

By: Duncan

S.B. No. 6

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 Subchapter A, Chapter 2205, Government Code, is amended to read as follows:

SUBCHAPTER A. STATE AIRCRAFT POOLING [~~BOARD~~]; GENERAL PROVISIONS

SECTION 2. Section 2205.002(1), Government Code, is amended to read as follows:

(1) "Department [~~Board~~]" means the Texas Department of Transportation [~~State Aircraft Pooling Board~~].

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

Sec. 2205.032. CUSTODY, CONTROL, OPERATION, AND MAINTENANCE. (a) The department [~~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 purchase aircraft with funds appropriated for that purpose.

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

1 replacement needs and other fleet management needs, including any
2 projected need to increase or decrease the number of aircraft in the
3 pool. In developing the long-range plan, the department [~~board~~]
4 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 revenue
8 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 2205.035, Government Code, is amended to
4 read as follows:

5 Sec. 2205.035. AIRCRAFT LEASES. (a) The department
6 [~~board~~] by interagency contract may lease state-owned aircraft to a
7 state agency.

8 (b) A state agency that is the prior owner or lessee of an
9 aircraft has the first option to lease that aircraft from the
10 department [~~board~~].

11 (c) The lease may provide for operation or maintenance by
12 the department [~~board~~] or the state agency.

13 (d) A state agency may not expend appropriated funds for the
14 lease of an aircraft unless the department [~~board~~] executes the
15 lease or approves the lease by department [~~board~~] order.

16 (e) A state agency may not use money appropriated by the
17 legislature to rent or lease aircraft except from the department
18 [~~board~~] or as provided by Subsection (f). For purposes of this
19 subsection and Subsection (f), payments of mileage reimbursements
20 provided for by the General Appropriations Act are not rentals or
21 leases of aircraft.

22 (f) If the department [~~board~~] determines that no
23 state-owned aircraft is available to meet a transportation need
24 that has arisen or that a rental or lease of aircraft would reduce
25 the state's transportation costs, the department [~~board~~] shall
26 authorize a state agency to expend funds for the rental or lease of
27 aircraft, which may include a helicopter.

1 SECTION 6. Section 2205.036, Government Code, is amended to
2 read as follows:

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

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

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

12 (3) persons whose transportation furthers official
13 state business.

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

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

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

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

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

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

1 audience was charged an admission fee to see or hear the passenger.

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

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

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

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

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

12 SECTION 7. Section 2205.038, Government Code, is amended to
13 read as follows:

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

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

18 (2) adopt procedures for the distribution of the
19 manual to state agencies.

20 (b) The manual must include provisions for:

21 (1) pilot certification standards, including medical
22 requirements for pilots;

23 (2) recurring training programs for pilots;

24 (3) general operating and flight rules;

25 (4) coordinated passenger scheduling; and

26 (5) other issues the department [~~board~~] determines are
27 necessary to ensure the efficient and safe operation of aircraft by

1 a state agency.

2 (c) The department [~~board~~] shall confer with and solicit the
3 written advice of state agencies the department [~~board~~] determines
4 are principal users of aircraft operated by the department [~~board~~]
5 and, to the extent practicable, incorporate that advice in the
6 development of the manual and subsequent changes to the manual.

7 (d) The department [~~board~~] shall give an officer normally
8 elected by statewide election priority in the scheduling of
9 aircraft. The department [~~board~~] by rule may require a 12-hour
10 notice by the officer to obtain the priority in scheduling.

11 SECTION 8. Section 2205.039, Government Code, is amended to
12 read as follows:

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

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

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

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

23 (b) The travel log form must request the following
24 information about a state-operated aircraft each time the aircraft
25 is flown:

26 (1) a mission statement, which may appear as a
27 selection to be identified from general categories appearing on the

1 form;

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

5 (3) the date of each flight;

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

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

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

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

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

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

20 Sec. 2205.040. RATES AND BILLING PROCEDURES. (a) The
21 department [~~board~~] shall adopt rates for interagency aircraft
22 services that are sufficient to recover [~~, in the aggregate and to~~
23 ~~the extent possible,~~] all expenses incurred under this chapter
24 [direct costs for the services provided], including current
25 obligations for capital equipment financed under the Texas Public
26 Finance Authority's master lease purchase program and aircraft
27 replacement costs [~~a state agency's pro rata share of major~~

1 ~~maintenance, overhauls of equipment and facilities, and pilots'~~
2 ~~salaries].~~

3 (b) The department shall deposit all revenue received under
4 this chapter to the credit of the state highway fund. Money
5 deposited to the credit of the state highway fund under this chapter
6 is exempt from the application of Section 403.095 [Legislative
7 ~~Budget Board, in cooperation with the board and the state auditor,~~
8 ~~shall prescribe a billing procedure for passenger travel on~~
9 ~~state-operated aircraft].~~

10 (c) The department may spend money from the state highway
11 fund for expenses incurred under this chapter.

12 (d) It is the intent of the legislature that receipts and
13 expenditures that relate to the state highway fund under this
14 chapter be balanced over time so that, to the extent practicable,
15 the receipts and expenditures do not result in a net gain or net
16 loss to the fund.

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

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

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

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

1 SECTION 11. Section 2205.042, Government Code, is amended
2 to read as follows:

3 Sec. 2205.042. PILOTS. An individual who is not a pilot
4 employed by the department [~~board~~] may not operate a state-operated
5 aircraft unless the department [~~board~~] grants the individual a
6 specific exemption from that requirement.

7 SECTION 12. Section 2205.043(b), Government Code, is
8 amended to read as follows:

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

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

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

19 SECTION 14. Section 2205.045(a), Government Code, is
20 amended to read as follows:

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

27 SECTION 15. Section 2205.046, Government Code, is amended

1 to read as follows:

2 Sec. 2205.046. AIRCRAFT FOR FLIGHT TRAINING PROGRAMS. (a)
3 The department [~~board~~] may transfer aircraft to a public technical
4 institute or other public postsecondary educational institution
5 for use in the institution's flight training program. Except as
6 provided by this section, the department [~~board~~] has no
7 responsibility for continued maintenance of aircraft transferred
8 under this section.

9 (b) As a condition to the transfer of the aircraft, the
10 institution must certify in writing to the department [~~board~~] that
11 the institution will accept full responsibility for maintenance of
12 the aircraft and that it will be properly maintained while in the
13 custody and control of the institution. The department [~~board~~] is
14 entitled to inspect the aircraft without notice for the purpose of
15 insuring that the aircraft are properly maintained.

16 (c) The department [~~board~~] may immediately reassume custody
17 and control of a transferred aircraft on a finding by the department
18 [~~board~~] that:

- 19 (1) the aircraft is not being properly maintained;
20 (2) the aircraft is being used for a purpose other than
21 flight training; or
22 (3) the institution has discontinued its flight
23 training program.

24 SECTION 16. Section 2205.047, Government Code, is amended
25 to read as follows:

26 Sec. 2205.047. INFORMATION POSTED ON THE INTERNET. The
27 department [~~board~~] shall post information related to travel and

1 other services provided by the department under this chapter
2 [~~board~~] on an Internet site maintained by or for the department
3 [~~board~~]. The site must be generally accessible to state agencies,
4 persons who use the department's [~~board's~~] services, and, to the
5 extent appropriate, the general public.

6 SECTION 17. Sections 2205.003-2205.019, Government Code,
7 are repealed.

8 SECTION 18. On the effective date of this Act:

9 (1) the State Aircraft Pooling Board is abolished.
10 Except as provided by Section 21 of this Act, all powers, duties,
11 obligations, rights, contracts, bonds, appropriations, records,
12 real or personal property, and personnel of the State Aircraft
13 Pooling Board are transferred to the Texas Department of
14 Transportation;

15 (2) a rule, policy, procedure, or decision of the
16 State Aircraft Pooling Board continues in effect as a rule, policy,
17 procedure, or decision of the Texas Department of Transportation
18 until superseded by an act of the Texas Department of
19 Transportation or the Texas Transportation Commission;

20 (3) a reference in law to the State Aircraft Pooling
21 Board means the Texas Department of Transportation or the Texas
22 Transportation Commission, as appropriate; and

23 (4) the number of full-time equivalent positions
24 intended to be allocated to the State Aircraft Pooling Board by H.B.
25 No. 1, Acts of the 78th Legislature, Regular Session, 2003, is
26 reduced by 39 for fiscal years 2004 and 2005, and the number of
27 full-time equivalent positions allocated to the Texas Department of

1 Transportation is increased by 39 for fiscal years 2004 and 2005 for
2 the purpose of administering Chapter 2205, Government Code.

3 SECTION 19. (a) All money collected by the Texas Department
4 of Transportation under Chapter 2205, Government Code, during the
5 state fiscal biennium beginning September 1, 2003, is appropriated
6 to the Texas Department of Transportation for that biennium for the
7 purpose of administering Chapter 2205, Government Code.

8 (b) The unexpended balance of the appropriation to the State
9 Aircraft Pooling Board for all or part of the state fiscal biennium
10 ending August 31, 2003, is appropriated to the Texas Department of
11 Transportation for the state fiscal biennium beginning September 1,
12 2003, for the purpose of administering Chapter 2205, Government
13 Code.

14 SECTION 20. Before March 1, 2004, the Texas Department of
15 Transportation shall file with the governor, the lieutenant
16 governor, the speaker of the house of representatives, and the
17 Legislative Budget Board a complete and detailed report on the
18 transfer of powers and duties from the State Aircraft Pooling Board
19 to the Texas Department of Transportation.

20 SECTION 21. (a) Notwithstanding any other law, the General
21 Land Office shall sell to the Texas Department of Transportation
22 for fair market value the approximately three-acre property
23 formerly operated by the State Aircraft Pooling Board at the site of
24 the former Robert Mueller Municipal Airport.

25 (b) The department may only:

26 (1) use the property described by Subsection (a) of
27 this section for purposes consistent with the operation of an

1 intelligent transportation system unless the City of Austin and
2 Travis County agree to a different use; and

3 (2) lease an unneeded portion of the property
4 described by Subsection (a) of this section under the procedures
5 prescribed by Subchapter C, Chapter 202, Transportation Code, if
6 the lease is approved by the City of Austin and Travis County.

7 (c) In this section, "intelligent transportation system"
8 means a traffic management system designed to enhance the
9 efficiency and safety of the transportation system in the Austin
10 regional area through the remote monitoring and broadcasting of
11 traffic information. The term does not include the maintenance of
12 vehicles, the storage of fuel, or the storage of vehicles.

13 SECTION 22. This Act takes effect immediately if this Act
14 receives a vote of two-thirds of all the members elected to each
15 house, as provided by Section 39, Article III, Texas Constitution.
16 If this Act does not receive the vote necessary for immediate
17 effect, this Act takes effect December 1, 2003.