

BILL ANALYSIS

Senate Research Center
81R36376 E

C.S.H.B. 2097
By: Hodge, Madden (Hegar)
Government Organization
5/22/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, many state agencies authorize employees to take state vehicles home at the end of the business day, which can result in the conduct of purely personal business in those vehicles. The state, as a result, incurs extra expenses for gasoline along with extra wear and tear on the vehicles.

This bill requires an officer or employee of a state agency who is authorized by the agency's administrative head to use a state-owned or state-leased motor vehicle to reimburse the state for the officer's or employee's personal use mileage accumulated on the vehicle, including mileage resulting from commuting to and from the officer's or employee's residence. The bill requires the comptroller of public accounts to establish guidelines for such reimbursement and to submit a report to the presiding officers of both houses of the legislature on the personal use of state-owned or state-leased motor vehicles by such officers and employees. The bill sets out exceptions for certain peace officers and law enforcement officers.

C.S.H.B. 2097 relates to the personal and official use of state vehicles.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2113.013, Government Code, by adding Subsections (b-1) and (d)-(i), as follows:

(b-1) Requires an officer or employee of a state agency who is authorized to use a state-owned or state-leased motor vehicle under Subsection (b) (relating to the administrative head of a state agency authorizing an officer or employee to use a state-owned or state-leased motor vehicle for commuting purposes) to reimburse the state for the officer's or employee's personal use mileage accumulated on the vehicle, including mileage resulting from commuting to and from the officer's or employee's residence. Requires the officer or employee to submit the reimbursement to the state agency not later than the 60th day after the last day of the month in which the officer or employee accumulates personal use mileage.

(d) Requires the comptroller of public accounts (comptroller) to establish guidelines for a state agency officer or employee who is authorized to use a state-owned or state-leased motor vehicle under Subsection (b) to reimburse the state for the officer's or employee's personal use of the vehicle at the state mileage reimbursement rate established as provided by Section 660.042. Requires that the guidelines include standards for submission of personal use information to the state agency; a requirement that the officer or employee maintain a point-by-point mileage log for the vehicle, except as provided by Subsection (h); and procedures for the officer or employee to follow to reimburse the state for the officer's or employee's personal use of the vehicle.

(e) Requires a state agency that authorizes a state agency officer or employee to use a state-owned or state-leased motor vehicle under Subsection (b), except as provided by

Subsection (h), to adopt the guidelines established by the comptroller under Subsection (d).

(f) Requires the comptroller, not later than December 31 of each year, to submit a report to the presiding officers of both houses of the legislature on the personal use of state-owned or state-leased motor vehicles by state agency officers and employees. Requires that the report include the total personal use miles attributable to each state agency, and an accounting of reimbursements made to a state agency under Subsection (b-1).

(g) Authorizes the comptroller to require the installation of global positioning devices in all motor vehicles purchased or leased by the state. Requires the comptroller to modify the guidelines established under Subsection (d) as necessary to make use of the devices.

(h) Provides that a peace officer or other law enforcement officer who is authorized to use a state-owned or state-leased motor vehicle under Subsection (b) and whose primary duty is to patrol an established area is not required to log personal use mileage. Provides that a state agency officer or employee who is authorized to use a state-owned or state-leased motor vehicle under Subsection (b) and who performs functions vital to law enforcement or public safety as determined by the administrative head of the agency is not required to log personal use mileage or to reimburse the state under Subsection (b-1).

(i) Provides that Subsection (b-1) does not apply to an individual who has been commissioned as a peace officer by the Public Safety Commission or the director of the Department of Public Safety; a peace officer by the executive director of the Parks and Wildlife Department; an inspector or representative by the Texas Alcoholic Beverage Commission (TABC) or the administrator of TABC; or an employee of the office of the attorney general who is assigned to a division that involves law enforcement.

SECTION 2. Amends Section 2203.001, Government Code, by amending Subsection (c) and adding Subsections (c-1) and (c-2), as follows:

(c) Requires a report under this section to show the mileage traveled, including a detailed point-by-point accounting of the mileage between stops and the purpose for each stop except as provided by Section 2113.013(h).

(c-1) Authorizes a state agency that uses state-owned or state-leased vehicles for undercover or security purposes to develop a code-based system to identify locations for the purposes of this section.

(c-2) Provides that an individual described by Section 2113.013(i) (relating to certain individuals to whom this section does not apply) is not required to include in a report filed under this section a detailed point-by-point accounting of the mileage between stops and the purpose of each stop.

SECTION 3. Requires the comptroller to adopt the guidelines required by Section 2113.013(d), Government Code, as added by this Act, as soon as possible. Requires that the guidelines take effect not later than September 1, 2009, and apply to a state agency on or after September 1, 2009.

SECTION 4. Effective date: upon passage or September 1, 2009.