

BILL ANALYSIS

H.B. 3951
By: Gonzales, Larry
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties suggest that the law regarding the state's aircraft fleet is badly in need of reform and that many of the aircraft need to be replaced. H.B. 3951 seeks to address this issue by changing the functions of the Texas Department of Transportation relating to aircraft owned or leased by the state and authorizing an increase in rates charged for the use of state aircraft to provide for the acquisition of replacement aircraft.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3951 repeals Government Code provisions relating to the establishment and administration of the State Aircraft Pooling Board and amends the Government Code to transfer to the Texas Department of Transportation (TxDOT) the powers and duties of the board relating to state-operated aircraft under the State Aircraft Pooling Act. The bill conditions TxDOT's duty to include a long-range plan for its pool of aircraft in its legislative appropriations request on TxDOT identifying the need for additional appropriations and the additional appropriations being related to TxDOT's duties under the act, expands the required contents of the long-range plan, and requires TxDOT to update the plan annually and make the plan available on TxDOT's website. The bill requires TxDOT to adopt the first long-range plan containing the additional contents not later than September 1, 2018.

H.B. 3951 removes as an exception to the prohibition against TxDOT providing aircraft transportation to a destination for certain state-affiliated persons that the time required to use a commercial carrier interferes with passenger obligations and includes among such exceptions that the aircraft transportation is the most cost-effective travel arrangement and that emergency circumstances necessitate the use of a state aircraft. The bill requires a person to sign an affidavit stating that the person is traveling on official state business before the executive director of TxDOT or the director's designee may authorize the person to use a state-operated aircraft and establishes a one-year period during which such person may be authorized to use state-operated aircraft for official state business on the filing of the affidavit. The bill expressly does not require a member of the legislature to receive any other additional authorization to use a state-operated aircraft. The bill requires an administrative head of a state agency to certify that an employee's transportation complies with state-operated aircraft passenger transportation requirements before the executive director of TxDOT or the director's designee may authorize the employee to use a

state-operated aircraft.

H.B. 3951 authorizes TxDOT to adopt rates for interagency aircraft services provided by TxDOT that are sufficient to recover, in the aggregate and to the extent possible, all direct costs for such services and the capital costs of replacing aircraft in the aircraft pool if TxDOT's most recent long-term plan contains an analysis that finds that including capital recovery costs in the rates is a practicable fleet replacement strategy. The bill requires the portion of the rates collected for the capital costs of replacing aircraft in the pool to be deposited in a separate account in the state highway fund if TxDOT adopts such rates and restricts use of money in the account to the acquisition of aircraft for the state aircraft pool operated by TxDOT.

H.B. 3951 repeals Sections 2205.003, 2205.004, 2205.005, 2205.006, 2205.007, 2205.008, 2205.009, 2205.010, 2205.011, 2205.013, 2205.014, 2205.015, and 2205.017, Government Code.

EFFECTIVE DATE

September 1, 2017.