

SUBJECT: State employee reimbursement for personal use of state vehicles

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 15 ayes — Solomons, Menendez, Cook, Craddick, Farabee, Gallego, Geren, Harless, Hilderbran, Jones, Lucio, Maldonado, Oliveira, Swinford, S. Turner

0 nays

WITNESSES: None

BACKGROUND: Under Government Code, sec. 2113.013, an employee of a state agency may not use a state vehicle except on official state business. The head of a state agency may authorize an employee to use a state vehicle to commute to and from work when it is determined necessary to perform agency functions.

A person who uses a state vehicle is required to submit a written report of the use of the vehicle to the head of the state agency, including the purpose of use, mileage traveled, amount of fuel consumed, and the passengers carried.

DIGEST: CSHB 2097 would amend the Government Code by requiring state employees to reimburse the state for personal use mileage of state vehicles, including mileage accumulated commuting to and from the employee's residence, no later than 60 days after the last day in the month that personal mileage was accumulated.

The report to the head of a state agency for use of a state vehicle would have to include a point-by-point account of mileage between stops and the purpose for each stop. A state agency whose vehicle was used for undercover or security purposes could develop a code-based system to identify locations.

The comptroller would be required to establish reimbursement guidelines for mandatory adoption by state agencies. State employees would be required to maintain a point-by-point mileage log, except law enforcement officers whose primary duty was to patrol an established area. The

comptroller would be allowed to require the installation of global positioning devices in state vehicles.

The comptroller would be required to submit a report by December 31 of each year to the speaker of the House and the lieutenant governor that included the total personal use miles and subsequent reimbursements for each state agency.

CSHB 2097 would not apply to DPS-commissioned peace officers.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS
SAY:**

HB 2097 would minimize state expenses by keeping track of state vehicle use. The personal use of state vehicles at certain state agencies costs tax payers more than \$3 million per year in fuel costs. Protections already are in place in statute, at the discretion of the state agency, but stricter guidelines and more oversight are needed to ensure compliance.

Many state agencies allow employees to take state vehicles home at the end of the business day, resulting in personal business being conducted in those vehicles. The cost of these extra miles is adding up and becoming a costly and inappropriate benefit at the expense of the taxpayer. Nearly all private companies require employees driving company cars to keep logs and to either reimburse the company for private use or be taxed for the benefit, which is a form of compensation. State workers ought to be treated the same way.

**OPPONENTS
SAY:**

Protections already are outlined in statute to protect against the personal use of state vehicles. HB 2097 would create an additional administrative duty for state agencies and the Comptroller for a concern that already is addressed statutorily and at the discretion of the state agency.

HB 2097 would create a burden on state employees whose use of a state vehicle to commute to and from work was part of their compensation.

NOTES:

Rep. Hodge intends to offer a floor amendment to provide that the bill would not apply to DPS-commissioned peace officers, Texas Parks and Wildlife Department peace officers, or the administrator, an inspector, or representative of the Texas Alcoholic Beverage Commission. These

individuals would not be required to provide a point-by-point mileage log.

The amendment also would provide that the reimbursement required for personal use of state vehicles would be calculated using the state mileage reimbursement rate.

The committee substitute differs from the bill as filed by requiring that employees reimburse the state for personal use of a state vehicle, rather than prohibiting an employee from using state-owned fuel, and instead seeking reimbursement for fuel costs associated with conducting state business. The committee substitute also differs from the bill as filed by providing oversight duties to the comptroller.