

1-1 By: Hodge, Madden (Senate Sponsor - Hegar) H.B. No. 2097
1-2 (In the Senate - Received from the House April 27, 2009;
1-3 May 1, 2009, read first time and referred to Committee on
1-4 Government Organization; May 23, 2009, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2097 By: Hegar

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the personal and official use of state vehicles.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 2113.013, Government Code, is amended by
1-13 adding Subsections (b-1), (d), (e), (f), (g), (h), and (i) to read
1-14 as follows:

1-15 (b-1) An officer or employee of a state agency who is
1-16 authorized to use a state-owned or state-leased motor vehicle under
1-17 Subsection (b) shall reimburse the state for the officer's or
1-18 employee's personal use mileage accumulated on the vehicle,
1-19 including mileage resulting from commuting to and from the
1-20 officer's or employee's residence. The officer or employee must
1-21 submit the reimbursement to the state agency not later than the 60th
1-22 day after the last day of the month in which the officer or employee
1-23 accumulates personal use mileage.

1-24 (d) The comptroller shall establish guidelines for a state
1-25 agency officer or employee who is authorized to use a state-owned or
1-26 state-leased motor vehicle under Subsection (b) to reimburse the
1-27 state for the officer's or employee's personal use of the vehicle at
1-28 the state mileage reimbursement rate established as provided by
1-29 Section 660.042. The guidelines must include:

1-30 (1) standards for submission of personal use
1-31 information to the state agency;

1-32 (2) a requirement that the officer or employee
1-33 maintain a point-by-point mileage log for the vehicle, except as
1-34 provided by Subsection (h); and

1-35 (3) procedures for the officer or employee to follow
1-36 to reimburse the state for the officer's or employee's personal use
1-37 of the vehicle.

1-38 (e) Except as provided by Subsection (h), a state agency
1-39 that authorizes a state agency officer or employee to use a
1-40 state-owned or state-leased motor vehicle under Subsection (b)
1-41 shall adopt the guidelines established by the comptroller under
1-42 Subsection (d).

1-43 (f) Not later than December 31 of each year, the comptroller
1-44 shall submit a report to the presiding officers of both houses of
1-45 the legislature on the personal use of state-owned or state-leased
1-46 motor vehicles by state agency officers and employees. The report
1-47 must include:

1-48 (1) the total personal use miles attributable to each
1-49 state agency; and

1-50 (2) an accounting of reimbursements made to a state
1-51 agency under Subsection (b-1).

1-52 (g) The comptroller may require the installation of global
1-53 positioning devices in all motor vehicles purchased or leased by
1-54 the state. The comptroller shall modify the guidelines established
1-55 under Subsection (d) as necessary to make use of the devices.

1-56 (h) A peace officer or other law enforcement officer who is
1-57 authorized to use a state-owned or state-leased motor vehicle under
1-58 Subsection (b) and whose primary duty is to patrol an established
1-59 area is not required to log personal use mileage. A state agency
1-60 officer or employee who is authorized to use a state-owned or
1-61 state-leased motor vehicle under Subsection (b) and who performs
1-62 functions vital to law enforcement or public safety as determined
1-63 by the administrative head of the agency is not required to log

2-1 personal use mileage or to reimburse the state under Subsection
2-2 (b-1).
2-3 (i) Subsection (b-1) does not apply to an individual who has
2-4 been commissioned as:
2-5 (1) a peace officer by the Public Safety Commission or
2-6 the director of the Department of Public Safety;
2-7 (2) a peace officer by the executive director of the
2-8 Parks and Wildlife Department;
2-9 (3) an inspector or representative by the Texas
2-10 Alcoholic Beverage Commission or the administrator of the Texas
2-11 Alcoholic Beverage Commission; or
2-12 (4) an employee of the office of the attorney general
2-13 who is assigned to a division that involves law enforcement.

2-14 SECTION 2. Section 2203.001, Government Code, is amended by
2-15 amending Subsection (c) and adding Subsections (c-1) and (c-2) to
2-16 read as follows:

2-17 (c) A report filed under this section must show:
2-18 (1) the purpose for which the vehicle was used;
2-19 (2) the mileage traveled, including a detailed
2-20 point-by-point accounting of the mileage between stops and the
2-21 purpose for each stop except as provided by Section 2113.013(h);
2-22 (3) the amounts of gasoline and oil consumed;
2-23 (4) the passengers carried; and
2-24 (5) other information necessary to a proper record of
2-25 the use of the vehicle.

2-26 (c-1) A state agency that uses state-owned or state-leased
2-27 vehicles for undercover or security purposes may develop a
2-28 code-based system to identify locations for the purposes of this
2-29 section.

2-30 (c-2) An individual described by Section 2113.013(i) is not
2-31 required to include in a report filed under this section a detailed
2-32 point-by-point accounting of the mileage between stops and the
2-33 purpose for each stop.

2-34 SECTION 3. The comptroller shall adopt the guidelines
2-35 required by Section 2113.013(d), Government Code, as added by this
2-36 Act, as soon as possible. The guidelines must take effect not later
2-37 than September 1, 2009, and apply to a state agency on or after
2-38 September 1, 2009.

2-39 SECTION 4. This Act takes effect immediately if it receives
2-40 a vote of two-thirds of all the members elected to each house, as
2-41 provided by Section 39, Article III, Texas Constitution. If this
2-42 Act does not receive the vote necessary for immediate effect, this
2-43 Act takes effect September 1, 2009.

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