

BILL ANALYSIS

Senate Research Center
78R3364 MTB-D

S.B. 915
By: Fraser
Government Organization
3/24/2003
As Filed

DIGEST AND PURPOSE

The State Aircraft Pooling Board (SAPB) provides charter service for Texas state government officials and employees for less than its full cost of operation, using an aging fleet of aircraft with high maintenance costs. SAPB also provides maintenance services for about 37 state aircraft, including the 11 it operates. SAPB pilots are underused and fly only about half the hours of comparable charter service pilots. As proposed, S.B. 915 abolishes SAPB and transfers certain functions associated with SAPB to the Texas Building and Procurement Commission.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Building and Procurement Commission in SECTION 3 (Section 2205.032, Government Code) and SECTION 6 (Section 2205.038, Government Code).

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Chapter 2205, Government Code, to read as follows:

Chapter 2205. New heading: STATE-OPERATED AND STATE-CHARTERED AIRCRAFT

SECTION 2. Amends Section 2205.031, Government Code, as follows:

Sec. 2205.031. New heading: DEFINITION. Defines "commission."

SECTION 3. Amends Section 2205.032, Government Code, as follows:

Sec. 2205.032. New heading: RULES. Requires the Texas Building and Procurement Commission (TBPC), rather than the State Aircraft Pooling Board (SAPB), to adopt rules to implement this chapter, including rules related to certain information. Deletes language from text relating to the custody, control, operation, and maintenance of the State Aircraft Pooling Board.

SECTION 4. Amends Chapter 2205B, by adding Section 2205.0325, as follows:

Sec. 2205.0325. CONTRACTS. (a) Requires TBPC to 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) Authorizes TBPC to contract with a flight safety consultant in developing safety guidelines for charter aircraft providers.

(c) Authorizes TBPC to negotiate contracts for the maintenance of state aircraft.

(d) Authorizes a contract described by Subsection (a) to provide that certain requirements are met.

SECTION 5. Amends Section 2205.036, Government Code, to require TBPC to coordinate charter aircraft transportation for certain individuals. Makes conforming changes.

SECTION 6. Amends Section 2205.038, Government Code, as follows:

(a) Require TBPC to prepare a manual that establishes minimum standards for charter aircraft providers serving the state.

(b) Makes a conforming change.

(c) Requires TBPC to confer with and solicit the written advice of state agencies that operate state-owned aircraft and state agencies TBPC determines are principal users of charter aircraft transportation coordinated by TBPC.

(d) Authorizes TBPC by rule to require appropriate advance, rather than a 12-hour, notice by an officer elected statewide to obtain the priority in scheduling.

SECTION 7. Amends Section 2205.039, Government Code, to make conforming changes.

SECTION 8. Amends Section 2205.041(a), Government Code, to make conforming changes.

SECTION 9. Amends Section 2205.045(a), Government Code, to authorize TBPC to negotiate contracts to protect the state from loss caused by certain factors. Makes conforming changes.

SECTION 10. Amends Section 2205.047, Government Code, to make conforming changes.

SECTION 11. Repealer:

- (1) Chapter 2205A, Government Code (Aircraft Pooling);
- (2) Section 2205.034, Government Code (Facilities);
- (3) Section 2205.035, Government Code (Aircraft Leases);
- (4) Section 2205.040, Government Code (Rates and Billing Procedures);
- (5) Section 2205.042, Government Code (Pilots);
- (6) Section 2205.044, Government Code (Fuel and Maintenance contracts); and
- (7) Section 2205.046, Government Code (Aircraft for Flight Training Programs).

SECTION 12. (a) Requires SAPB, notwithstanding the amendment and repeal of certain provisions of Chapter 2205, Government Code, by this Act, to continue to perform its functions and activities under Chapter 2205, Government Code, as it existed immediately before the effective date of this Act until TBPC is able to function as provided by Chapter 2205, Government Code, as amended by this Act.

(b) Provides that Chapter 2205, Government Code, as it existed immediately before the effective date of this Act, is continued in effect for that purpose.

SECTION 13. (a) Requires TBPC, SAPB, and the Texas Public Finance Authority to establish a transition team to oversee the orderly transition of property and services from the State Aircraft Pooling Board to TBPC. Requires the team to perform certain tasks.

(b) Provides that the transition team and SAPB are abolished on September 1, 2004.

SECTION 14. (a) Requires TBPC, by September 1, 2005, to sell for fair market value all state aircraft and aircraft-related equipment formerly under the custody of the SAPB. Requires the proceeds from the sale of the aircraft and equipment, if bonds were issued in connection with acquiring

or maintaining the aircraft or equipment or in connection with other board purposes, to be used to pay off the bonds to the extent the proceeds of the bonds were expended for those purposes.

(b) Requires TBPC, in consultation with the Texas Public Finance Authority, by September 1, 2005, to sell the State Aircraft Pooling Board facility 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. Requires the proceeds from the sale of the facility, if bonds were issued, the proceeds of which were expended for the purchase, maintenance, or construction of the Austin-Bergstrom facility, to be used to pay off the bonds to the extent the proceeds of the bonds were expended for the purchase of the facility.

(c) Requires TBPC, by September 1, 2005, to sell the State Aircraft Pooling Board facility 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. Requires the proceeds from the sale of the facility, if bonds were issued in connection with acquiring or maintaining the facility located at the site of the former Robert Mueller Municipal Airport, to be used to pay off the bonds to the extent the proceeds of the bonds were expended for acquiring or maintaining the facility.

SECTION 15. Effective date: September 1, 2003.