

By: Hamric

H.B. No. 82

A BILL TO BE ENTITLED

AN ACT

relating to the abolition of the state aircraft pooling board.

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

SECTION 1. The heading to Chapter 2205, Government Code, is amended to read as follows:

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

SECTION 2. Subchapter B, Chapter 2205, Government Code, is amended by adding Section 2205.0315 to read as follows:

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

SECTION 3. Section 2205.032, Government Code, is amended to read as follows:

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

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

~~[(c) As part of the strategic plan that the board develops and submits under Chapter 2056, the board shall develop a long-range plan for its pool of aircraft. The board shall include appropriate portions of the long-range plan in its legislative appropriations request. The long-range plan must include estimates~~

1 ~~of future aircraft replacement needs and other fleet management~~
2 ~~needs, including any projected need to increase or decrease the~~
3 ~~number of aircraft in the pool. In developing the long-range plan,~~
4 ~~the board shall consider at a minimum for each aircraft in the pool:~~

5 ~~(1) how much the aircraft is used and the purposes for~~
6 ~~which it is used;~~

7 ~~(2) the cost of operating the aircraft and the~~
8 ~~revenue generated by the aircraft; and~~

9 ~~(3) the demand for the aircraft or for that type of~~
10 ~~aircraft.]~~

11 SECTION 4. Section 2205.034, Government Code, is amended to
12 read as follows:

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

22 (b) A state agency that operates an aircraft may not use a
23 facility in Austin other than a facility operated by the department
24 [~~board~~] for the storage, parking, fueling, or maintenance of the
25 aircraft, whether or not the aircraft is based in Austin. In a
26 situation the department [~~board~~] determines to be an emergency, the
27 department [~~board~~] may authorize a state agency to use a facility in

1 Austin other than a department [~~board~~] facility for the storage,
2 parking, fueling, or maintenance of an aircraft.

3 SECTION 5. Section 2205.036, Government Code, is amended to
4 read as follows:

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

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

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

14 (3) persons whose transportation furthers official
15 state business.

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

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

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

23 (3) will perform a service or has performed a service
24 for which the passenger is to receive an honorarium, unless the
25 passenger reimburses the department [~~board~~] for the cost of
26 transportation;

27 (4) will attend or has attended an event at which money

1 is raised for private or political purposes; or

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

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

6 (1) the destination is not served by a commercial
7 carrier;

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

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

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

14 SECTION 6. Subchapter B, Chapter 2205, Government Code, is
15 amended by adding Section 2205.0365 to read as follows:

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

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

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

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

26 (2) the department shall pay the charter aircraft
27 provider for services and be reimbursed by state agencies using the

1 charter services.

2 SECTION 7. Section 2205.038, Government Code, is amended to
3 read as follows:

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

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

8 (2) adopt procedures for the distribution of the
9 manual to state agencies.

10 (b) The manual must include provisions for:

11 (1) pilot certification standards, including medical
12 requirements for pilots;

13 (2) recurring training programs for pilots;

14 (3) general operating and flight rules;

15 (4) coordinated passenger scheduling; and

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

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

25 (d) The department [~~board~~] shall give an officer normally
26 elected by statewide election priority in the scheduling of
27 aircraft. The department [~~board~~] by rule may require appropriate

1 advance [~~a 12-hour~~] notice by the officer to obtain the priority in
2 scheduling.

3 SECTION 8. Section 2205.039, Government Code, is amended to
4 read as follows:

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

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

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

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

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

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

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

24 (3) the date of each flight;

25 (4) a detailed and specific description of the
26 official business purpose of each flight; and

27 (5) other information determined by the Legislative

1 Budget Board and the department [~~board~~] to be necessary to monitor
2 the proper use of the aircraft.

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

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

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

10 SECTION 9. Section 2205.040, Government Code, is amended to
11 read as follows:

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

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

22 SECTION 10. Section 2205.041(a), Government Code, is
23 amended to read as follows:

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

26 (1) an annual aircraft use form for gathering
27 information about the use of state-operated aircraft, including the

1 extent to which and the methods by which the goal provided by
2 Section 2205.031(b) is being met; and

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

6 SECTION 11. Section 2205.043(b), Government Code, is
7 amended to read as follows:

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

12 SECTION 12. Section 2205.044, Government Code, is amended
13 to read as follows:

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

18 SECTION 13. Section 2205.045(a), Government Code, is
19 amended to read as follows:

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

27 SECTION 14. Section 2205.047, Government Code, is amended

1 to read as follows:

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

9 SECTION 15. The following laws are repealed:

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

14 SECTION 16. (a) The Department of Public Safety of the
15 State of Texas and the Texas Public Finance Authority, in
16 consultation with the Texas Building and Procurement Commission and
17 the General Land Office, shall establish a transition team to
18 oversee the orderly transition and accomplishment of matters
19 covered by this Act. In addition to addressing other matters as the
20 team considers necessary, the team shall:

- 21 (1) inventory all equipment and other property
22 required to be transferred or sold; and
23 (2) ensure that all State Aircraft Pooling Board
24 employee positions, except the positions of employees whose primary
25 duties involve maintenance of aircraft, are eliminated.

26 (b) The State Aircraft Pooling Board is abolished. All
27 employees of the board whose primary duties involve maintenance of

1 aircraft are transferred to the Department of Public Safety of the
2 State of Texas. All contracts, records, and property of the board
3 are transferred to the Department of Public Safety of the State of
4 Texas.

5 SECTION 17. (a) By September 1, 2004, the Texas Building
6 and Procurement Commission, in consultation with the Department of
7 Public Safety of the State of Texas, shall sell for fair market
8 value all state aircraft and aircraft-related equipment, other than
9 equipment used in the maintenance of aircraft formerly under the
10 custody of the State Aircraft Pooling Board and two King Air 200
11 aircraft with aircraft identification numbers of N808WD and N7256K,
12 respectively. If bonds were issued in connection with acquiring or
13 maintaining the aircraft or equipment or in connection with other
14 board purposes, the proceeds from the sale of the aircraft and
15 equipment shall be used to pay off the bonds to the extent the
16 proceeds of the bonds were expended for those purposes.

17 (b) By September 1, 2005, the General Land Office, in
18 consultation with the Texas Public Finance Authority, shall sell or
19 lease all facilities formerly operated by the State Aircraft
20 Pooling Board, other than facilities used for maintenance or
21 housing of aircraft owned or operated by state agencies other than
22 the board, located at the Austin-Bergstrom International Airport
23 for not less than the amount determined by the General Land Office.
24 If bonds were issued, the proceeds of which were expended for the
25 purchase, maintenance, or construction of the Austin-Bergstrom
26 facilities, the proceeds from the sale or lease of the facilities
27 shall be used to pay off the state bond obligations as the Texas

1 Public Finance Authority determines to be appropriate. The General
2 Land Office, at the discretion of the commissioner of the General
3 Land Office, may offer the facilities for sale by competitive bid in
4 accordance with Section 31.158, Natural Resources Code.
5 Alternatively, the General Land Office may negotiate a direct sale
6 of the facilities to:

- 7 (1) a current lessee of the facilities;
- 8 (2) a neighboring property owner of the facilities; or
- 9 (3) a political subdivision of the state, including
10 Travis County or the City of Austin.

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

- 26 (1) a current lessee of the facilities; or
- 27 (2) a political subdivision of the state, including

1 Travis County or the City of Austin.

2 (d) In this section, "political subdivision" means a
3 municipality, county, or special district.

4 SECTION 18. The Texas Building and Procurement Commission
5 shall conduct an analysis to determine whether the cost of using
6 charter and commercial aircraft services to provide passenger
7 transportation to state officers and employees is more
8 cost-effective than the services provided by the State Aircraft
9 Pooling Board. In conducting the analysis, the commission shall
10 use the rates already adopted by the State Aircraft Pooling Board
11 for fiscal year 2004 and shall take into consideration the costs of
12 meals, lodging, and other allowable travel expenses incurred when
13 an overnight stay is required as a result of charter or commercial
14 aircraft scheduling. The commission shall complete its analysis
15 and report its findings to the 79th Texas Legislature no later than
16 January 15, 2005.

17 SECTION 19. This Act takes effect September 1, 2003, if this
18 Act receives a vote of two-thirds of all the members elected to each
19 house, as provided by Section 39, Article III, Texas Constitution.
20 If this Act does not receive the vote necessary to take effect on
21 that date, this Act takes effect November 1, 2003.