

The Texas Workforce Commission (Commission) adopts new §800.7 relating to Agency Vehicles, without changes to the proposed rules as published in the December 29, 2000 issue of the Texas Register (25 TexReg 12924). The text will not be republished.

Background and Purpose: House Bill 3125, 76th Legislature, 1999, (House Bill 3125), added Texas Government Code Section 2171.1045, which required the General Services Commission's (GSC) Office of Vehicle Fleet Management (OVFM) as directed by the Council on Competitive Government (CCG) to adopt a State Vehicle Fleet Management Plan (Plan). The GSC adopted the Plan on October 11, 2000.

As set forth in Texas Government Code Chapter 2162.051, the composition of the Council on Competitive Government includes representation from the Texas Workforce Commission's Commissioner of Labor. The goals of the CCG include identifying commercially available services being performed by state agencies and studying the services to determine if they may be better provided by selecting the service providers through competition with other state agency providers of the services or private commercial sources. The Plan sets forth management provisions regarding:

(1) opportunities for consolidating and privatizing the operation and management of vehicle fleets in areas where there is a concentration of state agencies, including the Capitol Complex and the Health and Human Services Complex in Austin; (2) the number and type of vehicles owned by each agency and the purpose each vehicle serves; (3) procedures to increase vehicle use and improve the efficiency of the state vehicle fleet; (4) procedures to reduce the cost of maintaining state vehicles; (5) the sale of excess state vehicles; and (6) lower-cost alternatives to using state-owned vehicles, including using rental cars and reimbursing employees for using personal vehicles.

The Plan may be viewed on the internet at: <http://www.gsc.state.tx.us/fleet>. House Bill 3125 and the Plan also require that state agencies adopt rules that address the management provisions contained in the Plan and also make clear that: (1) vehicles are assigned to the agency's motor pool and may be available for checkout; and (2) the agency may assign a vehicle to an individual administrative or executive employee on a regular or everyday basis only if there is a documented finding that the assignment is critical to the needs and mission of the agency.

The purpose of the proposed rule is to describe an approach that builds upon existing and recommended practices for cost-efficient and effective utilization of agency vehicles.

The rule also directs the agency's administrators to work with GSC to leverage any waiver or exemption provisions provided for in the Plan or by GSC, where such efforts may result in fiscal efficiencies due to the unique characteristics of the TWC's vehicle fleet. Several foreseeable examples include the presence of varying percentages of federal funding associated with vehicle purchases; specially modified vehicles; the campus-like nature of TWC's physical plant in the Capitol area; and high-capacity, frequent-trip, under 7,000 mile-per-year vehicles. The Commission is encouraged by the Plan recognition of such unique circumstances and looks forward to close communication between the agency's administration and GSC during Plan implementation.

No comments were received on the proposed new rules.

For information regarding the Texas Workforce Commission please visit our web page at www.texasworkforce.org. The new sections are adopted under Texas Labor Code §§301.061 and 302.002, which provide the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Commission services and activities, as well as Texas Government Code §2171.1045, which requires the adoption of rules, consistent with the management plan adopted under Texas Government Code §2171.104, relating to the assignment and use of the Agency's vehicles.

§800.7. Agency Vehicles.

(a) Purpose and Intent. The purpose of this rule is to implement the provisions of Texas Government Code Section 2171.1045. The intent of the Commission is to ensure that the use and management of vehicles by the Agency is consistent with the State Vehicle Fleet Management Plan as adopted by the Office of Vehicle Fleet Management of the General Services Commission. The Plan may be viewed on the internet at: <http://www.gsc.state.tx.us/fleet>, or a copy may be requested from the Texas Workforce Commission.

(b) The Commission adopts by reference and shall implement the provisions contained in the State Vehicle Fleet Management Plan as referenced in subsection (a) of this section including the following general provisions on use of vehicles by the Agency.

(1) Vehicles, with the exception of vehicles assigned to field employees, are assigned to the Agency motor pool and may be available for checkout.

(2) The Agency may assign a vehicle to an individual administrative or executive employee on a regular or everyday basis only if there is a documented finding that the assignment is critical to the needs and mission of the Agency.

(3) The Agency will work with GSC to identify, apply for, and if possible, utilize any waiver or exemption provisions where the recognition of conditions specific to the Agency would further the general purpose of fiscal efficiency and good business practices.