

BILL ANALYSIS

C.S.H.B. 2097
By: Hodge
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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.

C.S.H.B. 2097 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.

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

C.S.H.B. 2097 amends the Government Code to require 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 such 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.

C.S.H.B. 2097 requires the comptroller of public accounts to establish guidelines for such reimbursement. The bill requires such guidelines to include standards for submission of personal use information to the agency, a requirement that the officer or employee maintain a point-by-point mileage log for the vehicle, except an officer whose primary duty is to patrol an established area, 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.

C.S.H.B. 2097 requires an agency that authorizes an agency officer or employee to use a state-owned or state-leased motor vehicle to adopt such guidelines.

C.S.H.B. 2097 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 such officers and employees. The bill requires the report to include the total personal use miles attributable to each agency and an accounting of

reimbursements made to an agency by such officers and employees.

C.S.H.B. 2097 authorizes the comptroller to require the installation of global positioning devices in all motor vehicles purchased or leased by the state. The bill requires the comptroller to modify guidelines as necessary to make use of the devices.

C.S.H.B. 2097 exempts a peace officer or other law enforcement officer who is authorized to use a state-owned or state-leased motor vehicle and whose primary duty is to patrol an established area from the requirement to log personal use mileage.

C.S.H.B. 2097 exempts an individual who has been commissioned as a peace officer by the Public Safety Commission or the director of the Department of Public Safety from provisions governing restrictions on state agency officers' and employees' use of a state-owned or state-leased motor vehicles

C.S.H.B. 2097 amends the law relating to reporting the use of a state vehicle to require such a report to show, along with the mileage traveled and other information as required by existing law, a detailed point-by-point accounting of the mileage between stops and the purpose for each stop, except as provided by a provision of the bill relating to a patrol officer. The bill authorizes an agency that uses state-owned or state-leased vehicles for undercover or security purposes to develop a code-based system to identify locations for purposes of the reporting requirement.

C.S.H.B. 2097 requires the comptroller to adopt the guidelines required by the bill as soon as possible. The bill requires the guidelines to take effect not later than September 1, 2009, and to apply to a state agency on or after September 1, 2009.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2097 removes a provision in the original prohibiting 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 from using state money to purchase fuel or using state-owned fuel to operate the vehicle. The substitute removes a provision in the original authorizing such an officer or employee to submit a request for reimbursement in accordance with state law for fuel costs associated with conducting official state business. The substitute removes a provision in the original requiring an officer or employee who submits such a request for reimbursement to submit a report in compliance with the law relating to reporting the use of a state vehicle.

C.S.H.B. 2097 differs from the original by adding provisions whereby a state officer or employee authorized to use a state vehicle reimburses the state for personal use of the vehicle. The substitute sets out provisions on submitting the reimbursement, requiring the comptroller of public accounts to establish guidelines for such reimbursement, establishing requirements for such guidelines and requiring a state agency that authorizes such use to adopt the guidelines, requiring the comptroller to submit a report, authorizing the comptroller to require the installation of global positioning devices in all motor vehicles purchased or leased by the state, requiring the comptroller to modify guidelines as necessary to make use of the devices, and excluding certain peace officers or other law enforcement from provisions of the bill under certain conditions.

C.S.H.B. 2097 adds provisions not in the original requiring the comptroller to adopt the guidelines required by the substitute as soon as possible, requiring such guidelines to take effect not later than September 1, 2009, and apply to a state agency on or after September 1, 2009.

C.S.H.B. 2097 differs from the original by changing the effective date of the bill from September 1, 2009, to on passage, or, if the substitute does not receive the necessary vote, September 1, 2009.