

By: Heflin

H.B. No. 3455

A BILL TO BE ENTITLED

1 AN ACT

2 relating to powers of the governor as the chief executive officer of  
3 the state and the organization and efficiency of state agencies.

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

5 SECTION 1. Subchapter C, Section 401, Government Code, is  
6 amended to read as follows:

7 Sec. 401.041. CHIEF BUDGET OFFICER. The governor is the  
8 chief budget officer of the state.

9 Sec. 401.042. UNIFORM BUDGET ESTIMATE FORMS. (a) The  
10 governor may collaborate with the Legislative Budget Board in  
11 designing and preparing uniform budget estimate forms on which all  
12 requests for legislative appropriations must be prepared.

13 (b) The governor shall require that all appropriation  
14 requests be submitted to the governor on the forms.

15 Sec. 401.043. BUDGET HEARINGS. (a) After receiving the  
16 appropriation requests, the governor shall hold one or more public  
17 hearings concerning the requests. The governor shall preside at  
18 each hearing, except that the governor may authorize any employee  
19 of the executive branch to preside and represent the governor in the  
20 governor's absence.

21 (b) The head of a state agency that is seeking  
22 appropriations is entitled to speak at a hearing under this section  
23 at which the appropriation request is considered. The governor may  
24 require the head or any employee of a state agency seeking

1 appropriations to appear at the hearing and present information  
2 about the appropriations. A taxpayer is entitled to participate in  
3 the discussion at a hearing under this section of any item proposed  
4 to be included in the budget under consideration.

5 (c) In this section, "state agency" means a board,  
6 commission, department, or other agency in the executive or  
7 judicial branch of state government.

8 Sec. 401.044. COOPERATION WITH LEGISLATIVE BUDGET BOARD.

9 (a) The governor and the Legislative Budget Board may cooperate,  
10 exchange information, and hold joint public hearings on the  
11 biennial appropriation budget.

12 (b) At a joint hearing under this section, the governor  
13 shall preside or, if the governor is unable to preside:

14 (1) the lieutenant governor shall preside; or

15 (2) a person appointed by the governor and the  
16 lieutenant governor shall preside.

17 Sec. 401.0445. COMPILATION OF THE BUDGET. (a) The governor  
18 may [~~shall~~] compile the biennial appropriation budget using  
19 information:

20 (1) submitted to the governor in the uniform budget  
21 estimate forms; and

22 (2) obtained at public hearings, from inspections, and  
23 from other sources.

24 (b) In the budget, the governor may [~~shall~~] show:

25 (1) the list of appropriations for the current year  
26 preceding the biennium for which appropriations are sought and  
27 recommended;

1           (2) expenditures for [~~each of~~] the year [~~two full~~  
2 ~~years~~] preceding the current year; and

3           (3) the amounts requested by the various agencies and  
4 the amounts recommended by the governor for each of the years of the  
5 biennium.

6           Sec. 401.045. LEGISLATIVE EXPENSES. The governor may not  
7 include in the governor's budget or appropriation bill any  
8 appropriation for per diem or mileage expenses of members of the  
9 legislature or for necessary expenses of the legislature.

10          Sec. 401.046. DISTRIBUTION OF BUDGET. (a) The governor may  
11 [~~shall~~] deliver a copy of the governor's budget to each member of  
12 the legislature [~~not later than the sixth day of each regular~~  
13 ~~legislative session~~].

14          (b) The governor shall have as many copies of the budget  
15 printed for public distribution as the governor considers  
16 necessary.

17          [~~Sec. 401.047. PENALTY. A person who refuses to comply with~~  
18 ~~a provision of this subchapter other than Section 401.044 commits~~  
19 ~~an offense. An offense under this section is punishable by a fine~~  
20 ~~of not less than \$100 or more than \$1,000, confinement in county~~  
21 ~~jail for not less than one month or more than one year, or both fine~~  
22 ~~and confinement.~~]

23          Sec. 401.048. ANNUAL BUDGETS. A reference in this  
24 subchapter or in Chapter 322 to a biennial budget or a regular  
25 legislative session means an annual budget or an annual budget  
26 session if a constitutional amendment is adopted providing for  
27 annual budget sessions of the legislature.

1           SECTION 2. Chapter 2083, Government Code, is repealed.

2           SECTION 3. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2003.