

BILL ANALYSIS

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DIGEST

Currently, legislative riders exist in the General Appropriations Act that pertain to multiple subjects. This existence is in contradiction to Article III, Section 35 of the Texas Constitution, which states that “No bill (except general appropriations bills, which may embrace the various subjects and accounts, for and on account of which moneys are appropriated), shall contain more than one subject.” The General Appropriations Act itself must contain more than one subject because it aggregates all subjects on which the state spends money. However, the General Appropriations Act must be limited to the subjects and accounts of money.

Nevertheless, riders are introduced in the General Appropriations Act that violate the one-subject rule by attempting to amend general law, contrary to the purposes of a budget rider to do no more than “detail, limit, or restrict the use of the funds or otherwise insure that the money is spent for the required activity for which it is therein appropriated.” Op. Tex. Att’y Gen. No. V-1254 at 17 (1951). S.B. 177 takes certain riders from the travel section of Article IX of the General Appropriations Act and codifies them into general law.

PURPOSE

As proposed, S.B. 177 codifies certain travel provisions in the General Appropriations Act that authorize or prohibit expenditures by public entities.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the comptroller of public accounts in SECTION 6 (Section 660.141, Government Code) and the State Aviation Pooling Board in SECTION 13 (Section 2205.038, Government Code), of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 660.003, Government Code, by amending Subsection (e) and adding Subsection (g), to authorize a state agency to reimburse a travel expense only if it is pre-approved travel outside of the state. Authorizes a state agency to pay travel expenses for the rental, lease, or operation of aircraft that meets Section 2205.036 criteria. Makes a nonsubstantive change.

SECTION 2. Amends Chapter 660B, Government Code, by adding Section 660.030, as follows:

Sec. 660.030. EXAMINATION OF VOUCHERS AND EXPENSE REIMBURSEMENT FORMS. Defines “travel expense.” Requires the comptroller and state auditor periodically to examine reimbursement by a state agency to determine whether the reimbursement complied with Section 660.003(e) and met certain other criteria. Requires the comptroller and state auditor to develop procedures for examining travel vouchers and other expenses. Requires the comptroller to refer unsatisfactory reimbursements to the state auditor for review. Provides that this section does not apply to Subchapter H travel expenses. Provides that this provision does not exempt Subchapter H from an audit required by Section 660.028.

SECTION 3. Amends Section 660.041, Government Code, by adding Subsection (c), to prohibit a state employee from collecting reimbursements for travel in a personally owned or leased vehicle between the employee’s residence and place of employment, unless the travel was under extraordinary circumstance or incurred outside of the employee’s work hours.

SECTION 4. Amends Sections 660.071, 660.074, and 660.075, Government Code, to permit reimbursements by a member of the legislature as provided by this subchapter. Makes conforming changes.

SECTION 5. Amends Chapter 660E, Government Code, by adding Section 660.094, as follows:

Sec. 660.094. LIMOUSINE TRANSPORTATION. Authorizes a state agency to reimburse a state employee for a limousine if it is more cost-effective in regards to all relevant circumstances.

SECTION 6. Amends Section 660.141, Government Code, as follows:

Sec. 660.141. New heading: REIMBURSEMENT IN CERTAIN CIRCUMSTANCES INVOLVING LOWER AIRFARES. Requires the comptroller to authorize, by rule, a state employee to claim extra travel time if the airfare cost the state less than what the state would have paid given similar circumstances, if the result is a cost saving to the state, and if the employee's additional absence is not detrimental. Deletes language regarding travel reimbursements by certain individuals, including a judicial officer, an agency executive officer, the director of the Legislative Council, the governor's spouse, and a member of a board.

SECTION 7. Amends Chapter 660G, Government Code, by adding Section 660.147, as follows:

Sec. 660.147. TRAINING SEMINARS. Requires each agency to employ interactive video conference technologies and telephone conferences to the greatest extent possible. Prohibits a state agency from paying or reimbursing an employee for travel expenses for training purposes unless the agency administrator certifies certain conditions on the voucher or reimbursement form.

SECTION 8. Amends Chapter 660, Government Code, by adding Subchapter H, as follows:

SUBCHAPTER H. TRAVEL BY CERTAIN PERSONS

Sec. 660.201. APPLICABILITY. Applies this subchapter to the extent that it is inconsistent with or supplementary to a provision in another part of this chapter. Provides that Sections 660.003(e)(4) and (g) do not apply to members and employees of the legislature.

Sec. 660.202. MEMBERS OF THE LEGISLATURE. Establishes that members of the legislature are entitled to the various reimbursements of the state. Sets forth the rate of those reimbursements, including per diem rates, amount of expenses incurred, and reimbursements in lieu of established rates. Entitles a member of the legislature, during the legislative session, to receive reimbursements for the use of the member's personally owned vehicle at the established rates, including to or from the city of Austin, including an owned or leased aircraft.

Sec. 660.203. TRAVEL BY CERTAIN OFFICERS AND EMPLOYEES. Entitles a judicial officer, an agency executive officer, the Texas Legislative Council (TLC) director, secretary of the senate, the governor's spouse, and a non-elected board member, to receive meal and lodging reimbursements. Entitles the governor's spouse performing duties at the direction of the governor to recover travel expenses. Provides that a non-elected board member is not a chief administrative officer for purposes of this section.

Sec. 660.204. TRAVEL BY LEGISLATIVE EMPLOYEES. Authorizes a legislative branch employee to receive a travel reimbursement at the rate determined by the employee's legislative house.

Sec. 660.205. REPRESENTATION OF STATE. Authorizes a state employee designated by the governor to represent the state outside of the state and receive a travel reimbursement. Reimburses a state employee's travel expenses described by Subsection (a) from the appropriations of the employee's state agency.

Sec. 660.206. REPRESENTATION OF CERTAIN OFFICERS AND EMPLOYEES. Entitles a state employee designated by certain officials to represent the designated party at a particular meeting, to receive travel reimbursements. Authorizes a member of the legislature, a judicial

officer, a chief administrator of a state agency, the executive director of the TLC, the secretary of the senate, and a board member to permit their employees traveling on behalf of themselves to a conference or meeting to receive travel reimbursements.

Sec. 660.207. AIRCRAFT PILOTS. Authorizes an aircraft pilot who conveys state officers or employees on official business to receive travel expenses in accordance to Section 660.206(b). Provides that the pilot is not subject to Section 660.113(b).

Sec. 660.208. ADVANCE APPROVAL REQUIRED. Prohibits a person from collecting a reimbursement without prior written approval of the approximate expense by the state agency's chief administrator.

SECTION 9. Amends Section 2171.052, Government Code, to define "commercial lodging establishment." Requires the central travel office to negotiate with the commercial lodging establishment to obtain the most cost-effective rates possible. Makes conforming changes.

SECTION 10. Amends Section 2205.031, Government Code, to require each state agency to use state-owned aircraft to the extent feasible.

SECTION 11. Amends Section 2205.035, Government Code, by adding Subsections (e) and (f), to prohibit a state agency from renting or leasing aircraft with money appropriate by the legislature, unless the money is from the State Aircraft Pooling Board (board) or permitted under Subsection (f). Provides that payments of mileage reimbursements provided by the General Appropriations Act are not rental or leases of aircraft. Requires the board to authorize a state agency to expend funds for the rental or lease of aircraft, including helicopters, in the event no state-owned aircraft are available or the rental or lease of aircraft would reduce the state's cost.

SECTION 12. Amends Section 2205.036, Government Code, by amending Subsection (a) and adding Subsection (c), to require the board to provide aircraft transportation to a state officer's spouse accompanying the officer on official business. Prohibits the board from providing aircraft transportation unless a commercial carrier does not serve the destination, a commercial carrier imposes time constraints, or a state-owned aircraft allows for more cost-efficient travel for several employees.

SECTION 13. Amends Section 2205.038, Government Code, by adding Subsection (d), to require the board to give priority to a statewide elected officer. Authorizes the board to require, by rule, a 12-hour notice by an officer to obtain priority scheduling.

SECTION 14. Amends Section 2205.040, Government Code, as follows:

Sec. 2205.040. New heading: RATES AND BILLING PROCEDURES. Requires the board to adopt rates to for interagency aircraft sufficient to recover all direct costs for the services provided, including pro rata share of maintenance, overhauls of equipment and facilities, and pilots' salaries. Makes a conforming change.

SECTION 15. Amends Section 2205.041, Government Code, to make a conforming change.

SECTION 16. Amends Section 2205.045(a), Government Code, to require the board to purchase liability insurance to protect officers and employees against loss arising from the operation of state-owned aircraft.

SECTION 17. Repealer: Section 301.030, Government Code (Travel Expenses).

SECTION 18. Sets forth a derivation table for provisions of the General Appropriations Act divided by Codified Law and Source Provision.

SECTION 19. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 20. Emergency clause.