filing of a petition under Subsection (a), the court shall hold a hearing to determine the ownership status of the

aircraft. The local government shall present the court with all evidence the local government has in its possession about the ownership of the aircraft. If the evidence is sufficient to determine ownership of the aircraft, the court shall notify the owner of the aircraft.

(c) If the court is unable to make a determination under Subsection (b), the court shall require the local government to collect additional evidence about ownership or to provide notice in the manner that is most likely to reach the owner of the aircraft. Unless evidence is discovered that allows the court to determine the owner of the aircraft, the court may not take further action on making a determination of ownership until after the 60th day after the date of the hearing under Subsection (b).

(d) If the court cannot make a determination on the ownership of the aircraft after requiring the local government to take additional steps under Subsection (c), the court shall declare the aircraft as abandoned property, and the court shall give title to the aircraft to the local government. The local government shall dispose of the aircraft in the same manner the local government disposes of salvage or surplus property.

(e) If an owner of an aircraft fails to claim the aircraft within 60 days after the date notice is given under Subsection (b), the local government may petition the district court to declare the aircraft abandoned property under Subsection (d).

(f) A determination of ownership made by the court under this section does not affect the right of the local government to recover fees against the owner of the aircraft for storage or maintenance of the aircraft.

Added by Acts 1997, 75th Leg., ch. 432, Sec. 1, eff. May 29, 1997.