

BILL ANALYSIS

Senate Research Center
78S10695 MTB-F

C.S.H.B. 82
By: Hamric (Duncan)
7-21-2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Current state law requires the State Aircraft Pooling Board (SAPB) to operate on a cost-recovery basis, recovering direct costs through charges on its users. These charges, however, do not include several important business costs, including capital expenditures for new aircraft, building expenses, custodial services, and other general support. The agency charges hourly rates based on the aircraft and the requesting entity involved. SAPB pilots are underused and fly only about half the hours of comparable charter service pilots. C.S.H.B. 82 abolishes the State Aircraft Pooling Board (SAPB) and transfers the maintenance functions of the agency to the Texas Department of Transportation.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the State Aircraft Pooling Board is transferred to the Texas Department of Transportation in SECTION 18 of this bill.

SECTION BY SECTION ANALYSIS

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

CHAPTER 2205. STATE AIRCRAFT POOLING; GENERAL PROVISIONS

SECTION 2. Amends Subdivision (1), Section 2205.002, Government Code, to define "department." Deletes the definition of "board."

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

Sec. 2205.032. CUSTODY, CONTROL, OPERATION, AND MAINTENANCE. (a) Requires the Texas Department of Transportation (TxDOT), rather than the State Aircraft Pooling Board (SAPB), to operate a pool for the custody, control, operation, and maintenance of all aircraft owned or lease by the state.

(b) Makes a conforming change.

(c) Makes conforming changes.

SECTION 4. Amends Section 2205.034, Government Code, to make conforming changes.

SECTION 5. Amends Section 2205.035, Government Code, to make conforming changes.

SECTION 6. Amends Section 2205.036, Government Code, as follows:

(a)-(c) Makes conforming changes.

(d) Requires TxDOT to monitor and ensure compliance with the requirements of this section.

SECTION 7. Amends Section 2205.038, Government Code, to make conforming changes.

SECTION 8. Amends Section 2205.039, Government Code, as follows:

(a)-(c) Makes conforming changes.

(d) Requires TxDOT to monitor and ensure compliance by state agencies with the requirements of this section.

(e) Requires TxDOT to annually report to the Legislative Budget Board on air travel information received under this section.

SECTION 9. Amends Section 2205.040, Government Code, as follows:

(a) Requires TxDOT, rather than SAPB, to adopt rates for interagency aircraft services that are sufficient to recover all expenses incurred under this chapter, rather than direct costs for the services provided, including current obligations for capital equipment financed under the Texas Public Finance Authority's master lease purchase program and aircraft replacement costs.

(b) Requires TxDOT to deposit all revenue received under this chapter to the credit of the state highway fund. Provides that money deposited to the credit of the state highway fund under this chapter is exempt from the application of Section 403.095, Government Code. Deletes text requiring the Legislative Budget Board, in cooperation with SAPB and the state auditor, to prescribe a billing procedure for passenger travel on state-operated aircraft.

(c) Authorizes TxDOT to spend money from the state highway fund for expenses incurred under this chapter.

(d) Sets forth legislative intent that the receipt and expenditures do not result in a net gain or net loss to the fund.

SECTION 10. Amends Section 2205.041(a), Government Code, to make conforming changes.

SECTION 11. Amends Section 2205.042, Government Code, to make a conforming change.

SECTION 12. Amends Section 2205.043(b), Government Code, to require TxDOT to adopt rules, consistent with federal regulations and Subtitle A, Title 11, rather than Article 6139f, Revised Statutes, governing the color, size, and location of marks of identification required by this section.

SECTION 13. Amends Section 2205.044, Government Code, to make a conforming change.

SECTION 14. Amends Section 2205.045(a), Government Code, to make conforming changes.

SECTION 15. Amends Section 2205.046, Government Code, to make conforming changes.

SECTION 16. Amends Section 2205.047, Government Code, to require TxDOT, rather than SAPB to post information related to travel and other services provided by TxDOT, rather than SAPB, under this chapter on an Internet site maintained by or for TxDOT, rather than the SAPB.

SECTION 17. Repealer: Sections 2205.003-2205.019, Government Code.

SECTION 18. (a) Provides that on the effective date of this Act:

(1) SAPB is abolished, and all powers, duties, obligations, rights, contracts, bonds, appropriations, records, and real or personnel property, and personnel of the SAPB are

transferred to the Texas Department of Transportation.

(2) a rule, policy, procedure, or decision of SAPB continues in effect as a rule, policy, procedure, or decision of SAPB continues in effect as a rule, policy, procedure, or decision of TxDOT until superseded by an act of TxDOT;

(3) a reference in law to SAPB means TxDOT.

(4) the number of full-time equivalent positions intended to be allocated to SAPB by H.B. 1, Acts of the 78th Legislature, Regular Session, 2003, is reduced by 30 for fiscal years 2004-2005, and the number of full-time equivalent positions allocated to TxDOT is increased by 39 for fiscal years 2004 and 2005 for the purpose of administering Chapter 2205, Government Code,

SECTION 19. (a) Establishes that all money collected by TxDOT under Chapter 2205, Government Code, during the state fiscal biennium beginning September 1, 2003, is appropriated to TxDOT for that biennium for the purpose of administering Chapter 2205, Government Code.

(b) Provides that the unexpended balance of the appropriation to SAPB for all or part of the state fiscal biennium ending August 31, 2003, is appropriated to TxDOT for the state fiscal biennium beginning September 1, 2003, for the purpose of administering Chapter 2205, Government Code.

(c) Establishes that for the purpose of administering Chapter 2205, Government Code, TxDOT is appropriated \$3,741,068 from the state highway fund for fiscal year 2004 and \$3,660,494 from the state highway fund for fiscal year 2005. Provides that it is the intent of the legislature that, to the extent possible, the appropriations under this subsection shall be funded from money collected under Chapter 2205, Government Code, and that any expenditures not immediately offset by money collected under Chapter 2205, Government Code, be repaid from collected under Chapter 2205, Government Code.

SECTION 20. Requires TxDOT, before March 1, 2004, to file with the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board a complete and detailed report on transfer of powers of duties from SAPB to TxDOT.

SECTION 21. Effective date: September 1, 2003, or November 1, 2003.