

By: Swinford

H.B. No. 22

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the abolition or oversight of certain state or regional  
3 entities.

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

5 ARTICLE 1. ABOLITION OF TEXAS COMMISSION ON PRIVATE SECURITY

6 SECTION 1.01. Subchapter A, Chapter 1702, Occupations Code,  
7 is amended by adding Section 1702.005 to read as follows:

8 Sec. 1702.005. COMMISSION ABOLISHED AND FUNCTIONS  
9 TRANSFERRED. (a) The commission is abolished, and all powers,  
10 duties, personnel, property, assets, and obligations of the  
11 commission are transferred to the Department of Public Safety of  
12 the State of Texas. The validity of a prior action of the  
13 commission is not affected by the abolishment.

14 (b) All rules of the commission relating to a transferred  
15 power or duty remain in effect as rules of the Department of Public  
16 Safety of the State of Texas until amended or repealed by the  
17 Department of Public Safety of the State of Texas.

18 (c) A reference in this chapter or another law to the  
19 commission means the Department of Public Safety of the State of  
20 Texas.

21 ARTICLE 2. ABOLITION OF OFFICE OF

22 STATE-FEDERAL RELATIONS

23 SECTION 2.01. Sections 751.001(1) and (4), Government Code,  
24 are amended to read as follows:

1           (1) "Board" means the [~~Office of~~] State-Federal  
2 Relations Advisory [~~Policy~~] Board.

3           (4) "State agency" means a state board, commission,  
4 department, institution, or officer in the executive branch of  
5 state government having statewide jurisdiction, including a state  
6 college or university.

7           SECTION 2.02. Section 751.002, Government Code, is amended  
8 to read as follows:

9           Sec. 751.002. OFFICE OF STATE-FEDERAL RELATIONS. [~~(a)~~]  
10 The Office of State-Federal Relations is a division of the office of  
11 the governor [~~an agency of the state and operates within the~~  
12 ~~executive department.~~

13           [~~(b) The office is subject to the administrative procedure~~  
14 ~~law, Chapter 2001].~~

15           SECTION 2.03. The heading to Section 751.004, Government  
16 Code, is amended to read as follows:

17           Sec. 751.004. APPOINTMENT [~~AND TERM~~] OF DIRECTOR.

18           SECTION 2.04. Section 751.004(a), Government Code, is  
19 amended to read as follows:

20           (a) The governor [~~, with the advice and consent of the~~  
21 ~~senate,~~] shall appoint a director of the office.

22           SECTION 2.05. Section 751.005(b), Government Code, is  
23 amended to read as follows:

24           (b) The director shall:

25                 (1) help coordinate state and federal programs dealing  
26 with the same subject;

27                 (2) inform the governor, the lieutenant governor, and

1 the speaker of the house of representatives [~~legislature~~] of  
2 federal programs that may be carried out in the state or that affect  
3 state programs;

4 (3) provide federal agencies and the United States  
5 Congress with information about state policy and state conditions  
6 on matters that concern the federal government;

7 (4) regularly provide the governor, the lieutenant  
8 governor, and the speaker of the house of representatives  
9 [~~legislature~~] with information useful in measuring the effect of  
10 federal actions on the state and local programs; and

11 (5) prepare and supply to the governor, the lieutenant  
12 governor, and the speaker of the house of representatives [~~and all~~  
13 ~~members of the legislature~~] an annual report that:

14 (A) describes the office's operations;

15 (B) contains the office's priorities and  
16 strategies for the following year;

17 (C) details projects and legislation pursued by  
18 the office;

19 (D) discusses issues in the following  
20 congressional session of interest to this state; and

21 (E) contains an analysis of federal funds  
22 availability and formulae[~~, and~~

23 [~~(6) prepare annually a complete and detailed written~~  
24 ~~report accounting for all funds received and disbursed by the~~  
25 ~~office during the preceding fiscal year].~~

26 SECTION 2.06. The heading to Section 751.006, Government  
27 Code, is amended to read as follows:

1           Sec. 751.006. STAFF[~~;~~ PERSONNEL POLICIES].

2           SECTION 2.07. Section 751.006(a), Government Code, is  
3 amended to read as follows:

4           (a) The director may employ staff necessary to carry out the  
5 director's powers and duties under this chapter. [~~The director or~~  
6 ~~the director's designee shall provide to office employees, as often~~  
7 ~~as necessary, information regarding their qualification for~~  
8 ~~employment under this chapter and their responsibilities under~~  
9 ~~applicable laws relating to standards of conduct for state~~  
10 ~~employees.~~]

11           SECTION 2.08. The heading to Section 751.010, Government  
12 Code, is amended to read as follows:

13           Sec. 751.010. [~~OFFICE OF~~] STATE-FEDERAL RELATIONS ADVISORY  
14 [~~POLICY~~] BOARD.

15           SECTION 2.09. Section 751.010, Government Code, is amended  
16 by amending Subsections (a), (e), and (f) and adding Subsection (g)  
17 to read as follows:

18           (a) The governor may appoint members to an advisory board to  
19 assist in the administration of this chapter [~~Office of~~  
20 ~~State-Federal Relations Advisory Policy Board consists of:~~

- 21                   ~~[(1) the governor,~~  
22                   ~~[(2) the lieutenant governor, and~~  
23                   ~~[(3) the speaker of the house of representatives].~~

24           (e) The board may [~~shall~~] meet before the beginning of each  
25 congressional session and at the call of the director [~~presiding~~  
26 ~~officer~~].

27           (f) The board may [~~shall~~] work with the director to hold

1 periodic meetings [~~in the city of Austin at times determined by the~~  
2 ~~presiding officer~~] to discuss upcoming federal activities and  
3 issues with state agency representatives.

4 (g) A member of the advisory board may not receive  
5 compensation, but is entitled to reimbursement of the member's  
6 necessary and actual expenses incurred while performing duties  
7 under this chapter, subject to any applicable limitation on  
8 reimbursement provided by general law or the General Appropriations  
9 Act.

10 SECTION 2.10. Section 751.012(c), Government Code, as  
11 amended by S.B. No. 19, Acts of the 78th Legislature, Regular  
12 Session, 2003, is amended to read as follows:

13 (c) A contract under this section must include provisions  
14 under which staff of the other state agency:

15 (1) report directly to the director;

16 (2) report [~~directly~~] to the other state [~~that~~]  
17 agency's administrative head or the presiding officer of the other  
18 state [~~that~~] agency's governing body;

19 (3) [~~(2)~~] have an officially recognized role in the  
20 other state [~~that~~] agency's budget planning process; and

21 (4) [~~(3)~~] provide periodic updates of activities to  
22 the other state [~~at meetings of that~~] agency's governing body.

23 SECTION 2.11. Section 751.012(e), Government Code, is  
24 amended to read as follows:

25 (e) A state agency identified by the Legislative Budget  
26 Board or the governor's office of budget, planning, and policy as  
27 receiving significant federal funding or being significantly

1 affected by federal policy decisions, other than a state agency  
2 that is headed by a statewide-elected official, shall:

3 (1) develop a plan of state-federal coordination;

4 (2) study the benefits of entering a contract under  
5 Subsection (a); and

6 (3) submit the coordination plan and study to the  
7 office and to the Legislative Budget Board.

8 SECTION 2.12. Chapter 751, Government Code, is amended by  
9 adding Section 751.015 to read as follows:

10 Sec. 751.015. AGENCY COMMUNICATIONS. A state agency must,  
11 to the extent practicable, contact the office before the agency  
12 provides information to a federal agency or to the United States  
13 Congress about a state policy or state circumstances. This section  
14 does not apply to a state agency that is headed by a  
15 statewide-elected official.

16 SECTION 2.13. Subchapter B, Chapter 751, Government Code,  
17 is transferred to Chapter 401, Government Code, redesignated as  
18 Subchapter G, Chapter 401, Government Code, and amended to read as  
19 follows:

20 SUBCHAPTER G [~~B~~]. FEDERAL FUNDS MANAGEMENT

21 Sec. 401.151 [~~751.021~~]. DEFINITION. In this subchapter,  
22 "federal formula funds" means only those funds coming to the state  
23 based on federal funding formulas or as otherwise legislated by  
24 congress, excluding those funds known as federal discretionary  
25 grant funds.

26 Sec. 401.152 [~~751.022~~]. POWERS AND DUTIES. (a) The  
27 governor's office of budget, planning, and policy has primary

1 responsibility for monitoring, coordinating, and reporting on the  
2 state's efforts to ensure receipt of an equitable share of federal  
3 formula funds.

4 (b) The governor's office of budget, planning, and policy  
5 shall:

6 (1) serve as the state's clearinghouse for information  
7 on federal formula funds;

8 (2) prepare reports on federal funds and earned  
9 federal formula funds;

10 (3) analyze proposed and pending federal and state  
11 legislation to determine whether the legislation would have a  
12 significant negative effect on the state's ability to receive an  
13 equitable share of federal formula funds;

14 (4) make recommendations for coordination between  
15 state agencies and local governmental entities and between state  
16 agencies; and

17 (5) adopt rules under the rule-making procedures of  
18 the administrative procedure law, Chapter 2001, Government Code, as  
19 necessary to carry out the responsibilities assigned by this  
20 subchapter.

21 (c) The governor's office of budget, planning, and policy  
22 shall annually prepare a comprehensive report to the governor and  
23 legislature on the effectiveness of the state's efforts to ensure a  
24 receipt of an equitable share of federal formula funds for the  
25 preceding federal fiscal year. The report must include:

26 (1) an executive summary that provides an overview of  
27 the major findings and recommendations included in the report;

1           (2) a comparative analysis of the state's receipt of  
2 federal formula funds relative to other states, prepared using the  
3 best available sources of data;

4           (3) an analysis of federal formula funding trends that  
5 may have a significant effect on resources available to the state;  
6 and

7           (4) recommendations, developed in consultation with  
8 the Legislative Budget Board, the Office of State-Federal Relations  
9 [~~Governor's Office of Budget and Planning~~], and the comptroller,  
10 for any state legislative or administrative action necessary to  
11 increase the state's receipt of federal formula funds.

12           ~~[Sec. 751.023. AGENCY COMMUNICATIONS. A state agency~~  
13 ~~shall, to the extent practicable, contact the office before the~~  
14 ~~agency provides information to a federal agency or to the United~~  
15 ~~States Congress about state policy or conditions. This section~~  
16 ~~does not apply to a state agency that is headed by a~~  
17 ~~statewide-elected official.]~~

18           Sec. 401.153 [~~751.024~~]. REPORTS CONCERNING GRANT FUNDS.

19 (a) Each agency and each institution of higher education shall  
20 report to [~~the office~~<sup>7</sup>] the Legislative Budget Board[<sup>7</sup>] and the  
21 governor's office of budget, planning, and policy [~~budget division~~  
22 ~~of the governor's office~~]:

23           (1) each application or request made to the United  
24 States government for grant funds;

25           (2) the award or designation, by the United States  
26 government, of any funds for expenditure by a state agency; and

27           (3) waivers of grant requirements.



1 (b) In consultation with the governor's office of budget,  
2 planning, and policy [~~director~~], the Legislative Budget Board may  
3 prescribe reporting procedures and time schedules necessary to  
4 implement Subsection (a).

5 SECTION 2.14. Section 322.004, Government Code, is amended  
6 by adding Subsection (e) to read as follows:

7 (e) The director may maintain office space at locations  
8 chosen by the director, including at locations outside of the  
9 state.

10 SECTION 2.15. (a) The heading to Subchapter A, Chapter 751,  
11 Government Code, is repealed.

12 (b) The following sections of the Government Code are  
13 repealed:

- 14 (1) Section 751.003;
- 15 (2) Section 751.005(d);
- 16 (3) Sections 751.006(b)-(f);
- 17 (4) Section 751.008;
- 18 (5) Sections 751.010(b)-(d);
- 19 (6) Section 751.011; and
- 20 (7) Section 751.012(b).

21 SECTION 2.16. On November 1, 2003:

22 (1) all powers, duties, obligations, rights,  
23 contracts, records, real and personal property, funds,  
24 appropriations, money, and authorized full-time equivalent (FTE)  
25 positions of the Office of State-Federal Relations are transferred  
26 to the office of the governor;

27 (2) an employee of the Office of State-Federal

1 Relations becomes an employee of the office of the governor;

2 (3) a rule, policy, procedure, report, or decision of  
3 the Office of State-Federal Relations continues in effect as a  
4 rule, policy, procedure, report, or decision of the office of the  
5 governor until superseded by an act of the office of the governor;  
6 and

7 (4) a reference in another law to the Office of  
8 State-Federal Relations means the office of the governor.

9 ARTICLE 3. STATE AIRCRAFT POOLING BOARD

10 SECTION 3.01. The heading to Chapter 2205, Government Code,  
11 is amended to read as follows:

12 CHAPTER 2205. STATE-OPERATED AIRCRAFT [~~POOLING~~]

13 SECTION 3.02. Subchapter B, Chapter 2205, Government Code,  
14 is amended by adding Section 2205.0315 to read as follows:

15 Sec. 2205.0315. DEFINITION. In this chapter, "department"  
16 means the Department of Public Safety of the State of Texas.

17 SECTION 3.03. Section 2205.032, Government Code, is amended  
18 to read as follows:

19 Sec. 2205.032. TRANSPORTATION [~~CUSTODY, CONTROL,~~  
20 ~~OPERATION,~~] AND MAINTENANCE. (a) The department shall maintain  
21 [board shall operate a pool for the custody, control, operation,  
22 and maintenance of] all aircraft owned or leased by the state.

23 (b) The department [~~board~~] may provide aircraft  
24 transportation under Section 2205.036 [~~purchase aircraft with~~  
25 ~~funds appropriated for that purpose]~~.

26 [~~(c) As part of the strategic plan that the board develops~~  
27 ~~and submits under Chapter 2056, the board shall develop a~~

1 ~~long-range plan for its pool of aircraft. The board shall include~~  
2 ~~appropriate portions of the long-range plan in its legislative~~  
3 ~~appropriations request. The long-range plan must include estimates~~  
4 ~~of future aircraft replacement needs and other fleet management~~  
5 ~~needs, including any projected need to increase or decrease the~~  
6 ~~number of aircraft in the pool. In developing the long-range plan,~~  
7 ~~the board shall consider at a minimum for each aircraft in the pool:~~

8 ~~[(1) how much the aircraft is used and the purposes for~~  
9 ~~which it is used;~~

10 ~~[(2) the cost of operating the aircraft and the~~  
11 ~~revenue generated by the aircraft; and~~

12 ~~[(3) the demand for the aircraft or for that type of~~  
13 ~~aircraft.]~~

14 SECTION 3.04. Section 2205.034, Government Code, is amended  
15 to read as follows:

16 Sec. 2205.034. FACILITIES. (a) The department [~~board~~] may  
17 acquire appropriate facilities for the accommodation of all  
18 aircraft owned or leased by the state. The facilities may be  
19 purchased or leased as determined by the department [~~board~~] to be  
20 most economical for the state and as provided by legislative  
21 appropriations. The facilities may include adequate hangar space,  
22 an indoor passenger waiting area, a flight-planning area,  
23 communications facilities, and other related and necessary  
24 facilities.

25 (b) A state agency that operates an aircraft may not use a  
26 facility in Austin other than a facility operated by the department  
27 [~~board~~] for the storage, parking, fueling, or maintenance of the

1 aircraft, whether or not the aircraft is based in Austin. In a  
2 situation the department [~~board~~] determines to be an emergency, the  
3 department [~~board~~] may authorize a state agency to use a facility in  
4 Austin other than a department [~~board~~] facility for the storage,  
5 parking, fueling, or maintenance of an aircraft.

6 SECTION 3.05. Section 2205.036, Government Code, is amended  
7 to read as follows:

8 Sec. 2205.036. PASSENGER TRANSPORTATION. (a) The  
9 department may [~~board shall~~] provide aircraft transportation, to  
10 the extent that its aircraft are available, to:

11 (1) state officers and employees who are traveling on  
12 official business according to the coordinated passenger  
13 scheduling system and the priority scheduling system developed as  
14 part of the aircraft operations manual under Section 2205.038;

15 (2) persons in the care or custody of state officers or  
16 employees described by Subdivision (1); and

17 (3) persons whose transportation furthers official  
18 state business.

19 (b) The department [~~board~~] may not provide aircraft  
20 transportation to a passenger if the passenger is to be transported  
21 to or from a place where the passenger:

22 (1) will make or has made a speech not related to  
23 official state business;

24 (2) will attend or has attended an event sponsored by a  
25 political party;

26 (3) will perform a service or has performed a service  
27 for which the passenger is to receive an honorarium, unless the

1 passenger reimburses the board for the cost of transportation;

2 (4) will attend or has attended an event at which money  
3 is raised for private or political purposes; or

4 (5) will attend or has attended an event at which an  
5 audience was charged an admission fee to see or hear the passenger.

6 (c) The department [~~board~~] may not provide aircraft  
7 transportation to a destination unless:

8 (1) the destination is not served by a commercial  
9 carrier;

10 (2) the time required to use a commercial carrier  
11 interferes with passenger obligations; or

12 (3) the number of passengers traveling makes the use  
13 of state aircraft cost-effective.

14 (d) The department shall monitor and ensure compliance with  
15 the requirements of this section.

16 SECTION 3.06. Subchapter B, Chapter 2205, Government Code,  
17 is amended by adding Section 2205.0365 to read as follows:

18 Sec. 2205.0365. CONTRACTS. (a) The department may  
19 negotiate contracts with private charter aircraft providers to  
20 obtain the most cost-effective rates possible for transportation of  
21 state officers and employees traveling on official business.

22 (b) The department may contract with a flight safety  
23 consultant in developing safety guidelines for charter aircraft  
24 providers.

25 (c) A contract described by Subsection (a) may provide that:

26 (1) a state agency using charter services shall pay  
27 the charter aircraft provider directly for charter services; or

1           (2) the department shall pay the charter aircraft  
2 provider for services and be reimbursed by state agencies using the  
3 charter services.

4           SECTION 3.07. Section 2205.038, Government Code, is amended  
5 to read as follows:

6           Sec. 2205.038. AIRCRAFT OPERATIONS MANUAL. (a) The  
7 department [~~board~~] shall:

8           (1) prepare a manual that establishes minimum  
9 standards for the operation of aircraft by state agencies; and

10           (2) adopt procedures for the distribution of the  
11 manual to state agencies.

12           (b) The manual must include provisions for:

13           (1) pilot certification standards, including medical  
14 requirements for pilots;

15           (2) recurring training programs for pilots;

16           (3) general operating and flight rules;

17           (4) coordinated passenger scheduling; and

18           (5) other issues the department [~~board~~] determines are  
19 necessary to ensure the efficient and safe operation of aircraft by  
20 a state agency.

21           (c) The department [~~board~~] shall confer with and solicit the  
22 written advice of state agencies that operate state-owned aircraft  
23 and state agencies the department [~~board~~] determines are principal  
24 users of aircraft operated by the department [~~board~~] and, to the  
25 extent practicable, incorporate that advice in the development of  
26 the manual and subsequent changes to the manual.

27           (d) The department [~~board~~] shall give an officer normally

1 elected by statewide election priority in the scheduling of  
2 aircraft. The department [~~board~~] by rule may require appropriate  
3 advance [~~a 12-hour~~] notice by the officer to obtain the priority in  
4 scheduling.

5 SECTION 3.08. Section 2205.039, Government Code, is amended  
6 to read as follows:

7 Sec. 2205.039. TRAVEL LOG. (a) The Legislative Budget  
8 Board, in cooperation with the department [~~board~~], shall prescribe:

9 (1) a travel log form for gathering information about  
10 the use of state-operated aircraft;

11 (2) procedures to ensure that individuals who travel  
12 as passengers on or operate state-operated aircraft provide in a  
13 legible manner the information requested of them by the form; and

14 (3) procedures for each state agency that operates an  
15 aircraft for sending the form to the department [~~board~~] and the  
16 Legislative Budget Board.

17 (b) The travel log form must request the following  
18 information about a state-operated aircraft each time the aircraft  
19 is flown:

20 (1) a mission statement, which may appear as a  
21 selection to be identified from general categories appearing on the  
22 form;

23 (2) the name, state agency represented, destination,  
24 and signature of each person who is a passenger or crew member of  
25 the aircraft;

26 (3) the date of each flight;

27 (4) a detailed and specific description of the

1 official business purpose of each flight; and

2 (5) other information determined by the Legislative  
3 Budget Board and the department [~~board~~] to be necessary to monitor  
4 the proper use of the aircraft.

5 (c) A state agency other than the department [~~board~~] shall  
6 send travel logs to the department [~~board~~] each month in which the  
7 agency operates an aircraft.

8 (d) The department shall monitor and ensure compliance by  
9 state agencies with the requirements of this section.

10 (e) The department shall annually report to the Legislative  
11 Budget Board on air travel information received under this section.

12 SECTION 3.09. Section 2205.040, Government Code, is amended  
13 to read as follows:

14 Sec. 2205.040. RATES AND BILLING PROCEDURES. (a) The  
15 department [~~board~~] shall adopt rates for interagency aircraft  
16 services that are sufficient to recover, in the aggregate and to the  
17 extent possible, all direct and indirect costs for the services  
18 provided, including a state agency's pro rata share of major  
19 maintenance, overhauls of equipment and facilities, and pilots'  
20 salaries.

21 (b) The Legislative Budget Board, in cooperation with the  
22 department [~~board~~] and the state auditor, shall prescribe a billing  
23 procedure for passenger travel on state-operated aircraft.

24 SECTION 3.10. Section 2205.041(a), Government Code, is  
25 amended to read as follows:

26 (a) The Legislative Budget Board, in cooperation with the  
27 department [~~board~~], shall prescribe:



1 (1) an annual aircraft use form for gathering  
2 information about the use of state-operated aircraft, including the  
3 extent to which and the methods by which the goal provided by  
4 Section 2205.031(b) is being met; and

5 (2) procedures for each state agency that operates an  
6 aircraft for sending the form to the department [~~board~~] and the  
7 Legislative Budget Board.

8 SECTION 3.11. Section 2205.043(b), Government Code, is  
9 amended to read as follows:

10 (b) The department [~~board~~] shall adopt rules, consistent  
11 with federal regulations and Subtitle A, Title 11 [~~Article 6139f,~~  
12 ~~Revised Statutes~~], governing the color, size, and location of marks  
13 of identification required by this section.

14 SECTION 3.12. Section 2205.044, Government Code, is amended  
15 to read as follows:

16 Sec. 2205.044. FUEL AND MAINTENANCE CONTRACTS. The  
17 department [~~board~~] may contract with a state or federal  
18 governmental agency or a political subdivision to provide aircraft  
19 fuel or to provide aircraft maintenance services.

20 SECTION 3.13. Section 2205.045(a), Government Code, is  
21 amended to read as follows:

22 (a) The department shall negotiate [~~board may purchase~~]  
23 insurance contracts to protect the state [~~board~~] from loss caused  
24 by damage, loss, theft, or destruction of aircraft owned or leased  
25 by the state and shall negotiate [~~purchase~~] liability insurance  
26 contracts to protect the officers and employees of each state  
27 agency from loss arising from the operation of state-owned

1 aircraft.

2 SECTION 3.14. Section 2205.047, Government Code, is amended  
3 to read as follows:

4 Sec. 2205.047. INFORMATION POSTED ON THE INTERNET. The  
5 department [~~board~~] shall post information related to travel and  
6 other services provided by the department under this chapter  
7 [~~board~~] on an Internet site maintained by or for the department  
8 [~~board~~]. The site must be generally accessible to state agencies,  
9 persons who use the department's [~~board's~~] services, and, to the  
10 extent appropriate, the general public.

11 SECTION 3.15. The following laws are repealed:

- 12 (1) Subchapter A, Chapter 2205, Government Code;  
13 (2) Section 2205.035, Government Code;  
14 (3) Section 2205.042, Government Code; and  
15 (4) Section 2205.046, Government Code.

16 SECTION 3.16. (a) The Department of Public Safety of the  
17 State of Texas, the State Aircraft Pooling Board, and the Texas  
18 Public Finance Authority, in consultation with the Texas Building  
19 and Procurement Commission and the General Land Office, shall  
20 establish a transition team to oversee the orderly transition of  
21 property, services, and certain employees from the State Aircraft  
22 Pooling Board to the Department of Public Safety of the State of  
23 Texas. The team shall:

- 24 (1) determine when:  
25 (A) the Department of Public Safety of the State  
26 of Texas will begin to perform a function or activity of the State  
27 Aircraft Pooling Board;

1 (B) the State Aircraft Pooling Board will cease  
2 to perform a function that is discontinued under Chapter 2205,  
3 Government Code, as amended by this Act;

4 (C) an employee of the board whose primary duties  
5 involve maintenance of aircraft becomes an employee of the  
6 department; and

7 (D) a King Air 200 aircraft with an aircraft  
8 identification number of N808WD becomes property of the Department  
9 of Public Safety of the State of Texas;

10 (2) inventory all equipment and other property  
11 required to be transferred or sold;

12 (3) determine any continued support and cooperation  
13 the board must provide the department before the board is abolished  
14 to ensure an efficient continuation of service and of planning for  
15 future needs; and

16 (4) ensure that:

17 (A) the transition is complete by April 1, 2004;  
18 and

19 (B) all board employee positions, except the  
20 positions of employees serving on the transition team or employees  
21 whose primary duties involve maintenance of aircraft, are  
22 eliminated by December 1, 2003.

23 (b) The transition team and the State Aircraft Pooling Board  
24 are abolished on April 1, 2004.

25 SECTION 3.17. (a) By September 1, 2004, the Texas Building  
26 and Procurement Commission, in consultation with the Department of  
27 Public Safety of the State of Texas, shall sell for fair market

1 value all state aircraft and aircraft-related equipment, other than  
2 equipment used in the maintenance of aircraft formerly under the  
3 custody of the State Aircraft Pooling Board and a King Air 200  
4 aircraft with an aircraft identification number of N808WD. If  
5 bonds were issued in connection with acquiring or maintaining the  
6 aircraft or equipment or in connection with other board purposes,  
7 the proceeds from the sale of the aircraft and equipment shall be  
8 used to pay off the bonds to the extent the proceeds of the bonds  
9 were expended for those purposes.

10 (b) By September 1, 2005, the General Land Office, in  
11 consultation with the Texas Public Finance Authority, shall sell  
12 all State Aircraft Pooling Board facilities, other than facilities  
13 used for maintenance or housing of aircraft owned or operated by  
14 state agencies other than the board, located at the  
15 Austin-Bergstrom International Airport for not less than the amount  
16 contained in the current market value assessment of the property  
17 that shall be made by the General Land Office. If bonds were issued,  
18 the proceeds of which were expended for the purchase, maintenance,  
19 or construction of the Austin-Bergstrom facilities, the proceeds  
20 from the sale of the facilities shall be used to pay off the state  
21 bond obligations as the Texas Public Finance Authority determines  
22 to be appropriate. The General Land Office, at the discretion of  
23 the commissioner of the General Land Office, may offer the  
24 facilities for sale by competitive bid in accordance with Section  
25 31.158, Natural Resources Code. Alternatively, the General Land  
26 Office may negotiate a direct sale of the facilities to:

- 27 (1) a current lessee of the facilities;

1 (2) a neighboring property owner of the facilities; or

2 (3) a political subdivision of the state, including  
3 Travis County or the City of Austin.

4 (c) By September 1, 2005, the General Land Office shall sell  
5 all State Aircraft Pooling Board facilities located at the site of  
6 the former Robert Mueller Municipal Airport for not less than the  
7 amount contained in the current market value assessment of the  
8 property that shall be made by the General Land Office. If bonds  
9 were issued in connection with acquiring or maintaining the  
10 facilities located at the site of the former Robert Mueller  
11 Municipal Airport, the proceeds from the sale of the facilities  
12 shall be used to pay off the bonds to the extent the proceeds of the  
13 bonds were expended for acquiring or maintaining the facilities.  
14 The General Land Office, at the discretion of the commissioner of  
15 the General Land Office, may offer the facilities for sale by  
16 competitive bid in accordance with Section 31.158, Natural  
17 Resources Code. Alternatively, the General Land Office may  
18 negotiate a direct sale of the facilities to:

19 (1) a current lessee of the facilities;

20 (2) a neighboring property owner of the facilities; or

21 (3) a political subdivision of the state, including  
22 Travis County or the City of Austin.

23 ARTICLE 4. OVERSIGHT OF REGIONAL

24 PLANNING COMMISSIONS

25 SECTION 4.01. The heading to Section 391.009, Local  
26 Government Code, is amended to read as follows:

27 Sec. 391.009. ROLE OF STATE AUDITOR, GOVERNOR, AND STATE

1 AGENCIES.

2 SECTION 4.02. Section 391.009, Local Government Code, is  
3 amended by amending Subsection (a) and adding Subsections (a-1) and  
4 (a-2) to read as follows:

5 (a) To protect the public interest and [~~or~~] promote the  
6 efficient use of public funds, the governor, with the technical  
7 assistance of the state auditor, may draft and [~~shall~~] adopt:

8 (1) rules relating to the operation and oversight of a  
9 commission;

10 (2) rules relating to the receipt or expenditure of  
11 funds by a commission, including:

12 (A) restrictions on the expenditure of any  
13 portion of commission funds for certain classes of expenses; and

14 (B) restrictions on the maximum amount of or  
15 percentage of commission funds that may be expended on a class of  
16 expenses, including indirect costs or travel expenses;

17 (3) annual reporting requirements for a commission;

18 (4) annual audit requirements on funds received or  
19 expended by a commission from any source;

20 (5) rules relating to the establishment and use of  
21 standards by which the productivity and performance of each  
22 commission can be evaluated; and

23 (6) guidelines that commissions and governmental  
24 units shall follow in carrying out the provisions of this chapter  
25 relating to review and comment procedures.

26 (a-1) The governor may draft and adopt rules under  
27 Subsection (a) using negotiated rulemaking procedures under

1 Chapter 2008, Government Code.

2 (a-2) Based on a risk assessment performed by the state  
3 auditor and subject to the legislative audit committee's approval  
4 for inclusion in the audit plan under Section 321.013, Government  
5 Code, the state auditor's office shall assist the governor as  
6 provided by Subsection (a).

7 SECTION 4.03. Section 391.0095, Local Government Code, as  
8 amended by S.B. No. 19, Acts of the 78th Legislature, Regular  
9 Session, 2003, is amended to read as follows:

10 Sec. 391.0095. AUDIT AND REPORTING REQUIREMENTS. (a) The  
11 audit and reporting requirements under Section 391.009(a) shall  
12 include a requirement that a commission annually report to the  
13 state auditor [~~governor~~]:

14 (1) the amount and source of funds received by the  
15 commission;

16 (2) the amount and source of funds expended by the  
17 commission;

18 (3) an explanation of any method used by the  
19 commission to compute an expense of the commission, including  
20 computation of any indirect cost of the commission;

21 (4) a report of the commission's productivity and  
22 performance during the annual reporting period;

23 (5) a projection of the commission's productivity and  
24 performance during the next annual reporting period;

25 (6) the results of an audit of the commission's affairs  
26 prepared by an independent certified public accountant; and

27 (7) a report of any assets disposed of by the

1 commission.

2 (b) The annual audit of a commission may be commissioned [~~by~~  
3 ~~the governor's office or~~] by the commission or at the direction of  
4 the governor's office, as determined by the governor's office, and  
5 shall be paid for from the commission's funds.

6 (c) A commission shall submit any other report or an audit  
7 to the state auditor and [~~required by~~] the governor.

8 (d) If a commission fails to submit a report or audit  
9 required under this section or is determined by the state auditor  
10 [~~governor~~] to have failed to comply with a rule, requirement, or  
11 guideline adopted under Section 391.009, the state auditor shall  
12 report the failure to the governor's office. The governor may,  
13 until the failure is corrected:

14 (1) appoint a receiver to operate or oversee the  
15 commission; or

16 (2) withhold any appropriated funds of the commission.

17 (e) A commission shall send to the governor, the state  
18 auditor, the comptroller, and the Legislative Budget Board a copy  
19 of each report and audit required under this section or under  
20 Section 391.009. The state auditor may review each audit and  
21 report, subject to a risk assessment performed by the state auditor  
22 and to the legislative audit committee's approval of including the  
23 review in the audit plan under Section 321.013, Government Code. If  
24 the state auditor reviews the audit or report, the state auditor  
25 must be given access to working papers and other supporting  
26 documentation that the state auditor determines is necessary to  
27 perform the review. If the state auditor finds significant issues



1 involving the administration or operation of a commission or its  
2 programs, the state auditor shall report its findings and related  
3 recommendations to the legislative audit committee, the governor,  
4 and the commission. The governor and the legislative audit  
5 committee may direct the commission to prepare a corrective action  
6 plan or other response to the state auditor's findings or  
7 recommendations. The legislative audit committee may direct the  
8 state auditor to perform any additional audit or investigative work  
9 that the committee determines is necessary.

10 SECTION 4.04. Subsection (e), Section 391.0117, Local  
11 Government Code, is amended to read as follows:

12 (e) A commission shall submit to the state auditor  
13 ~~[governor]~~ the commission's salary schedule, including the  
14 salaries of all exempt positions, not later than the 45th day before  
15 the date of the beginning of the commission's fiscal year. If the  
16 state auditor, subject to the legislative audit committee's  
17 approval for inclusion in the audit plan under Section 321.013,  
18 Government Code, has recommendations to improve ~~[governor objects~~  
19 ~~to]~~ a commission's salary schedule or a portion of the schedule, the  
20 state auditor shall report the recommendations to the governor's  
21 office. The governor's office may not allow the portion of the  
22 schedule for which ~~[that]~~ the state auditor has recommendations to  
23 ~~[governor objects to may not]~~ go into effect until revisions or  
24 explanations are given that are satisfactory to the governor based  
25 on recommendations from the state auditor ~~[and the governor~~  
26 ~~approves that portion of the schedule]~~.

27 SECTION 4.05. On the effective date of this article, a rule,

1 requirement, or guideline adopted by the governor relating to the  
2 oversight of regional planning commissions remains in effect until  
3 amended or repealed by the governor.

4 ARTICLE 5. EFFECTIVE DATE

5 SECTION 5.01. This Act takes effect November 1, 2003.