LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 14, 2009

TO: Honorable Burt R. Solomons, Chair, House Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB2097** by Hodge (Relating to the personal and official use of state vehicles.), **Committee Report 1st House, Substituted**

Depending on the various agency reimbursement requirements and use of state-owned vehicles by state employees, there would be an indeterminate revenue gain to the State.

The bill would amend the Government Code to require an employee of a state agency using a state-owned vehicle for personal use to reimburse the state, including mileage resulting from commuting to and from the officer's or employee's residence. The employee must reimburse the state no later than 60 days after the last day of the month that personal mileage was accumulated.

The bill would require the Comptroller of Public Accounts (CPA) to establish guidelines for the employee to reimburse the state, including standards and procedures for submission. Agencies would be required to adopt these guidelines. No later than December 31st of each year, the Comptroller would be required to submit a report to the presiding officers of both houses that would include the total personal miles accumulated, and subsequent reimbursement, by each state agency.

The bill would allow the CPA to require the installation and use of Global Positioning System (GPS) tracking devices in all state vehicles.

The bill would require that mileage reports include detailed point-by-point accounting of the mileage between stops and the purpose for each stop, and would allow vehicles used for undercover or security purposes to use a code based accounting system. Certain peace or other law enforcement officers whose primary duty is to patrol an established area would not be required to log personal use mileage.

The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect September 1, 2009.

CPA reported there would be no significant administrative costs to the agency.

The Department of Public Safety reported there are approximately 130 non-commissioned personnel authorized to take home a state-owned vehicle, who have a duty to respond after normal duty hours. This analysis assumes the anticipated administrative workload increase to process monthly reimbursements could be absorbed within current appropriations.

The Texas Alcoholic Beverage Commission (TABC) reported that agency policy does not allow for personal use of state vehicles, so only the commuting miles for 295 peace officers are included in their estimate. It is assumed that indirect costs to prepare commuting mileage logs by the peace officers, and administrative costs associated with handling monthly reimbursements would be offset by the reimbursement revenue paid by the officers. TABC's General Revenue Fund 1 gain in fiscal year 2010 is estimated to be $110,000, and the gain is estimated to be $134,000 in subsequent years.

The Texas Department of Transportation (TxDOT) reported that a vehicle may only be authorized to be taken home to ensure that vital agency and emergency response functions are performed. This is not a perk to the employee, but is an operational or fiscal benefit to TxDOT. The vehicle is for commuting only, not for personal use. TxDOT also reported an initial fiscal year 2010 cost to Highway Fund 6 of approximately $650,000 to install and monitor GPS units for their 692 effected vehicles. Maintenance and monitoring costs would be approximately $300,000 in each subsequent fiscal year.

The Texas Parks and Wildlife Department (TPWD) reported that approximately 25 employees who commute with a state-owned vehicle would not be exempted by the law enforcement patrol provision of the bill. TPWD used recent vehicle log data, and cost per mile and miles driven information to estimate that the provisions of the bill would result in a $44,000 gain to the Game, Fish, and Water Safety Account 9 and a $19,000 gain to the State Parks Account 64 each fiscal year.

The remaining assigned agencies anticipate no significant fiscal impact.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 303 Facilities Commission, 304 Comptroller of Public Accounts, 305 General Land Office and Veterans' Land Board, 405 Department of Public Safety, 458 Alcoholic Beverage Commission, 476 Racing Commission, 529 Health and Human Services Commission, 551 Department of Agriculture, 554 Animal Health Commission, 582 Commission on Environmental Quality, 601 Department of Transportation, 694 Youth Commission, 696 Department of Criminal Justice, 802 Parks and Wildlife Department, 809 Preservation Board

LBB Staff: JOB, KJG, SD, PJK