

By: Bivins

S.B. No. 1868

A BILL TO BE ENTITLED

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AN ACT

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

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

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

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

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

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

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

(b) The head of a state agency that is seeking appropriations is entitled to speak at a hearing under this section at which the appropriation request is considered. The governor may 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
18 governor may [~~shall~~] compile the biennial appropriation budget
19 using 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
11 may [~~shall~~] deliver a copy of the governor's budget to each member
12 of 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 2053, 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.