

**SUBJECT:** Revising the deadline for the governor to submit a budget

**COMMITTEE:** Government Reform — favorable, without amendment

**VOTE:** 4 ayes — Swinford, Allen, Casteel, R. Cook

0 nays

3 absent — Gallego, Callegari, T. Smith

**WITNESSES:** No public hearing

**BACKGROUND:** Government Code, ch. 401 designates the governor as the state's chief budget officer and establishes the governor's responsibility for preparing a budget and presenting copies to the Legislature no later than the sixth day of the regular legislative session. Sec. 401.047 establishes a fine of between \$100 and \$1,000, confinement in the county jail for one month to one year, or both for a person who refuses to comply with ch. 401, subchapter C, which details the governor's budget responsibilities, except for provisions calling for cooperation with the Legislative Budget Board (LBB).

Texas Constitution, Art. 4, sec. 9 requires the governor, at the commencement of each legislative session, to give the Legislature information on the condition of the state, commonly called the state-of-the-state message.

**DIGEST:** HB 3 would require the governor to deliver a copy of the governor's budget before the state-of-the-state message, rather than no later than the sixth day of the regular legislative session. It would repeal Government Code, sec. 401.047.

The bill would take effect December 1, 2003.

**SUPPORTERS SAY:** HB 3 is necessary to establish a more realistic time frame for the governor to submit a budget proposal and to remove inappropriate criminal penalties for not following budget requirements. Currently, the governor must submit a budget proposal by the sixth day of the legislative session. This can be difficult, especially since the comptroller's estimate of available review can

occur immediately before a session begins and subsequently may be revised. HB 3 would address this problem by allowing governors to submit their budgets by the time they give their state-of-state-address, a realistic, flexible deadline.

Governors would not submit their budgets in an untimely manner, nor would the Legislature's review of the appropriations process be delayed, because the Constitution requires the state-of-the-state address to be given at the commencement of the session. The address usually occurs in late January or early February. In fact, HB 3 would help the legislative process by allowing the governor time to confer with legislative leaders, particularly after a leadership transition such as the one that occurred before the 2003 regular session. In the state-of-the-state address, governors lay out their priorities for the session, so this would be an appropriate time for them also to specify their budget priorities.

It is inappropriate for the governor to be subject to potential jail time for not meeting the Government Code's requirements about the budget, so HB 3 would remove the criminal penalties.

**OPPONENTS  
SAY:**

If it is unrealistic to require the governor to submit a budget by the sixth day of the legislative session, it would be better to set a more realistic, explicit deadline than to leave the timing of the submission up to the governor's discretion. Although the Constitution requires the state-of-the-state address to be given at the commencement of each session, no hard and fast rule establishes when that must occur. Because the deadline for the governor's budget submission would be pegged to that address, HB 3 would eliminate an exact deadline for the governor's budget submission. To facilitate the orderly writing of a state budget, the comptroller and LBB have explicit deadlines for submitting budget information, and so should the governor.

**NOTES:**

During the first called session, the House on July 10 passed HB 59 by Casteel by nonrecord vote, two members recorded voting nay. The bill died in the Senate. HB 59 contained a provision, not in HB 3, that would have repealed ch. 2053 of the Government Code, which requires the governor to prepare and submit to the Legislature a biennial report on the organization and efficiency of state agencies.

HB 3  
House Research Organization  
page 3

Art. 2 of SB 22 by Ellis, first called session, an omnibus government reorganization bill, was identical to HB 3. SB 22 passed the Senate, but died in the House Government Reform Committee.