

By: Raymond

H.B. No. 542

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

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

15 SECTION 6. Sections 322.008(a), (c), and (d), Government
16 Code, are amended to read as follows:

17 (a) The director, under the direction of the board, shall
18 prepare the general appropriations bill for introduction at each
19 regular and budget [~~legislative~~] session of the legislature.

20 (c) Not later than the fifth day after a regular or budget
21 [~~legislative~~] session convenes, the director shall transmit a copy
22 of the budget of estimated appropriations prepared by the director
23 to the governor and each member of the legislature.

24 (d) Not later than the seventh day after a regular or budget
25 [~~legislative~~] session convenes, the director shall transmit a copy
26 of the general appropriations bill to the governor and each member
27 of the legislature.

1 SECTION 7. Chapter 322, Government Code, is amended by
2 adding Section 322.021 to read as follows:

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

10 (b) The board shall make its initial recommendations under
11 this section not later than November 1, 2016.

12 SECTION 8. Section 403.121(a), Government Code, is amended
13 to read as follows:

14 (a) In the statement required by Article III, Section 49a,
15 of the Texas Constitution the comptroller shall list outstanding
16 appropriations that may exist after the end of the current fiscal
17 year but may not deduct them from the cash condition of the treasury
18 or the anticipated revenues of the next fiscal year [~~biennium~~] for
19 the purpose of certification. The comptroller shall base the
20 reports, estimates, and certifications of available funds on the
21 actual or estimated cash condition of the treasury and shall
22 consider outstanding and undisbursed appropriations at the end of
23 each fiscal year [~~biennium~~] as probable disbursements of the
24 succeeding fiscal year [~~biennium~~] in the same manner that earned
25 but uncollected income of a current fiscal year [~~biennium~~] is
26 considered in probable receipts of the succeeding fiscal year
27 [~~biennium~~]. The comptroller shall consider as probable

1 disbursements warrants that will be issued by the state before the
2 end of the fiscal year.

3 SECTION 9. The heading to Section 253.034, Election Code,
4 is amended to read as follows:

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

7 SECTION 10. Section 253.034, Election Code, is amended by
8 amending Subsections (a), (b), and (c) and adding Subsection (a-1)
9 to read as follows:

10 (a) During the period beginning on the 30th day before the
11 date a regular [~~legislative~~] session of the legislature convenes
12 and continuing through the 20th day after the date of final
13 adjournment of that regular session, a person may not knowingly
14 make a political contribution to:

- 15 (1) a statewide officeholder;
- 16 (2) a member of the legislature; or
- 17 (3) a specific-purpose committee for supporting,
18 opposing, or assisting a statewide officeholder or member of the
19 legislature.

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

- 22 (1) the governor or lieutenant governor;
- 23 (2) a member of or a candidate for election to the
24 legislature; or
- 25 (3) a specific-purpose committee for supporting,
26 opposing, or assisting the governor, the lieutenant governor, or a
27 member of or a candidate for election to the legislature.

1 (b) A statewide officeholder, a member of or a candidate for
2 election to the legislature, or a specific-purpose committee for
3 supporting, opposing, or assisting a statewide officeholder or a
4 member of or candidate for election to the legislature may not
5 knowingly accept a political contribution, and shall refuse a
6 political contribution that is received, during an applicable ~~[the]~~
7 period prescribed by Subsection (a) or (a-1). A political
8 contribution that is received and refused during that period shall
9 be returned to the contributor not later than the 30th day after the
10 date of receipt. A contribution made by United States mail or by
11 common or contract carrier is not considered received during a
12 ~~[that]~~ period if it was properly addressed and placed with postage
13 or carrier charges prepaid or prearranged in the mail or delivered
14 to the contract carrier before the beginning of the period. The
15 date indicated by the post office cancellation mark or the common or
16 contract carrier documents is considered to be the date the
17 contribution was placed in the mail or delivered to the common or
18 contract carrier unless proven otherwise.

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

21 (1) in an election held or ordered during a ~~[the]~~
22 period prescribed by Subsection (a) or (a-1) in which the person
23 accepting the contribution is a candidate if the contribution was
24 made after the person appointed a campaign treasurer with the
25 appropriate authority and before the person was sworn in for that
26 office;

27 (2) to defray expenses incurred in connection with an

1 election contest; or

2 (3) by a person who holds a state office or a member of
3 the legislature or by a specific-purpose political committee that
4 supports or assists only that person or member if the contribution
5 was made during the period prescribed by Subsection (a) and the
6 person or member was defeated at the general election held
7 immediately before the regular session is convened [~~or by a~~
8 ~~specific-purpose political committee that supports or assists only~~
9 ~~that person or member~~].

10 SECTION 11. The heading to Section 253.0341, Election Code,
11 is amended to read as follows:

12 Sec. 253.0341. RESTRICTIONS ON CONTRIBUTIONS TO
13 LEGISLATIVE CAUCUSES DURING AND FOLLOWING REGULAR OR BUDGET
14 [LEGISLATIVE] SESSION OF LEGISLATURE.

15 SECTION 12. Sections 253.0341(a) and (b), Election Code,
16 are amended to read as follows:

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

23 (b) A legislative caucus may not knowingly accept from a
24 nonmember a contribution, and shall refuse a contribution from a
25 nonmember that is received, during a [the] period prescribed by
26 Subsection (a). A contribution that is received and refused during
27 a [that] period prescribed by Subsection (a) shall be returned to

1 the contributor not later than the 30th day after the date of
2 receipt. A contribution made by United States mail or by common or
3 contract carrier is not considered received during a [~~that~~] period
4 if it was properly addressed and placed with postage or carrier
5 charges prepaid or prearranged in the mail or delivered to the
6 contract carrier before the beginning of the period. The date
7 indicated by the post office cancellation mark or the common or
8 contract carrier documents is considered to be the date the
9 contribution was placed in the mail or delivered to the common or
10 contract carrier unless proven otherwise.

11 SECTION 13. The changes in law made by this Act do not
12 affect the validity of an appropriation made before September 1,
13 2017, for any part of the two consecutive state fiscal years ending
14 August 31, 2019.

15 SECTION 14. (a) This Act takes effect as provided by
16 Subsection (b), but only if the constitutional amendment proposed
17 by the 84th Legislature, Regular Session, 2015, providing for an
18 annual state budget and annual legislative sessions for budget
19 purposes is approved by the voters. If that proposed
20 constitutional amendment is not approved by the voters, this Act
21 has no effect.

22 (b) This section and Section 7 of this Act take effect
23 January 1, 2016. The other sections of this Act take effect
24 September 1, 2017.