

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 board for the cost of transportation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (b) The manual must include provisions for:

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

12 (2) recurring training programs for pilots;

13 (3) general operating and flight rules;

14 (4) coordinated passenger scheduling; and

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

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

24 (d) The department [~~board~~] shall give an officer normally
25 elected by statewide election priority in the scheduling of
26 aircraft. The department [~~board~~] by rule may require appropriate
27 advance [~~a 12-hour~~] notice by the officer to obtain the priority in

1 scheduling.

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

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

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

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

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

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

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

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

23 (3) the date of each flight;

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

26 (5) other information determined by the Legislative
27 Budget Board and the department [~~board~~] to be necessary to monitor

1 the proper use of the aircraft.

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

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

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

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

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

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

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

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

25 (1) an annual aircraft use form for gathering
26 information about the use of state-operated aircraft, including the
27 extent to which and the methods by which the goal provided by

1 Section 2205.031(b) is being met; and

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

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

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

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

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

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

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

26 SECTION 14. Section 2205.047, Government Code, is amended
27 to read as follows:

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

8 SECTION 15. The following laws are repealed:

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

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

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

25 (b) The State Aircraft Pooling Board is abolished. All
26 employees of the board whose primary duties involve maintenance of
27 aircraft are transferred to the Department of Public Safety of the

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

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

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

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

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

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

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

1 Travis County or the City of Austin.

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