

By: Raymond

H.B. No. 136

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

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

(1) the estimated rate of growth of the state's economy 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

to read as follows:

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

SECTION 5. Section 317.003(a), Government Code, is amended to read as follows:

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

SECTION 6. Chapter 322, Government Code, is amended by adding Section 322.021 to read as follows:

Sec. 322.021. STUDY TO IMPLEMENT ANNUAL BUDGET. (a) The board, with the assistance of the Texas Legislative Council, shall examine the laws and operations of state government to determine how the implementation of annual state budgets may affect those laws and operations and shall adopt recommendations for legislative and administrative action necessary to implement an annual budget as effectively as practicable.

(b) The board shall make its initial recommendations under this section not later than November 1, 2014.

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

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

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

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

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

(a) During the period beginning on the 30th day before the date a regular [~~legislative~~] session of the legislature convenes and continuing through the 20th day after the date of final adjournment of that regular session, a person may not knowingly

1 make a political contribution to:

2 (1) a statewide officeholder;

3 (2) a member of the legislature; or

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

7 (a-1) During a budget session of the legislature, a person
8 may not knowingly make a political contribution to:

9 (1) the governor or lieutenant governor;

10 (2) a member of or a candidate for election to the
11 legislature; or

12 (3) a specific-purpose committee for supporting,
13 opposing, or assisting the governor, the lieutenant governor, or a
14 member of or a candidate for election to the legislature.

15 (b) A statewide officeholder, a member of or a candidate for
16 election to the legislature, or a specific-purpose committee for
17 supporting, opposing, or assisting a statewide officeholder or a
18 member of or candidate for election to the legislature may not
19 knowingly accept a political contribution, and shall refuse a
20 political contribution that is received, during an applicable ~~the~~
21 period prescribed by Subsection (a) or (a-1). A political
22 contribution that is received and refused during that period shall
23 be returned to the contributor not later than the 30th day after the
24 date of receipt. A contribution made by United States mail or by
25 common or contract carrier is not considered received during a
26 ~~that~~ period if it was properly addressed and placed with postage
27 or carrier charges prepaid or prearranged in the mail or delivered

1 to the contract carrier before the beginning of the period. The
2 date indicated by the post office cancellation mark or the common or
3 contract carrier documents is considered to be the date the
4 contribution was placed in the mail or delivered to the common or
5 contract carrier unless proven otherwise.

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

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

14 (2) to defray expenses incurred in connection with an
15 election contest; or

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

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

26 Sec. 253.0341. RESTRICTIONS ON CONTRIBUTIONS TO
27 LEGISLATIVE CAUCUSES DURING AND FOLLOWING REGULAR OR BUDGET

1 ~~[LEGISLATIVE]~~ SESSION OF LEGISLATURE.

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

4 (a) During the period beginning on the 30th day before the
5 date a regular ~~[legislative]~~ session of the legislature convenes
6 and continuing through the 20th day after the date of final
7 adjournment, or at any time during a budget session of the
8 legislature, a person not a member of the caucus may not knowingly
9 make a contribution to a legislative caucus.

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

25 SECTION 12. The changes in law made by this Act do not
26 affect the validity of an appropriation made before September 1,
27 2015, for any part of the two consecutive state fiscal years ending

1 August 31, 2017.

2 SECTION 13. (a) This Act takes effect as provided by
3 Subsection (b), but only if the constitutional amendment proposed
4 by the 83rd Legislature, Regular Session, 2013, providing for an
5 annual state budget and annual legislative sessions for budget
6 purposes is approved by the voters. If that proposed
7 constitutional amendment is not approved by the voters, this Act
8 has no effect.

9 (b) This section and Section 6 of this Act take effect
10 January 1, 2014. The other sections of this Act take effect
11 September 1, 2015.