

By: Fraser

S.B. No. 915

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the abolition of the State Aircraft Pooling Board, to
3 the transfer of certain functions associated with the board to the
4 Texas Building and Procurement Commission, and to providing for
5 contracts with private charter aircraft providers in lieu of a
6 central pool of state-owned aircraft.

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

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

10 CHAPTER 2205. STATE-OPERATED AND STATE-CHARTERED AIRCRAFT

11 [~~POOLING~~]

12 SECTION 2. Section 2205.031, Government Code, is amended to
13 read as follows:

14 Sec. 2205.031. DEFINITION [~~APPLICABILITY OF CHAPTER TO~~
15 ~~STATE AIRCRAFT~~]. In this chapter, "commission" means the Texas
16 Building and Procurement Commission. [~~(a) This chapter applies to~~
17 ~~all aircraft owned or leased by the state, except as provided by~~
18 ~~Section 2205.033.~~

19 [~~(b) Each state agency shall use state-owned aircraft to the~~
20 ~~extent feasible.~~]

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

23 Sec. 2205.032. RULES. [~~CUSTODY, CONTROL, OPERATION, AND~~
24 ~~MAINTENANCE.~~ (a)] The commission [~~board~~] shall adopt rules to

1 implement this chapter, including rules related to:

2 (1) the structure of the commission's charter aircraft
3 contracts;

4 (2) the procedures the commission uses in requesting
5 and evaluating bids or proposals for charter aircraft contracts;
6 and

7 (3) the use by state officers and employees of
8 negotiated contract rates for charter aircraft transportation
9 ~~[operate a pool for the custody, control, operation, and~~
10 ~~maintenance of all aircraft owned or leased by the state].~~

11 ~~[(b) The board may purchase aircraft with funds~~
12 ~~appropriated for that purpose.~~

13 ~~[(c) As part of the strategic plan that the board develops~~
14 ~~and submits under Chapter 2056, the board shall develop a~~
15 ~~long-range plan for its pool of aircraft. The board shall include~~
16 ~~appropriate portions of the long-range plan in its legislative~~
17 ~~appropriations request. The long-range plan must include estimates~~
18 ~~of future aircraft replacement needs and other fleet management~~
19 ~~needs, including any projected need to increase or decrease the~~
20 ~~number of aircraft in the pool. In developing the long-range plan,~~
21 ~~the board shall consider at a minimum for each aircraft in the pool:~~

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

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

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

1 SECTION 4. Subchapter B, Chapter 2205, Government Code, is
2 amended by adding Section 2205.0325 to read as follows:

3 Sec. 2205.0325. CONTRACTS. (a) The commission shall
4 negotiate contracts with private charter aircraft providers to
5 obtain the most cost-effective rates possible for transportation of
6 state officers and employees traveling on official business.

7 (b) The commission may contract with a flight safety
8 consultant in developing safety guidelines for charter aircraft
9 providers.

10 (c) The commission may negotiate contracts for the
11 maintenance of state aircraft.

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

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

15 (2) the commission shall pay the charter aircraft
16 provider for services and be reimbursed by state agencies using the
17 charter services.

18 SECTION 5. Section 2205.036, Government Code, is amended to
19 read as follows:

20 Sec. 2205.036. PASSENGER TRANSPORTATION. (a) The
21 commission [board] shall coordinate charter [provide] aircraft
22 transportation for ~~[, to the extent that its aircraft are available,~~
23 ~~to]~~:

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

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

3 (3) persons whose transportation furthers official
4 state business.

5 (b) The commission [~~board~~] may not coordinate charter
6 [~~provide~~] aircraft transportation for [~~to~~] a passenger if the
7 passenger is to be transported to or from a place where the
8 passenger:

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

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

13 (3) will perform a service or has performed a service
14 for which the passenger is to receive an honorarium, unless the
15 passenger reimburses the commission [~~board~~] for the cost of
16 transportation;

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

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

21 (c) The commission [~~board~~] may not coordinate charter
22 [~~provide~~] aircraft transportation to a destination unless:

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

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

27 (3) the number of passengers traveling makes the use

1 of charter [~~state~~] aircraft cost-effective.

2 SECTION 6. Section 2205.038, Government Code, is amended to
3 read as follows:

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

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

9 (2) adopt procedures for the distribution of the
10 manual to state agencies and charter aircraft providers serving the
11 state.

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 commission [~~board~~] determines are
19 necessary to ensure the efficient and safe operation of aircraft by
20 a state agency and a charter aircraft provider serving the state.

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

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

6 SECTION 7. Section 2205.039, Government Code, is amended to
7 read as follows:

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

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

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

16 (3) procedures for each state agency that operates or
17 charters an aircraft for sending the form to the commission [~~board~~]
18 and the Legislative Budget Board.

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

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

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

1 (3) the date of each flight;

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

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

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

10 SECTION 8. Section 2205.041(a), Government Code, is amended
11 to read as follows:

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

14 (1) an annual aircraft use form for gathering
15 information about the use of state-operated aircraft [~~, including~~
16 ~~the extent to which and the methods by which the goal provided by~~
17 ~~Section 2205.031(b) is being met~~]; and

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

21 SECTION 9. Section 2205.045(a), Government Code, is amended
22 to read as follows:

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

1 agency from loss arising from the operation of state-owned or
2 state-leased aircraft.

3 SECTION 10. Section 2205.047, Government Code, is amended
4 to read as follows:

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

12 SECTION 11. The following laws are repealed:

- 13 (1) Subchapter A, Chapter 2205, Government Code;
- 14 (2) Section 2205.034, Government Code;
- 15 (3) Section 2205.035, Government Code;
- 16 (4) Section 2205.040, Government Code;
- 17 (5) Section 2205.042, Government Code;
- 18 (6) Section 2205.044, Government Code; and
- 19 (7) Section 2205.046, Government Code.

20 SECTION 12. (a) Notwithstanding the amendment and repeal
21 of certain provisions of Chapter 2205, Government Code, by this
22 Act, the State Aircraft Pooling Board shall continue to perform its
23 functions and activities under Chapter 2205, Government Code, as it
24 existed immediately before the effective date of this Act until the
25 Texas Building and Procurement Commission is able to function as
26 provided by Chapter 2205, Government Code, as amended by this Act.

27 (b) Chapter 2205, Government Code, as it existed

1 immediately before the effective date of this Act, is continued in
2 effect for that purpose.

3 SECTION 13. (a) The Texas Building and Procurement
4 Commission, the State Aircraft Pooling Board, and the Texas Public
5 Finance Authority shall establish a transition team to oversee the
6 orderly transition of property and services from the State Aircraft
7 Pooling Board to the Texas Building and Procurement Commission. The
8 team shall:

9 (1) determine when:

10 (A) the Texas Building and Procurement
11 Commission will begin to perform a function or activity of the State
12 Aircraft Pooling Board; and

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

16 (2) create a timetable for any necessary or advisable
17 movement of the physical location of property;

18 (3) inventory all equipment and other property
19 required to be transferred or sold;

20 (4) determine any continued support and cooperation
21 the board must provide the commission before the board is abolished
22 to ensure an efficient continuation of service and of planning for
23 future needs; and

24 (5) ensure that:

25 (A) the transition is complete by September 1,
26 2004;

27 (B) all board employee positions, except the

1 positions of employees serving on the transition team, are
2 eliminated by March 1, 2004; and

3 (C) the commission is performing its functions
4 under Section 2205.0325(a), Government Code, as added by this Act,
5 by March 1, 2004.

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

8 SECTION 14. (a) By September 1, 2005, the Texas Building
9 and Procurement Commission shall sell for fair market value all
10 state aircraft and aircraft-related equipment formerly under the
11 custody of the State Aircraft Pooling Board. If bonds were issued
12 in connection with acquiring or maintaining the aircraft or
13 equipment or in connection with other board purposes, the proceeds
14 from the sale of the aircraft and equipment shall be used to pay off
15 the bonds to the extent the proceeds of the bonds were expended for
16 those purposes.

17 (b) By September 1, 2005, the Texas Building and Procurement
18 Commission, in consultation with the Texas Public Finance
19 Authority, shall sell the State Aircraft Pooling Board facility
20 located at the Austin-Bergstrom International Airport for not less
21 than the amount contained in the current market value assessment of
22 the property that shall be made by the General Land Office. If bonds
23 were issued, the proceeds of which were expended for the purchase,
24 maintenance, or construction of the Austin-Bergstrom facility, the
25 proceeds from the sale of the facility shall be used to pay off the
26 bonds to the extent the proceeds of the bonds were expended for the
27 purchase of the facility.

1 (c) By September 1, 2005, the Texas Building and Procurement
2 Commission shall sell the State Aircraft Pooling Board facility
3 located at the site of the former Robert Mueller Municipal Airport
4 for not less than the amount contained in the current market value
5 assessment of the property that shall be made by the General Land
6 Office. If bonds were issued in connection with acquiring or
7 maintaining the facility located at the site of the former Robert
8 Mueller Municipal Airport, the proceeds from the sale of the
9 facility shall be used to pay off the bonds to the extent the
10 proceeds of the bonds were expended for acquiring or maintaining
11 the facility.

12 SECTION 15. This Act takes effect September 1, 2003.