

Chapter 800. GENERAL ADMINISTRATION

Subchapter A. GENERAL PROVISIONS

40 TAC §800.7

The Texas Workforce Commission (Commission) proposes new §800.7 relating to Agency Vehicles.

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 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.

Randy Townsend, Chief Financial Officer, has determined that for the first five years the rules are in effect, the following statements will apply:

there are no additional estimated costs to the state and to local governments expected as a result of enforcing or administering the rules;

there are no estimated reductions in costs to the state or to local governments expected as a result of enforcing or administering the rules;

there are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules;

there are no foreseeable implications relating to costs or revenues to the state or to local governments as a result of enforcing or administering the rule; and

there are no anticipated costs to persons who are required to comply with the rules as proposed.

Mr. Townsend has also determined that there is no anticipated adverse impact on small businesses as a result of enforcing or administering these rules because small businesses are not required to perform under the rule.

Cindy Silberman, Procurement and Support Services Director, has determined that the public benefit anticipated as a result of the rules as proposed will be to set forth the provisions relating to the vehicle fleet management policies of the Agency to conform to the Office of Fleet Vehicle Management's State Vehicle Fleet Management Plan.

Mark Hughes, Director of Labor Market Information, has determined that there is no foreseeable negative impact upon employment conditions in this state as a result of these proposed rules.

Comments on the proposed rules may be submitted to Cindy Silberman, Procurement and Support Services, Texas Workforce Commission, 101 East 15th Street, Room 316T, Austin, Texas 78778; Fax Number (512) 305-9636; or E-mail to cindy.silberman@twc.state.tx.us Comments must be received by the Commission no later than thirty (30) days from the date this proposal is published in the *Texas Register*.

For information regarding the Texas Workforce Commission please visit our web page at www.texasworkforce.org. The new sections are proposed 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.

The proposal affects the Texas Labor Code, Title 2 and Title 4.

§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.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State, on December 14, 2000.

TRD-200008668

J. Randel (Jerry) Hill

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: January 28, 2001

For further information, please call: (512) 463-2573