

By: Raymond

H.B. No. 2269

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to an annual state budget and legislative budget sessions  
3 in even-numbered years and to political contributions made during a  
4 legislative session.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 301.001, Government Code, is amended to  
7 read as follows:

8 Sec. 301.001. TIME OF MEETING. (a) In each odd-numbered  
9 year, the ~~[The]~~ legislature shall convene in regular session at 12  
10 noon on the second Tuesday in January ~~[of each odd-numbered year]~~.

11 (b) In each even-numbered year, the legislature shall  
12 convene in budget session at 12 noon on the third Tuesday in April.

13 SECTION 2. Section 316.001, Government Code, is amended to  
14 read as follows:

15 Sec. 316.001. LIMIT. The rate of growth of appropriations  
16 in a state fiscal year ~~[biennium]~~ from state tax revenues not  
17 dedicated by the constitution may not exceed the estimated rate of  
18 growth of the state's economy.

19 SECTION 3. Sections 316.002(a), (b), and (e), Government  
20 Code, are amended to read as follows:

21 (a) Before the Legislative Budget Board submits the budget  
22 as prescribed by Section 322.008(b), the board shall establish:

23 (1) the estimated rate of growth of the state's economy  
24 from the current fiscal year ~~[biennium]~~ to the next fiscal year

1 ~~[biennium]~~;

2 (2) the level of appropriations for the current fiscal  
3 year ~~[biennium]~~ from state tax revenues not dedicated by the  
4 constitution; and

5 (3) the amount of state tax revenues not dedicated by  
6 the constitution that could be appropriated for the next fiscal  
7 year ~~[biennium]~~ within the limit established by the estimated rate  
8 of growth of the state's economy.

9 (b) Except as provided by Subsection (c), the board shall  
10 determine the estimated rate of growth of the state's economy by  
11 dividing the estimated Texas total personal income for the next  
12 fiscal year ~~[biennium]~~ by the estimated Texas total personal income  
13 for the current fiscal year ~~[biennium]~~. Using standard statistical  
14 methods, the board shall make the estimate by projecting through  
15 the fiscal year ~~[biennium]~~ the estimated Texas total personal  
16 income reported by the United States Department of Commerce or its  
17 successor in function.

18 (e) In the absence of an action by the Legislative Budget  
19 Board to adopt a spending limit as provided in Subsections (a) and  
20 (b), the estimated rate of growth in the state's economy from the  
21 current fiscal year ~~[biennium]~~ to the next fiscal year ~~[biennium]~~  
22 shall be treated as if it were zero, and the amount of state tax  
23 revenues not dedicated by the constitution that could be  
24 appropriated within the limit established by the estimated rate of  
25 growth in the state's economy shall be the same as the level of  
26 appropriations for the current fiscal year ~~[biennium]~~.

27 SECTION 4. Section 316.008(a), Government Code, is amended

1 to read as follows:

2 (a) Unless the legislature adopts a resolution under  
3 Article VIII, Section 22(b), of the Texas Constitution raising the  
4 proposed limit on appropriations, the proposed limit is binding on  
5 the legislature with respect to all appropriations for the next  
6 fiscal year [~~biennium~~] made from state tax revenues not dedicated  
7 by the constitution.

8 SECTION 5. Chapter 322, Government Code, is amended by  
9 adding Section 322.015 to read as follows:

10 Sec. 322.015. STUDY TO IMPLEMENT ANNUAL BUDGET. (a) The  
11 board, with the assistance of the Texas Legislative Council, shall  
12 examine the laws and operations of state government to determine  
13 how the implementation of annual state budgets may affect those  
14 laws and operations and shall adopt recommendations for legislative  
15 and administrative action necessary to implement an annual budget  
16 as effectively as practicable.

17 (b) The board shall make its initial recommendations under  
18 this section not later than November 1, 2004.

19 SECTION 6. Section 317.003(a), Government Code, is amended  
20 to read as follows:

21 (a) The governor or Legislative Budget Board may make a  
22 proposal at any time except during a [~~regular or special~~] session of  
23 the legislature. A proposal may apply to an appropriation that has  
24 been made for any specified fiscal year that has not ended at the  
25 time the proposal is made.

26 SECTION 7. Section 403.121(a), Government Code, is amended  
27 to read as follows:

1           (a) In the statement required by Article III, Section 49a,  
2 of the Texas Constitution the comptroller shall list outstanding  
3 appropriations that may exist after the end of the current fiscal  
4 year but may not deduct them from the cash condition of the treasury  
5 or the anticipated revenues of the next fiscal year [~~biennium~~] for  
6 the purpose of certification. The comptroller shall base the  
7 reports, estimates, and certifications of available funds on the  
8 actual or estimated cash condition of the treasury and shall  
9 consider outstanding and undisbursed appropriations at the end of  
10 each fiscal year [~~biennium~~] as probable disbursements of the  
11 succeeding fiscal year [~~biennium~~] in the same manner that earned  
12 but uncollected income of a current fiscal year [~~biennium~~] is  
13 considered in probable receipts of the succeeding fiscal year  
14 [~~biennium~~]. The comptroller shall consider as probable  
15 disbursements warrants that will be issued by the state before the  
16 end of the fiscal year.

17           SECTION 8. The heading to Section 253.034, Election Code,  
18 is amended to read as follows:

19           Sec. 253.034. RESTRICTIONS ON CONTRIBUTIONS DURING REGULAR  
20 OR BUDGET [~~LEGISLATIVE~~] SESSION OF LEGISLATURE.

21           SECTION 9. Section 253.034, Election Code, is amended by  
22 amending Subsections (a), (b), and (c) and adding Subsection (a-1)  
23 to read as follows:

24           (a) During the period beginning on the 30th day before the  
25 date a regular [~~legislative~~] session of the legislature convenes  
26 and continuing through the day of final adjournment, a person may  
27 not knowingly make a political contribution to:

- 1           (1) a statewide officeholder;
- 2           (2) a member of the legislature; or
- 3           (3) a specific-purpose committee for supporting,
- 4 opposing, or assisting a statewide officeholder or member of the
- 5 legislature.

6           (a-1) During a budget session of the legislature, a person

7 may not knowingly make a political contribution to:

- 8           (1) the governor or lieutenant governor;
- 9           (2) a member of or a candidate for election to the
- 10 legislature; or
- 11           (3) a specific-purpose committee for supporting,
- 12 opposing, or assisting the governor, the lieutenant governor, or a
- 13 member of or a candidate for election to the legislature.

14           (b) A statewide officeholder, a member of or a candidate for

15 election to the legislature, or a specific-purpose committee for

16 supporting, opposing, or assisting a statewide officeholder or a

17 member of or candidate for election to the legislature may not

18 knowingly accept a political contribution, and shall refuse a

19 political contribution that is received, during an applicable [the]

20 period prescribed by Subsection (a) or (a-1). A political

21 contribution that is received and refused during that period shall

22 be returned to the contributor not later than the 30th day after the

23 date of receipt. A contribution made by mail is not considered

24 received during a [that] period if it was placed with postage

25 prepaid and properly addressed in the United States mail before the

26 beginning of the period. The date indicated by the post office

27 cancellation mark is considered to be the date the contribution was

1 placed in the mail unless proven otherwise.

2 (c) This section does not apply to a political contribution  
3 that was made and accepted with the intent that it be used:

4 (1) in an election held or ordered during a ~~[the]~~  
5 period prescribed by Subsection (a) or (a-1) in which the person  
6 accepting the contribution is a candidate if the contribution was  
7 made after the person appointed a campaign treasurer with the  
8 appropriate authority and before the person was sworn in for that  
9 office;

10 (2) to defray expenses incurred in connection with an  
11 election contest; or

12 (3) by a person who holds a state office or a member of  
13 the legislature or by a specific-purpose political committee that  
14 supports or assists only that person or member if the contribution  
15 was made during the period prescribed by Subsection (a) and the  
16 person or member was defeated at the general election held  
17 immediately before the regular session is convened ~~[or by a~~  
18 ~~specific-purpose political committee that supports or assists only~~  
19 ~~that person or member]~~.

20 SECTION 10. The heading to Section 253.0341, Election Code,  
21 is amended to read as follows:

22 Sec. 253.0341. RESTRICTIONS ON CONTRIBUTIONS TO  
23 LEGISLATIVE CAUCUSES DURING REGULAR OR BUDGET ~~[LEGISLATIVE]~~  
24 SESSION OF LEGISLATURE.

25 SECTION 11. Sections 253.0341(a) and (b), Election Code,  
26 are amended to read as follows:

27 (a) During the period beginning on the 30th day before the

1 date a regular [~~legislative~~] session of the legislature convenes  
2 and continuing through the day of final adjournment, or at any time  
3 during a budget session of the legislature, a person not a member of  
4 the caucus may not knowingly make a contribution to a legislative  
5 caucus.

6 (b) A legislative caucus may not knowingly accept from a  
7 nonmember a contribution, and shall refuse a contribution from a  
8 nonmember that is received, during a [~~the~~] period prescribed by  
9 Subsection (a). A contribution that is received and refused during  
10 a [~~that~~] period prescribed by Subsection (a) shall be returned to  
11 the contributor not later than the 30th day after the date of  
12 receipt. A contribution made by mail is not considered received  
13 during a [~~that~~] period if it was placed with postage prepaid and  
14 properly addressed in the United States mail before the beginning  
15 of the period. The date indicated by the post office cancellation  
16 mark is considered to be the date the contribution was placed in the  
17 mail unless proven otherwise.

18 SECTION 12. (a) This Act takes effect as provided by  
19 Subsection (b), but only if the constitutional amendment proposed  
20 by the 78th Legislature, Regular Session, 2003, providing for an  
21 annual state budget and annual legislative sessions for budget  
22 purposes is approved by the voters. If that proposed  
23 constitutional amendment is not approved by the voters, this Act  
24 has no effect.

25 (b) This section and Section 5 of this Act take effect  
26 January 1, 2004. The other sections of this Act take effect  
27 September 1, 2005.