

Amend CSSB 1952 by adding the following appropriately numbered ARTICLE to PART 1 of the bill:

ARTICLE \_\_. STATE AIRCRAFT POOLING BOARD

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

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

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

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

~~[(2) the cost of operating the aircraft and the revenue generated by the aircraft, and~~

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

SECTION \_\_. Section 2205.034, Government Code, is amended to read as follows:

Sec. 2205.034. FACILITIES. (a) The department [~~board~~] may

acquire appropriate facilities for the accommodation of all aircraft owned or leased by the state. The facilities may be purchased or leased as determined by the department [~~board~~] to be most economical for the state and as provided by legislative appropriations. The facilities may include adequate hangar space, an indoor passenger waiting area, a flight-planning area, communications facilities, and other related and necessary facilities.

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

SECTION \_\_. Section 2205.036, Government Code, is amended to read as follows:

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

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

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

(3) persons whose transportation furthers official state business.

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

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

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

(3) will perform a service or has performed a service

for which the passenger is to receive an honorarium, unless the passenger reimburses the board for the cost of transportation;

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION \_\_. Section 2205.038, Government Code, is amended to read as follows:

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

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

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

(b) The manual must include provisions for:

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

(2) recurring training programs for pilots;

(3) general operating and flight rules;

(4) coordinated passenger scheduling; and

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

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

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

SECTION \_\_. Section 2205.039, Government Code, is amended to read as follows:

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

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

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

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

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

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

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

(3) the date of each flight;

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

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

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

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

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

SECTION \_\_. Section 2205.040, Government Code, is amended to read as follows:

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

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

SECTION \_\_. Section 2205.041(a), Government Code, is amended to read as follows:

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

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

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

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

SECTION \_\_. Section 2205.043(b), Government Code, is amended to read as follows:

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

SECTION \_\_. Section 2205.044, Government Code, is amended to read as follows:

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

SECTION \_\_. Section 2205.045(a), Government Code, is amended to read as follows:

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

SECTION \_\_. Section 2205.047, Government Code, is amended to read as follows:

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

SECTION \_\_. The following laws are repealed:

(1) Subchapter A, Chapter 2205, Government Code;

- (2) Section 2205.035, Government Code;
- (3) Section 2205.042, Government Code; and
- (4) Section 2205.046, Government Code.

SECTION \_\_. (a) The Department of Public Safety of the State of Texas, the State Aircraft Pooling Board, and the Texas Public Finance Authority, in consultation with the Texas Building and Procurement Commission and the General Land Office, shall establish a transition team to oversee the orderly transition of property, services, and certain employees from the State Aircraft Pooling Board to the Department of Public Safety of the State of Texas. The team shall:

- (1) determine when:

- (A) the Department of Public Safety of the State of Texas will begin to perform a function or activity of the State Aircraft Pooling Board;

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

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

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

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

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

- (4) ensure that:

- (A) the transition is complete by January 1, 2004; and

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

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

SECTION \_\_. (a) By September 1, 2004, the Texas Building and Procurement Commission, in consultation with the Department of Public Safety of the State of Texas, shall sell for fair market value all state aircraft and aircraft-related equipment, other than equipment used in the maintenance of aircraft formerly under the custody of the State Aircraft Pooling Board and a King Air 200 aircraft with an aircraft identification number of N808WD. If bonds were issued in connection with acquiring or maintaining the aircraft or equipment or in connection with other board purposes, the proceeds from the sale of the aircraft and equipment shall be used to pay off the bonds to the extent the proceeds of the bonds were expended for those purposes.

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

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

(c) By September 1, 2005, the General Land Office shall sell all State Aircraft Pooling Board facilities located at the site of



the former Robert Mueller Municipal Airport for not less than the amount contained in the current market value assessment of the property that shall be made by the General Land Office. If bonds were issued in connection with acquiring or maintaining the facilities located at the site of the former Robert Mueller Municipal Airport, the proceeds from the sale of the facilities shall be used to pay off the bonds to the extent the proceeds of the bonds were expended for acquiring or maintaining the facilities. The General Land Office, at the discretion of the commissioner of the General Land Office, may offer the facilities for sale by competitive bid in accordance with Section 31.158, Natural Resources Code. Alternatively, the General Land Office may negotiate a direct sale of the facilities to:

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