

No. \_\_\_\_\_

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**In the Supreme Court of Texas**

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IN RE CHRIS TURNER, IN HIS CAPACITY AS A MEMBER OF THE TEXAS HOUSE OF REPRESENTATIVES AND HIS CAPACITY AS CHAIR OF THE HOUSE DEMOCRATIC CAUCUS; TEXAS AFL-CIO; HOUSE DEMOCRATIC CAUCUS; MEXICAN AMERICAN LEGISLATIVE CAUCUS; TEXAS LEGISLATIVE BLACK CAUCUS; LEGISLATIVE STUDY GROUP; THE FOLLOWING IN THEIR CAPACITIES AS MEMBERS OF THE TEXAS HOUSE OF REPRESENTATIVES: ALMA ALLEN, RAFAEL ANCHÍA, MICHELLE BECKLEY, DIEGO BERNAL, RHETTA BOWERS, JOHN BUCY, ELIZABETH CAMPOS, TERRY CANALES, SHERYL COLE, GARNET COLEMAN, NICOLE COLLIER, PHILIP CORTEZ, JASMINE CROCKETT, YVONNE DAVIS, JOE DESHOTEL, ALEX DOMINGUEZ, HAROLD DUTTON, JR., ART FIERRO, BARBARA GERVIN-HAWKINS, JESSICA GONZÁLEZ, MARY GONZÁLEZ, VIKKI GOODWIN, BOBBY GUERRA, RYAN GUILLEN, ANA HERNANDEZ, GINA HINOJOSA, DONNA HOWARD, CELIA ISRAEL, ANN JOHNSON, JARVIS JOHNSON, JULIE JOHNSON, TRACY KING, OSCAR LONGORIA, RAY LOPEZ, EDDIE LUCIO III, ARMANDO MARTINEZ, TREY MARTINEZ FISCHER, TERRY MEZA, INA MINJAREZ, JOE MOODY, CHRISTINA MORALES, EDDIE MORALES, PENNY MORALES SHAW, SERGIO MUÑOZ, JR., VICTORIA NEAVE, CLAUDIA ORDAZ PEREZ, EVELINA ORTEGA, LEO PACHECO, MARY ANN PEREZ, ANA-MARIA RAMOS, RICHARD RAYMOND, RON REYNOLDS, EDDIE RODRIGUEZ, RAMON ROMERO JR., TONI ROSE, JON ROSENTHAL, CARL SHERMAN, SR., JAMES TALARICO, SHAWN THIERRY, SENFRONIA THOMPSON, JOHN TURNER, HUBERT VO, ARMANDO WALLE, GENE WU, AND ERIN ZWIENER; AND THE FOLLOWING IN THEIR CAPACITIES AS LEGISLATIVE EMPLOYEES: KIMBERLY PAIGE BUFKIN, MICHELLE CASTILLO, RACHEL PIOTRZKOWSKI, AND DONOVON RODRIGUEZ,  
*Relators.*

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On Petition for Writ of Mandamus

to Gregory S. Davidson, in his official capacity as Executive Clerk to the Governor; Jose A. Esparza, in his official capacity as Deputy Secretary of State and Acting Secretary of State of the State of Texas;

and Glenn Hegar, in his official capacity as Comptroller of Public  
Accounts of the State of Texas

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**PETITION FOR WRIT OF MANDAMUS**

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**Respondents:**

Jose A. Esparza, in his official capacity as Deputy Secretary of State  
and Acting Secretary of State of the State of Texas

Gregory S. Davidson, in his official capacity as Executive Clerk to the  
Governor

Glenn Hegar, in his official capacity as Comptroller of Public Accounts  
of the State of Texas

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## STATEMENT OF THE CASE

*Nature of the proceeding:*

This is a petition, under this Court’s original jurisdiction, for a writ of mandamus compelling state officials to give full effect to Article X of SB 1, 87th Leg. (Tex. 2021) [App. A] in recognition that Governor Greg Abbott’s line-item veto of that article is unconstitutionally invalid and therefore void.

*Respondents:*

Gregory S. Davidson, in his official capacity as Executive Clerk to the Governor  
Jose A. Esparza, in his official capacity as Deputy Secretary of State and Acting Secretary of State of the State of Texas  
Glenn Hegar, in his official capacity as Comptroller of Public Accounts of the State of Texas

*Respondents’ challenged actions:*

On June 18, 2021, Governor Greg Abbott signed into law SB 1, the appropriations bill for 2022–2023—but vetoed the entirety of Article X of that bill (other than appropriations for certain employee benefits). This veto, if given effect, would defund and render inoperative the entire legislative branch of the Texas government, including nonpartisan legislative agencies, affecting the livelihoods of thousands of Texas state employees and undermining the separation of powers directive in the Constitution of the State of Texas. Governor Abbott’s veto is unconstitutional, unlawful, and void. Relators therefore seek a writ of mandamus directing Respondents to give effect to the entirety of SB 1, including Article X.

## STATEMENT OF JURISDICTION

This Court has original jurisdiction over this petition for a writ of mandamus. *See* Tex. Gov't Code § 22.002(c) (“Only the supreme court has the authority to issue a writ of mandamus or injunction, or any other mandatory or compulsory writ or process, against any of the officers of the executive departments of the government of this state to order or compel the performance of a judicial, ministerial, or discretionary act or duty that, by state law, the officer or officers are authorized to perform.”); *A & T Consultants, Inc. v. Sharp*, 904 S.W.2d 668, 672 (Tex. 1995) (“[W]hen a relator seeks to compel an executive officer to perform duties imposed by law, generally this Court alone is the proper forum.”).

Further, there is “strong and special reason” for the Court to exercise its original jurisdiction in this case because this “proceeding involves questions which are of general public interest and call for a speedy determination.” *In re Occidental Chemical Corp.*, 561 S.W.3d 146, 155 (Tex. 2018) (internal quotation marks omitted). The question of whether the Governor may render a co-equal branch of government inoperative is one that must be answered with “urgent necessity.” *Id.*

## **STATEMENT REGARDING ORAL ARGUMENT AND REQUEST FOR EXPEDITED BRIEFING AND DECISION**

The 2020–2021 appropriations to the legislative branch will expire on August 31, 2021. Absent swift judicial intervention, Governor Abbott’s veto will unconstitutionally deprive his co-equal branch of its operating budget in less than three months. Even now, the prospect of the destruction of the legislative branch is impairing the powers granted its members. Moreover, the Governor’s veto is presently causing significant harm to thousands of individual state employees, many of whom are represented by an affiliate of Relator Texas AFL-CIO. Employees of the legislative branch (including nonpartisan agencies) rely on paychecks to support themselves and their families. These public servants must plan now to address impending loss of income. Relators respectfully request that the Court expedite this petition in light of this immediate and ongoing injury.

Relators respectfully request oral argument. In light of Governor Abbott’s announcement that he will convene a special legislative session on July 8, Relators propose an expedited briefing schedule in advance of argument, with Relators’ opening brief due July 2, Respondents’ opposition due July 9, and Relators’ reply due July 14. Relators

respectfully request that this Court issue a decision well in advance of the September 1 appropriations lapse to ensure the protection of legislative power in the interim and upcoming legislative session and provide certainty to the thousands whose livelihoods are at risk from the unconstitutional veto.

## **ISSUE PRESENTED**

Whether a gubernatorial veto that seeks to eliminate, in its entirety, funding for a co-equal branch of government violates the Texas Constitution, including the separation of powers, and therefore shall not be given effect by state officials charged with implementing the law.

## INTRODUCTION

“[I]f there is a principle in . . . any free Constitution, more sacred than another, it is that which separates the Legislative, Executive and Judicial powers.” James Madison, 5 *The Writings of James Madison: 1787–1790*, at 411 (Gaillard Hunt ed., 1904). Texas has taken this concern for separate and co-equal branches of government a step further by enshrining in its Constitution “an explicit Separation of Powers provision to curb overreaching and to spur rival branches to guard their prerogatives.” *In re State Bd. for Educator Certification*, 452 S.W.3d 802, 808 n.39 (Tex. 2014); see Tex. Const. art. II, § 1. That provision is “violated when one branch *unduly* interferes with another branch so that the other branch cannot *effectively* exercise its constitutionally assigned powers.” *Armadillo Bail Bonds v. State*, 802 S.W.2d 237, 239 (Tex. Crim. App. 1990) (citations omitted). This case involves a profound—indeed, unprecedented—violation of that principle: Governor Abbott’s decision to defund the co-equal legislative branch in retaliation for the way it exercised its constitutionally delegated authority.

At the end of the 87th Legislature’s regular session, several bills favored by Governor Abbott failed to pass the House of Representatives.

In response, on June 18, 2021, the Governor vetoed Article X of SB 1, containing the Legislature’s entire budget for the 2022–2023 fiscal years.

In effectively abolishing the Legislature, Governor Abbott expressly tied his decision to the Legislature’s failure to pass bills, demanding that the Speaker “step up and make sure these bills pass” before funding is restored. App. J.

Governor Abbott’s veto is unconstitutional and thus should not be given effect. It unambiguously violates the Constitution’s guarantee of legislator salaries. Tex. Const. art. III, § 24. It violates the Constitution’s delegation of legislative powers to the House and Senate including the power of the House to enforce its rules. *Id.* art. III, §§ 1, 5 & 11. The veto thus transgresses the explicit separation of powers and republican form of government guarantees of the Texas Constitution. *Id.* art. I, § 2, art. II, § 1.

Governor Abbott’s position—that he is able to defund a co-equal branch unless or until it bends to his will—contains no limiting principle. Rather, by the Governor’s reasoning, the separation of powers permits him effectively to abolish the Legislature for any legitimate exercises of its authority, including failing to propose his preferred bills, for

filibustering them, or for refusing to pass them. This action sets a dangerous precedent. If the Governor can veto Article X, then he could just as easily veto Article III, defunding the judiciary. Governor Abbott seeks to commandeer the lawmaking process by permitting the Legislature's existence only when it follows his will. Such an "accumulation of all powers . . . may justly be pronounced the very definition of tyranny," THE FEDERALIST NO. 47 (James Madison), and is "not to be entertained for one moment," *Fulmore v. Lane*, 140 S.W. 405, 423 (1911) (Ramsey, J., dissenting in part).

For these reasons, Relators—including Members of the House of Representatives, legislative caucuses, legislative employees, and a labor federation representing the interests of legislative employees, all directly harmed by Governor Abbott's actions—respectfully request that this Court declare Governor Abbott's veto unconstitutional and void *ab initio* and issue a writ of mandamus requiring the Secretary of State, the Comptroller, and the Executive Clerk to the Governor to give effect to the entirety of SB 1, including Article X.

## STATEMENT OF FACTS

### **I. The Legislature Appropriated Reasonable Sums for the Next Biennium**

In January 2021, at the start of this legislative session, SB 1—a general appropriations bill—was introduced. The nearly one thousand-page bill appropriated \$116 billion to fund state services for the next two fiscal years.

Article X of SB 1 appropriated approximately \$410.4 million for the Legislature, including not only the House and Senate, but also other nonpartisan offices such as the Legislative Budget Board and the Legislative Council. Act of May 27, 2021, 87th Leg., R.S., S.B. 1, Art. X at X-12 [App. A].

SB 1 passed with overwhelming bipartisan support in both the House and Senate. App. K. Governor Abbott expressed neither objection nor concern about the proposed budget in general or the level of funding for the Legislature in particular. Indeed, when Governor Abbott eventually signed the budget (minus Article X), he celebrated it as a “fiscally conservative Texas budget.” App. L.

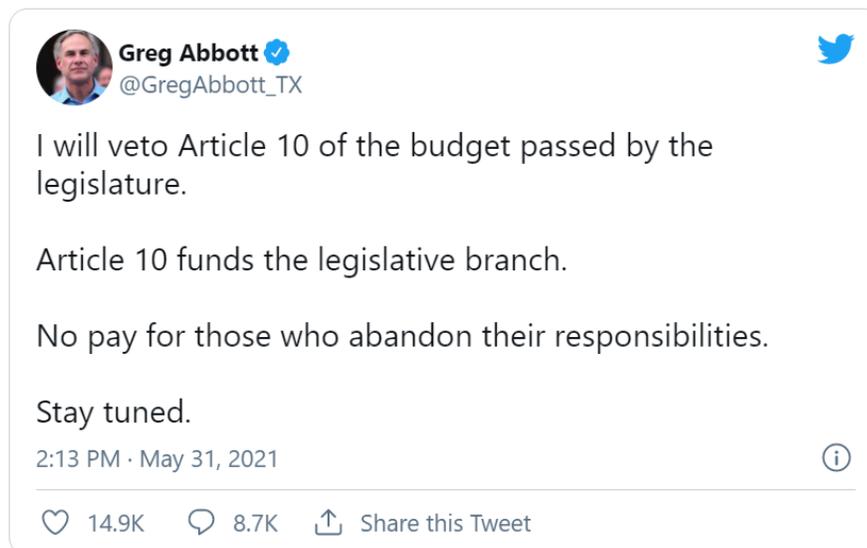
## **II. Governor Abbott Threatens the Legislature's Funding**

The 87th Texas Legislature passed many significant pieces of legislation, in addition to the budget. Like the budget, many of these bills involved significant negotiation and compromise.

At the end of the regular session, Governor Abbott's allies in the Legislature advanced several of his legislative priorities, including a sweeping overhaul to Texas elections and voting practices, as well as a bill that would make it more difficult for criminal defendants to obtain bail. In an effort to push through the bills in the last days of Session, the bills' proponents took extraordinary measures to suspend the rules designed to allow adequate consideration before a vote. App. M. The election bill, which emerged from this opaque process with new provisions even proponents now say they oppose, was met with significant public outrage, especially from communities of color. In protest of the hasty process used to seek to pass the bills, members of the Democratic caucus in the House left the chamber, using an appropriate

legislative tool<sup>1</sup> to deny the House a quorum to act on the bills.<sup>2</sup> The bills therefore failed to pass.

The next day, Governor Abbott responded by tweet, issuing an unprecedented threat to the Legislature’s very existence:



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Later that day, and at several points in the following days, Governor Abbott expressly tied his veto threat to the Legislature’s failure to pass his preferred bills, App. N, *see also* Apps. J, O, and P, specifically

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<sup>1</sup> See, e.g., John Quincy Adams, *Memoirs of John Quincy Adams, comprising portions of his diary from 1795 to 1848*, at 230 (1876) (“I had resolved, if thus called, not to answer to my name. Many other members had determined to do the same, and if all the minority would do so, the majority could not form a quorum of the House, and therefore could not perpetrate this outrage upon all justice and all law.”).

<sup>2</sup> In the closing hours of debate, the Speaker explicitly informed members that he would not lock the chamber doors or compel member attendance.

<sup>3</sup> Greg Abbott (@GregAbbott), Twitter (May 31, 2021, 1:13 PM CT), [https://twitter.com/GregAbbott\\_TX/status/1399428885008236544](https://twitter.com/GregAbbott_TX/status/1399428885008236544).

noting that the Speaker of the House “has a role to play here” and “needs to step up and get the job done.” App. Q.

According to the Legislative Reference Library of Texas, “[a] governor targeting the Legislature’s budget would be unprecedented in Texas history.” App. R. Indeed, there has not been “a governor in modern times who has taken such a step to minimize the legislative branch of government”—placing the state in “uncharted territory.”<sup>4</sup>

### **III. Governor Abbott Unconstitutionally Attempts to Abolish the Legislature**

Governor Abbott made good on his threat on June 18, 2021, by attempting to veto the entirety of Article X of the budget (other than the separate provisions for certain employee benefits). Governor Abbott also chose to strike the line items providing that “[a]ny unobligated and unexpended balances remaining as of August 31, 2021, from appropriations made [to each relevant body] are appropriated to [that body] for the same purposes for the biennium beginning September 1, 2021.”<sup>5</sup> In other words, Governor Abbott not only refused to agree to new

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<sup>4</sup> *Id.* (quoting a political scientist at the University of Houston and the president of the Texas Taxpayers and Research Association).

<sup>5</sup> *See* Tex. Gov. Proclamation at 1, *SB 1 Signature and Item Disapproval Proclamation* (June 18, 2021) [App. B].

appropriations for the next biennium, but also purported to prohibit the redirection of monies already appropriated, thereby depriving the Legislature from relying on any holdover funds to stay in operation.

Article X appropriations for the Senate and House of Representatives and for six nonpartisan offices include nearly 2,109 full-time positions. App. S. If the veto is given effect, it closes the joint committee that develops budget and policy recommendations for legislative appropriations;<sup>6</sup> the nonpartisan agency that “assist[s] legislators in drafting and analyzing proposed legislation”;<sup>7</sup> the commission that evaluates whether state agencies and programs should or should not continue to exist;<sup>8</sup> the independent auditor that reviews and investigates entities receiving state funds;<sup>9</sup> and the library that serves not only the legislature, but also the public and other state agencies.<sup>10</sup>

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<sup>6</sup> *About Legislative Budget Board*, Leg. Budget Bd., [https://www.lbb.state.tx.us/About\\_LBB.aspx](https://www.lbb.state.tx.us/About_LBB.aspx).

<sup>7</sup> *About the Council*, Tex. Leg. Council, <https://tlc.texas.gov/about>.

<sup>8</sup> *Frequently Asked Questions*, Tex. Sunset Advisory Comm’n, <https://www.sunset.texas.gov/about-us/frequently-asked-questions>.

<sup>9</sup> *The State Auditor’s Office*, Tex. State Auditor’s Office, <https://sao.texas.gov/About/>.

<sup>10</sup> *Mission*, Leg. Ref. Lib. of Tex., <https://lrl.texas.gov/library/index.cfm>.

Governor Abbott expressly tied his decision to veto Article X to the Legislature's failure to pass his preferred bills. His "statement of [] objections" to the line items he vetoed in Article X explained:

Texans don't run from a legislative fight, and they don't walk away from unfinished business. Funding should not be provided for those who quit their job early, leaving their state with unfinished business and exposing taxpayers to higher costs for an additional legislative session. I therefore object to and disapprove of these appropriations.<sup>11</sup>

Since then, Governor Abbott has set a special session of the Legislature starting July 8. App. V. He has indicated that he will require the Legislature to pass his priority bills and, should the Legislature fail him again, will either not add legislative funding to the call or will veto the funding bill again and again until he receives all the laws he desires.

#### **IV. Governor Abbott's Unconstitutional Action Harms Thousands of Public Servants, Including Relators**

If given legal effect, Governor Abbott's unconstitutional veto will effectively result in the abolition of the Legislature on September 1, 2021. And before then, even the prospect that the unconstitutional veto will take effect grants the executive branch unconstitutional coercive

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<sup>11</sup> See Tex. Gov. Proclamation at 3, *SB 1 Signature and Item Disapproval Proclamation* (June 18, 2021) [App. B]; see also Apps. T and U.

authority over the legislative branch. In the absence of funding, the Senate, the House, their staff, and the nonpartisan offices funded through Article X will close. The public will feel these effects, through the loss in constituent services, the free rein given to state contractors released from oversight into fraud and waste, and the inability for representatives to develop new legislation addressing pressing problems including undertaking redistricting.

The shutdown of the legislative branch will also directly harm the public servants who staff it. These include not only political staffers and policymakers, but also the workers who handle payroll, those who move furniture between offices, who serve as parking attendants, who handle tasks in the mail room, who order office supplies, and who print business cards. Civil servants, including Relators Bufkin, Castillo, Piotrkowski, and Rodriguez and workers represented by an affiliate of Relator Texas AFL-CIO,<sup>12</sup> are now suffering serious harm from the veto.

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<sup>12</sup> Relator Texas AFL-CIO thus has associational standing to vindicate the interests of its members, including the Texas State Employees Union, which counts among its members workers whose paycheck falls within the Article X appropriations. *See Tex. Ass'n of Bus. v. Tex. Air Control Bd.*, 852 S.W.2d 440, 447 (Tex. 1993) (adopting federal standards); *see also New York State Club Ass'n v. City of New York*, 487 U.S. 1, 9 (1988) (providing for associational standing for associations of associations).

## ARGUMENT

### I. An Unconstitutional Veto Has No Effect

Texas courts have routinely set aside the governor’s veto where it exceeded his authority—because his veto was too late, *see Minor v. McDonald*, 140 S.W. 401, 404 (Tex. 1911); because he tried to veto an appropriations rider rather than a line-item, *see Jessen Assocs., Inc. v. Bullock*, 531 S.W.2d 593, 598 (Tex. 1975); or because he tried to redirect how money was to be used, *see Fulmore*, 140 S.W. at 412 (opinion of Dibrell, J.). If one branch “exceed[s] its authority, by usurping powers not belonging to it, its act is a nullity, not binding upon the other departments, and may be totally disregarded by them.” *Houston Tap & B. Ry. Co. v. Randolph*, 24 Tex. 317, 336 (Tex. 1859).

Thus, in the absence of an effective veto, SB 1—as passed by the Legislature—is the law. *See* Tex. Const. art. IV, § 14. For the reasons set forth below, Governor Abbott’s veto was not exercised in compliance with the Constitution. The state officials charged with implementing the law must therefore give Article X full effect. *See Jessen*, 531 S.W.3d at 598 (“To the extent that the Governor’s actions exceed this [veto] authority, they have no effect.”).

## **II. Governor Abbott’s Veto Is Unconstitutional to the Extent It Violates the Legislative Salaries Clause**

Governor Abbott’s veto eliminates the appropriations for the House and Senate, which includes the funding for elected members’ salaries and per diems. This directly conflicts with the constitutional guarantee that members will receive those funds.

The Texas Constitution unambiguously directs:

Members of the Legislature shall receive from the Public Treasury a salary of Six Hundred Dollars (\$600) per month . . . . Each member shall also receive a per diem set by the Texas Ethics Commission for each day during each Regular and Special Session of the Legislature.

Tex. Const. art. III, § 24. Governor Abbott’s veto would unconstitutionally withhold legislators’ salaries and any applicable per diem in violation of Section 24 and the veto is therefore void. *See, e.g., City of Beaumont v. Bouillion*, 896 S.W.2d 143, 149 (Tex. 1995) (“The framers of the Texas Constitution . . . intended that a law contrary to a constitutional provision is void.”).

## **III. Governor Abbott’s Veto Is Unconstitutional to the Extent It Vetoes Rollover Funds**

Governor Abbott’s veto is also void as to the line items in Article X providing that “[a]ny unobligated and unexpended balances remaining as of August 31, 2021, from appropriations made [to each relevant body]

are appropriated to [that body] for the same purposes for the biennium beginning September 1, 2021.”<sup>13</sup> This Court has explained that the governor’s veto authority extends only to appropriations themselves—not to reappropriations of already-appropriated funds. *See Jessen*, 531 S.W.2d at 598 (“It follows conclusively that where the veto power is attempted to be exercised to object to . . . language qualifying an appropriation or directing the methods of its uses, he exceeds the constitutional authority vested in him, and his objection . . . becomes noneffective.”). But that is precisely what the Governor sought to do. *See id.* at 599 (distinguishing appropriations from “language which qualifies or directs the use of appropriated funds”). This portion of the veto is therefore *ultra vires* and may not be given effect.

#### **IV. Governor Abbott’s Veto Is Unconstitutional Because It Violates the Separation of Powers Clause**

Governor Abbott’s veto likewise violates the separation of powers guarantee enshrined in the Texas Constitution, which prohibits any member of one of the state’s “three distinct departments” from

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<sup>13</sup> *See* Tex. Gov. Proclamation at 1, *SB 1 Signature and Item Disapproval Proclamation* (June 18, 2021) [App. B].

“exercis[ing] any power properly attached to either of the others.” *See* Tex. Const. art. II.

“So important is this division of governmental power that it was provided for in the first section of the first article of the Constitution of the Republic of Texas, and alone it constituted article 2 of each succeeding Constitution.” *Langever v. Miller*, 76 S.W.2d 1025, 1035 (Tex. 1934). The importance placed on this principle “reflects a belief . . . that one of the greatest threats to liberty is the accumulation of excessive power in a single branch of government,” *Armadillo Bail Bonds v. State*, 802 S.W.2d 237, 239 (Tex. Crim. App. 1990), and, “[a]ll other things being equal, this textual difference between the United States and Texas constitutions suggests that Texas would more aggressively enforce separation of powers between its governmental branches than would the federal government,” *Ex parte Perry*, 483 S.W.3d 884, 894 (Tex. Crim. App. 2016) (citation omitted).

Under the Constitution, “neither one nor all of the” executive, legislative, or judicial “departments so created can enlarge, restrict, or destroy the powers of any one of these, except as the power to do so may

be expressly given by the constitution.” *Lytle v. Halff*, 12 S.W. 610, 611 (Tex. 1889).

As the framers of the federal Constitution understood, independent sources of adequate funding are necessary to ensure that the independence of co-equal branches will not be “merely nominal and nugatory.” THE FEDERALIST NO. 73 (Alexander Hamilton)(describing fixed compensation for the President); *see also* THE FEDERALIST NO. 51 (James Madison) (noting that independent funding is necessary to ensure “independence in every other” respect between co-equal branches).

This Court has arrived at this same inescapable conclusion. *See Vondy v. Comm’rs Court of Uvalde Cty*, 620 S.W.2d 104 (Tex. 1981). The Court has held that “[t]he legislative branch of this state has the duty to provide the judiciary with the funds necessary for the judicial branch to function adequately. If this were not so, a legislative body could destroy the judiciary by refusing to adequately fund the courts.” *Id.* at 110. Similarly, this Court has explained that such funding requirements go beyond individual Legislators’ salaries and include staff and other resources required by the Legislature. *See Terrell v. King*, 14 S.W.2d 786, 791–92 (Tex. 1929).

Separation of powers principles can be violated in one of two ways: *first*, “when one branch of government assumes, or is delegated, *to whatever degree*, a power that is more ‘properly attached’ to another branch.” And *second*, “when one branch *unduly* interferes with another branch so that the other branch cannot *effectively* exercise its constitutionally assigned powers.” *Armadillo Bail Bonds*, 802 S.W.2d at 239 (citations omitted). “The first type of violation has to do with a usurpation of one branch’s powers by another branch. The second type has to do with the frustration or delay of one branch’s powers by another branch.” *Rushing v. State*, 50 S.W.3d 715, 723-24 (Tex. App.—Waco 2001), *aff’d*, 85 S.W.3d 282 (Tex. Crim. App. 2002). Governor Abbott’s veto of Article X violates the separation of powers in both ways.

**A. Governor Abbott’s Veto Unduly Interferes with the Legislature’s Power**

The separation-of-powers doctrine requires that “*any* attempt by one department of government to interfere with the powers of another is null and void.” *Villarreal v. State*, 504 S.W.3d 494, 503 (Tex. App.—Corpus Christi 2016, pet. ref’d) (quoting *Meshell v. State*, 739 S.W.2d 246, 252 (Tex. Crim. App. 1987) (en banc)) (emphasis added).

Defunding the Legislature for an entire biennium unless it passes the bills the Governor demands, when they are demanded, interferes with powers granted the Legislature; indeed it effectively abolishes it. It thus “completely disrupt[s] . . . [its] ability to function.” *See, e.g., State ex rel. Brotherton v. Blankenship*, 207 S.E.2d 421, 433 (W. Va. 1973) (“It would defy reality and reason to say that either of those officers could conduct the business of such offices, as intended by the people, without any funds with which to operate and personnel to assist them. The Governor’s act in reducing such accounts to zero has effectively abolished the function of such offices.”).<sup>14</sup>

Other constitutional provisions likewise confirm that eliminating the funding of public offices raises significant constitutional concerns. For example, the Texas Constitution explicitly guarantees “the preservation of a republican form of government.” Tex. Const. art. I, § 2. And the Constitution specifies that “[t]he Legislature shall provide by law for the compensation of all officers, servants, agents and public

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<sup>14</sup> It is no answer that the Legislature can pass the budget again in special session—after it has bent to Governor Abbott’s will on the other bills he first places before it. A Legislature that can earn the right to exist only after fully executing the Governor’s agenda is not a co-equal branch and the Governor could simply veto the funding again.

contractors, not provided for in this Constitution.” *Id.* art. III, § 44. In striking a statute permitting judicial approval of certain compensation, the Court of Civil Appeals made clear that “Art. II, s 1 [the separation of powers clause] prohibits the judiciary from exercising any power expressly granted the [L]egislature and . . . Art. III, s 44 expressly provides that the [L]egislature shall set the compensation of officers.” In *re Johnson*, 554 S.W.2d 775, 780 (Tex. Civ. App. 1977) (orig. proceeding); *see also Comm’rs Court of Lubbock Cty v. Marin*, 471 S.W.2d 100, 105 (Tex. Civ. App. 1971, writ ref’d n.r.e.). Because “[t]he veto power, when exercised, is a legislative and not an executive function,” *Fulmore*, 105 Tex. at 411, this provision binds the Governor as well.

Governor Abbott’s veto unconstitutionally interferes with the power to provide by law for the compensation of legislative officers, servants, and agents—an infringement of another power given to the Legislature. Under that provision, the Legislature does not have the power to defund Governor Abbott. *See Terrell v. Middleton*, 191 S.W. 1138, 1147 (Tex. 1917) (noting that under section 44, the Legislature is “impliedly inhibit[ed] . . . from enlarging or reducing the amount of [the Governor’s]

compensation”). Comity between the branches requires that the Legislature receive the same benefit.

### **B. Governor Abbott’s Veto Improperly Assumes the Legislature’s Power**

Governor Abbott’s veto also attempts to improperly assume—indeed, usurp—the constitutional powers of the Legislature through coercion.

The power to pass legislation is unambiguously vested in the Legislature. “It is well established that the state Legislature is clothed with all governmental power which resides in the people.” *Conley v. Daughters of the Republic*, 156 S.W. 197, 200 (Tex. 1913); *see also Martinez v. State*, 323 S.W.3d 493, 501 (Tex. Crim. App. 2010) (“Our Legislature, which ‘declares the public policy of the state,’ holds the exclusive power to make law.”). Indeed, like the courts’ authority to decide cases, the Legislature’s ability to assess, propose, and pass legislation is “so fundamental and so necessary,” and “so inherent in its very nature,” that it “must be entirely free from . . . interference.” *Ex parte Gill*, 413 S.W.3d 425, 431-32 (Tex. Crim. App. 2013). This is particularly so with regard to Article III, Section 44, which specifically

delegates to the Legislature the sole authority to provide for compensation for government officers and public servants.

“[A] power which has been granted to one department of government may be exercised only by that branch to the exclusion of the others.” *Ex parte Giles*, 502 S.W.2d 774, 780 (Tex. Crim. App. 1973). Nor can one branch attempt to commandeer another’s actions indirectly; for example, the “legislature cannot . . . indirectly control the action of the courts, by requiring of them a construction of the law according to its own views.” *Langever*, 76 S.W.2d at 1036.

Governor Abbott’s veto is an attempt to coerce, and thereby direct, how the Legislature discharges its functions—far exceeding the usual mechanism of the veto as a check on legislative excess. If accepted, it would allow the governor to indirectly commandeer the Legislature by making its very existence contingent on its willingness to enact the governor’s preferred agenda. And it would set the precedent for the governor to do the same to the judiciary.<sup>15</sup>

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<sup>15</sup> To the extent that Governor Abbott attempts to defend his coercive actions as an appropriate response to certain legislators’ efforts to defeat a quorum, he would fail. Exercising the right to defeat a quorum is an appropriate tool undertaken in accordance with the House rules and enforcement of the House rules is constitutionally delegated solely to the House in Article III, Section 11. App. F.

To be clear, this case does not allege that Governor Abbott may never—or even rarely—veto any legislative appropriation. These facts present the extreme and unprecedented case in which the veto is explicitly designed to abolish the independent functioning of a co-equal branch. Governor Abbott vetoed Article X for the purpose of coercing the Legislature into passing his preferred bills. He is free to call the Legislature back again and again, or line-item veto particular appropriations, as Governors have done historically, but he is not free to abolish the Legislature unless he receives legislation he desires.

The coercive nature of Governor Abbott’s veto is another reason why it unduly interferes with the Legislature’s exercise of its powers. This veto is to subordinate the Legislature to Executive desires, thereby preventing the Legislature from exercising its own independent judgment on issues of public importance. Because of this, Governor Abbott’s veto is unconstitutional and may not be given legal effect. *See, e.g., Hemphill v. Watson*, 60 Tex. 679, 681 (Tex. 1884) (“[A]ny

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Even were this not true, the quorum break cannot justify the unconstitutional act at issue here.

constitutional provision is self-executing to this extent, that everything done in violation of it is void.”) (internal quotation omitted).

## **V. Mandamus Is Appropriate to Give Effect to Article X**

Mandamus is the appropriate remedy to resolve Governor Abbott’s *ultra vires* action. Relators have no other adequate remedy, and the harm they are suffering will only be exacerbated over time, given that Governor Abbott’s coercive special session will begin shortly, and the funding providing the salaries for the Members and legislative staff will end in nine weeks, a loss for which they must already plan.

“A writ of mandamus will issue to compel a public official to perform a ministerial act.” *Anderson v. Seven Points*, 806 S.W.2d 791, 793 (Tex. 1991). And “[a]n act is ministerial when the law clearly spells out the duty to be performed by the official with sufficient certainty that nothing is left to the exercise of discretion.” *Id.* Under Article IV, Section 14 of the Texas Constitution, bills that have passed both chambers of the Legislature and have not been validly vetoed become law twenty days after adjournment. That deadline has passed. Governor Abbott has not exercised a valid, constitutionally permissible veto. And so Article X is the law of Texas. The Secretary of State, Comptroller, and Executive

Clerk to the Governor therefore have no discretion but to give that law effect, and should be ordered to perform their duty. *See generally, e.g., Pickle v. McCall*, 24 S.W. 265 (Tex. 1893); *see also Fulmore*, 104 Tex. at 512 (finding governor's veto unconstitutional and therefore issuing mandamus to the Comptroller to give effect to appropriation as passed by the Legislature).

### **PRAYER**

For the foregoing reasons, Relators respectfully request the Court grant this petition and issue a writ of mandamus declaring that Governor Abbott's veto of Article X of SB 1 was unconstitutional, ineffective, and void *ab initio*, and that Article X became law on June 20, 2021, and ordering Respondents to give Article X full effect and to perform their duties consistent with that provision.

Dated: June 25, 2021

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## **CERTIFICATION**

Pursuant to Texas Rule of Appellate Procedure 52.3(j), I certify that I have reviewed this petition and that every factual statement in the petition is supported by competent evidence included in the appendix or record. I further certify that, under Rule 52.3(k)(1)(A), every document contained in the appendix is a true and correct copy.

/s/ Chad Dunn  
Chad Dunn

## **CERTIFICATE OF SERVICE**

I certify that on June 25, 2021, this document was served electronically on:

Judd Edward Stone III  
Texas Solicitor General  
209 W 14th St  
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/s/ Jim Dunnam  
Jim Dunnam

## **CERTIFICATE OF COMPLIANCE**

I certify that this petition complies with the type-volume limitation of Texas Rule of Appellate Procedure 9.4(i)(2)(D) because, per Microsoft Word, this document contains 4,478 words, excluding the portions of the

document exempted by Texas Rule of Appellate Procedure 9.4(i)(1). This petition also complies with the typeface requirements of Texas Rule of Appellate Procedure 9.4(e) because it has been prepared in a proportionally spaced typeface in 14-point font.

/s/ Jim Dunnam \_\_\_\_\_  
Jim Dunnam

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- Tab J: Patrick Svitek (@PatrickSvitek), Twitter (June 1, 2021, 4:32 PM CT),  
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Tab A

**ARTICLE X**  
**THE LEGISLATURE**

Sec. 1. The several sums of money herein specified, or so much thereby as may be necessary, are appropriated out of any funds in the State Treasury not otherwise appropriated, or out of special funds as indicated, for the support, maintenance, or improvement of the designated legislative agencies.

**SENATE**

	For the Years Ending	
	August 31, 2022	August 31, 2023
<b>Method of Financing:</b>		
General Revenue Fund	\$ 34,422,614	\$ 37,291,165
<b>Total, Method of Financing</b>	\$ 34,422,614	\$ 37,291,165

**This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.**

**Items of Appropriation:**

**A. Goal: SENATE**

<b>A.1.1. Strategy: SENATE</b>	\$ 34,422,614	\$ 37,291,165
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<b>Grand Total, SENATE</b>	\$ 34,422,614	\$ 37,291,165
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 2,736,734	\$ 2,750,418
Group Insurance	6,742,267	6,859,268
Social Security	2,184,304	2,195,226
Benefits Replacement	13,376	11,075

**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act**

	\$ 11,676,681	\$ 11,815,987
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- 1. Purposes for Which Appropriations May Be Expended.** Funds appropriated to the Senate may be expended for constitutionally authorized annual salaries for Members of the Senate and the Lieutenant Governor, per diem, other salaries and wages, consumable supplies and materials, current and recurring operating expenses, films, membership dues in any national or regional organization of legislative leaders, capital outlay, building repair and remodeling and other expenses of the Senate including interim expenses of the Eighty-seventh and Eighty-eighth Legislatures as may be authorized by law or by resolution.
  
- 2. Appropriation of Fees: Rental Space in Capitol Building.** The Senate shall charge a reasonable fee for rental of space within the State Capitol Building under its control and authority. Any fees so collected are appropriated for use by the Senate during the biennium covered by this Act.
  
- 3. Unexpended Balances.** Any unobligated and unexpended balances remaining as of August 31, 2021, from appropriations made to the Senate are appropriated to the Senate for the same purposes for the biennium beginning September 1, 2021.

Any unobligated and unexpended balances remaining as of August 31, 2022, from appropriations made to the Senate are appropriated for the same purposes for the fiscal year beginning September 1, 2022.

## HOUSE OF REPRESENTATIVES

	For the Years Ending	
	August 31, 2022	August 31, 2023
<b>Method of Financing:</b>		
General Revenue Fund	\$ 43,098,410	\$ 48,600,335
<b>Total, Method of Financing</b>	\$ 43,098,410	\$ 48,600,335

**This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.**

**Items of Appropriation:**

A. Goal: HOUSE OF REPRESENTATIVES		
A.1.1. Strategy: HOUSE OF REPRESENTATIVES	\$ 43,098,410	\$ 48,600,335
<b>Grand Total, HOUSE OF REPRESENTATIVES</b>	\$ 43,098,410	\$ 48,600,335

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

<u>Employee Benefits</u>		
Retirement	\$ 2,900,869	\$ 2,915,373
Group Insurance	10,908,199	11,103,295
Social Security	2,279,638	2,291,036
Benefits Replacement	11,954	9,898

<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	\$ 16,100,660	\$ 16,319,602
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1. **Purposes For Which Appropriations May Be Expended.** Funds appropriated to the House of Representatives may be expended for Constitutionally authorized annual salaries for Members of the House of Representatives, per diem, other salaries and wages, consumable supplies and materials, current and recurring operating expenses, films, membership dues in the National Conference of State Legislatures and in any national or regional organization of legislative leaders, capital outlay, building repair and remodeling, and other expenses for the House of Representatives, including interim expenses of the Eighty-seventh and Eighty-eighth Legislatures as may be authorized by law or resolution.
  
2. **Appropriation of Fees: Rental Space in Capitol Building.** The House of Representatives shall charge a reasonable fee for rental of space within the State Capitol Building under its control and authority. Any fees so collected are appropriated for use by the House of Representatives during the biennium covered by this Act.
  
3. **Unexpended Balances.** Any unobligated and unexpended balances remaining as of August 31, 2021, from appropriations made to the House of Representatives are appropriated to the House of Representatives for the same purposes for the biennium beginning September 1, 2021.

Any unobligated and unexpended balances remaining as of August 31, 2022, from appropriations made to the House of Representatives are appropriated for the same purposes for the fiscal year beginning September 1, 2022.

## LEGISLATIVE BUDGET BOARD

	For the Years Ending	
	August 31, 2022	August 31, 2023
<b>Method of Financing:</b>		
General Revenue Fund	\$ 13,178,999	\$ 13,178,998
<b>Total, Method of Financing</b>	\$ 13,178,999	\$ 13,178,998

**This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.**

**LEGISLATIVE BUDGET BOARD**  
(Continued)

**Items of Appropriation:**

**A. Goal:** LEGISLATIVE BUDGET BOARD

<b>A.1.1. Strategy:</b> LEGISLATIVE BUDGET BOARD	\$ 13,178,999	\$ 13,178,998
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<b>Grand Total,</b> LEGISLATIVE BUDGET BOARD	<u>\$ 13,178,999</u>	<u>\$ 13,178,998</u>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 908,149	\$ 912,690
Group Insurance	1,630,821	1,661,477
Social Security	741,193	744,899
Benefits Replacement	<u>6,998</u>	<u>5,794</u>

<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 3,287,161</u>	<u>\$ 3,324,860</u>
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- 1. Purposes for Which Appropriations May Be Expended.** Amounts appropriated to the Legislative Budget Board shall be budgeted by said Board pursuant to Chapter 322, Government Code, and any amendments there to including the payment of travel expenses and registration fees incurred by Budget Board members or members of its staff in attending meetings on issues regarding federal-state relations, those problems affecting state or local governments, and meetings sponsored by the Council of State Governments or any of its affiliated organizations, and contributions incident to membership in national or regional organizations of state governments.
  
- 2. Unexpended Balance.** Any unobligated and unexpended balances remaining as of August 31, 2021, from appropriations made to the Legislative Budget Board are appropriated to the Legislative Budget Board for the same purposes for the biennium beginning September 1, 2021.

Any unobligated and unexpended balances remaining as of August 31, 2022, from appropriations made to the Legislative Budget Board are appropriated to the Legislative Budget Board for the same purposes for the fiscal year beginning September 1, 2022.

- 3. Texas School Performance Reviews.** In view of the cost savings and efficiency measures accruing to school districts from School Performance Reviews, the Legislative Budget Board may enter into interlocal cost sharing agreements with school districts where districts requesting review will be responsible for up to 25 percent of the cost of such performance reviews. The Legislative Budget Board shall be solely responsible for the terms and conditions of the contracts and administration of the program. However, any such cost sharing contracts shall include the school as a third party. The financial responsibility of such schools shall be a direct obligation of the school to pay the vendor upon approval of the work product by the Legislative Budget Board.

**LEGISLATIVE COUNCIL**

	For the Years Ending August 31, 2022	August 31, 2023
<b>Method of Financing:</b>		
General Revenue Fund	\$ 40,205,883	\$ 43,556,374
<b>Total, Method of Financing</b>	<u>\$ 40,205,883</u>	<u>\$ 43,556,374</u>

**This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.**

**Items of Appropriation:**

**A. Goal:** LEGISLATIVE COUNCIL

<b>A.1.1. Strategy:</b> LEGISLATIVE COUNCIL	\$ 40,205,883	\$ 43,556,374
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<b>Grand Total,</b> LEGISLATIVE COUNCIL	<u>\$ 40,205,883</u>	<u>\$ 43,556,374</u>
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**LEGISLATIVE COUNCIL**  
(Continued)

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

<u>Employee Benefits</u>		
Retirement	\$ 2,481,237	\$ 2,493,643
Group Insurance	4,920,055	4,994,422
Social Security	1,996,878	2,006,862
Benefits Replacement	<u>30,469</u>	<u>25,228</u>
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 9,428,639</u>	<u>\$ 9,520,155</u>

**1. Purposes for Which Appropriations May Be Expended.** Funds appropriated to the Legislative Council may be expended for payment of salaries and other necessary expenses to carry out the council's statutory powers and duties (including those powers and duties provided by Chapters 301, 323, and 326, Government Code; §§531.203, 762.011, and 2053.004, Government Code; and §276.008, Election Code) and to carry out responsibilities assigned pursuant to legislative resolution. Out of the funds appropriated above:

- a. \$1,000,000 each shall be transferred annually to the Senate and the House of Representatives for printing costs;
- b. \$50,000 each shall be transferred annually to the Senate and House of Representatives for moving expenses; and
- c. Out of funds appropriated above, the Legislative Council shall transfer to the chamber of the Legislature for which the Council estimates it has spent or will spend less money on bill analysis services during the 2022-23 biennium, as compared to the other chamber, an amount of funds equal to the difference in the amounts estimated by the Council as spent or to be spent on bill analysis services for each chamber of the Legislature.

**2. Unexpended Balances.** Any unobligated and unexpended balances remaining as of August 31, 2021, from appropriations made to the Legislative Council are appropriated to the Legislative Council for the same purposes for the biennium beginning September 1, 2021.

Any unobligated and unexpended balances remaining as of August 31, 2022, from appropriations made to the Legislative Council are appropriated to the Legislative Council for the same purposes for the fiscal year beginning September 1, 2022.

**3. Appropriation of Fees: Charges for Information Services.** In addition to other amounts appropriated, there is appropriated to the Legislative Council for the fiscal years beginning September 1, 2021, and September 1, 2022, any amounts received as charges under §323.014(c), Government Code.

**4. Transfers to Legislative Agencies.** The Legislative Council may transfer amounts, as appropriate, to the Commission on Uniform State Laws and to legislative agencies as determined by the Lieutenant Governor and the Speaker of the House.

**COMMISSION ON UNIFORM STATE LAWS**

	For the Years Ending	
	August 31, 2022	August 31, 2023
<b>Method of Financing:</b>		
General Revenue Fund	<u>\$ 143,958</u>	<u>\$ 143,958</u>
<b>Total, Method of Financing</b>	<u>\$ 143,958</u>	<u>\$ 143,958</u>

**This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.**

**COMMISSION ON UNIFORM STATE LAWS**  
(Continued)

**Items of Appropriation:**

**A. Goal:** COMMISSION ON UNIFORM STATE LAWS

**A.1.1. Strategy:** COMMISSION ON UNIFORM STATE LAWS

	<u>\$ 143,958</u>	<u>\$ 143,958</u>
<b>Grand Total, COMMISSION ON UNIFORM STATE LAWS</b>	<u>\$ 143,958</u>	<u>\$ 143,958</u>

**1. Purposes for Which Appropriations May Be Expended.** Funds appropriated to the Commission on Uniform State Laws may be expended for payment of the contribution by the State of Texas to the National Conference of Commissioners on Uniform State Laws and for payment of other necessary expenses of the commission in carrying out provisions of Chapter 762, Government Code, including the printing of the commission's report and travel expenses of members of the commission to attend the annual meeting of the National Conference of Commissioner's on Uniform State Laws and travel to the state capitol on commission business.

**2. Unexpended Balances.** Any unobligated and unexpended balances remaining as of August 31, 2021, from appropriations made to the Commission on Uniform State Laws are appropriated to the Commission on Uniform State Laws for the same purposes for the biennium beginning September 1, 2021.

Any unobligated and unexpended balances remaining as of August 31, 2022, from appropriations made to the Commission on Uniform State Laws are appropriated to the Commission on Uniform State Laws for the same purposes for the fiscal year beginning September 1, 2022.

**SUNSET ADVISORY COMMISSION**

	<u>For the Years Ending</u> <u>August 31,</u> <u>2022</u>	<u>August 31,</u> <u>2023</u>
<b>Method of Financing:</b>		
General Revenue Fund	<u>\$ 2,268,722</u>	<u>\$ 2,268,722</u>
<b>Total, Method of Financing</b>	<u>\$ 2,268,722</u>	<u>\$ 2,268,722</u>

**This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.**

**Items of Appropriation:**

**A. Goal:** SUNSET ADVISORY COMMISSION

**A.1.1. Strategy:** SUNSET ADVISORY COMMISSION

	<u>\$ 2,268,722</u>	<u>\$ 2,268,722</u>
<b>Grand Total, SUNSET ADVISORY COMMISSION</b>	<u>\$ 2,268,722</u>	<u>\$ 2,268,722</u>

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 201,261	\$ 202,267
Group Insurance	321,918	326,606
Social Security	157,847	158,636
Benefits Replacement	<u>704</u>	<u>583</u>

**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act**

	<u>\$ 681,730</u>	<u>\$ 688,092</u>
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**1. Unexpended Balances.** Any unobligated and unexpended balances remaining as of August 31, 2021, from appropriations made to the Sunset Advisory Commission are appropriated to the Sunset Advisory Commission for the same purposes for the biennium beginning September 1, 2021.

Any unobligated and unexpended balances remaining as of August 31, 2022, from appropriations made to the Sunset Advisory Commission are appropriated to the Sunset Advisory Commission for the same purposes for the fiscal year beginning September 1, 2022.

**SUNSET ADVISORY COMMISSION**  
(Continued)

- 2. Appropriation to Sunset Advisory Commission Account.** The money that an entity is required by law to pay to the Sunset Advisory Commission to cover the costs the commission incurs in performing a review of the entity is appropriated to the commission for maintaining the operations of the commission.

**STATE AUDITOR'S OFFICE**

	For the Years Ending	
	August 31, 2022	August 31, 2023
<b>Method of Financing:</b>		
General Revenue Fund	\$ 17,027,403	\$ 17,027,402
<u>Other Funds</u>		
Appropriated Receipts	\$ 100,000	\$ 100,000
Interagency Contracts	4,675,000	4,675,000
Subtotal, Other Funds	\$ 4,775,000	\$ 4,775,000
<b>Total, Method of Financing</b>	<b>\$ 21,802,403</b>	<b>\$ 21,802,402</b>
 <b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Items of Appropriation:</b>		
<b>A. Goal: STATE AUDITOR</b>		
<b>A.1.1. Strategy: STATE AUDITOR</b>	\$ 21,802,403	\$ 21,802,402
<b>Grand Total, STATE AUDITOR'S OFFICE</b>	<b>\$ 21,802,403</b>	<b>\$ 21,802,402</b>
 <b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>		
<u>Employee Benefits</u>		
Retirement	\$ 1,510,135	\$ 1,517,686
Group Insurance	2,515,059	2,553,626
Social Security	1,183,965	1,189,885
Benefits Replacement	14,028	11,616
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b>\$ 5,223,187</b>	<b>\$ 5,272,813</b>

- 1. Appropriation of Interagency Contracts.** All funds transferred to the State Auditor's Office (SAO) pursuant to interagency contracts for services provided by the SAO are appropriated to the SAO during the fiscal year in which they are received and shall be used as provided by Government Code, Chapter 321.
- 2. Appropriation of Appropriated Receipts.** All funds reimbursed to the State Auditor's Office (SAO) by governmental entities for the provision of services are appropriated to the SAO during the fiscal year in which they are received and shall be used as provided by Government Code, Chapter 321.
- 3. Unexpended Balances.** Any unobligated and unexpended balances remaining as of August 31, 2021, from appropriations made to the State Auditor's Office (SAO) from the General Revenue Fund are appropriated to the SAO for the same purposes for the biennium beginning September 1, 2021.

Any unobligated and unexpended balance remaining as of August 31, 2022, from appropriations made to the SAO from the General Revenue Fund are appropriated to the SAO for the same purposes for the fiscal year beginning September 1, 2022.

- 4. Notification of State Auditor Reports.** The State Auditor's Office shall provide copies of audit reports to the respective affected agencies and to the Legislative Audit Committee prior to public release of any audit or audit report.

**STATE AUDITOR'S OFFICE**  
(Continued)

- 5. Actuarial Analysis of Health and Human Services Managed Care Rates.** From funds appropriated above, in accordance with Chapter 321, Texas Government Code, the State Auditor's Office (SAO) shall conduct an actuarial analysis of the fiscal year 2023 and fiscal year 2024 rates for Medicaid managed care at the Health and Human Services Commission (HHSC).
- (a) Within 45 days of the submission of rates by HHSC to the Legislative Budget Board, the SAO shall provide and file a report on the actuarial soundness of the rates, as well as an analysis of key factors that affect the rates with the Speaker of the House, Lieutenant Governor, House Appropriations Committee, and the Senate Finance Committee.
  - (b) No later than November 1, 2022, the SAO shall provide an audit report on the rate making process used by HHSC. The report should identify improvements that can be made to the rate making process, including identifying significant cost drivers in the rate setting process, and identifying improvements to the process of communicating rates with oversight entities. In evaluating the rate making process, determine if the HHSC followed appropriate procurement processes in obtaining vendors. The report should be provided to the Speaker of the House, Lieutenant Governor, House Appropriations Committee, and the Senate Finance Committee.
- 6. Audit of Texas Department of Public Safety TXGANG Index.** From funds appropriated above, in accordance with Chapter 321, Texas Government Code, the State Auditor's Office shall conduct an audit of the TXGANG index to identify all records older than 10 years that have not been recently validated, as defined by the TXGANG Operating Policies and Procedures.
- 7. Audit of Licensing and Permitting Processes of Industrial Hemp Program.** From funds appropriated to the State Auditor's Office, in accordance with Chapter 321, Texas Government Code, the State Auditor's Office shall conduct an audit of the Hemp Program licensing and permit application process at the Texas Department of Agriculture.

**LEGISLATIVE REFERENCE LIBRARY**

	For the Years Ending	
	August 31, 2022	August 31, 2023
<b>Method of Financing:</b>		
General Revenue Fund	\$ 1,733,325	\$ 1,733,325
<u>Other Funds</u>		
Appropriated Receipts	\$ 1,425	\$ 1,425
Interagency Contracts	1,000	1,000
Subtotal, Other Funds	\$ 2,425	\$ 2,425
<b>Total, Method of Financing</b>	<b>\$ 1,735,750</b>	<b>\$ 1,735,750</b>

**This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.**

**Items of Appropriation:**

<b>A. Goal:</b> LEGISLATIVE REFERENCE LIBRARY		
<b>A.1.1. Strategy:</b> LEGISLATIVE REFERENCE LIBRARY	\$ 1,735,750	\$ 1,735,750
<b>Grand Total,</b> LEGISLATIVE REFERENCE LIBRARY	\$ 1,735,750	\$ 1,735,750

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

<u>Employee Benefits</u>		
Retirement	\$ 110,724	\$ 111,278
Group Insurance	274,130	277,829

**LEGISLATIVE REFERENCE LIBRARY**  
(Continued)

Social Security	92,806	93,270
Benefits Replacement	<u>704</u>	<u>583</u>
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b><u>\$ 478,364</u></b>	<b><u>\$ 482,960</u></b>

**1. Purposes for Which Appropriations May Be Expended.** Funds appropriated to the Legislative Reference Library may be expended for library administration and services, for salaries and wages, travel, consumable supplies and materials, current and recurring operating expenses, capital outlay, books and periodicals, and other necessary expenses to be expended under the direction of the Legislative Library Board.

**2. Unexpended Balances.** Any unobligated and unexpended balances remaining as of August 31, 2021, from appropriations made to the Legislative Reference Library from the General Revenue Fund are appropriated for the same purposes for the biennium beginning September 1, 2021.

Any unobligated and unexpended balances remaining as of August 31, 2022, from appropriations made to the Legislative Reference Library from the General Revenue Fund are appropriated for the same purposes for the fiscal year beginning September 1, 2022.

**RETIREMENT AND GROUP INSURANCE**

	For the Years Ending	
	August 31, 2022	August 31, 2023
<b>Method of Financing:</b>		
General Revenue Fund	<u>\$ 38,161,558</u>	<u>\$ 38,679,876</u>
<b>Total, Method of Financing</b>	<b><u>\$ 38,161,558</u></b>	<b><u>\$ 38,679,876</u></b>
<b>Items of Appropriation:</b>		
<b>A. Goal: EMPLOYEES RETIREMENT SYSTEM</b>		
<b>A.1.1. Strategy: RETIREMENT CONTRIBUTIONS</b> Retirement Contributions. Estimated.	\$ 10,849,108	\$ 10,903,353
<b>A.1.2. Strategy: GROUP INSURANCE</b> Group Insurance Contributions. Estimated.	<u>27,312,450</u>	<u>27,776,523</u>
<b>Total, Goal A: EMPLOYEES RETIREMENT SYSTEM</b>	<u>\$ 38,161,558</u>	<u>\$ 38,679,876</u>
<b>Grand Total, RETIREMENT AND GROUP INSURANCE</b>	<b><u>\$ 38,161,558</u></b>	<b><u>\$ 38,679,876</u></b>

**SOCIAL SECURITY AND BENEFIT REPLACEMENT PAY**

	For the Years Ending	
	August 31, 2022	August 31, 2023
<b>Method of Financing:</b>		
General Revenue Fund	<u>\$ 8,714,864</u>	<u>\$ 8,744,591</u>
<b>Total, Method of Financing</b>	<b><u>\$ 8,714,864</u></b>	<b><u>\$ 8,744,591</u></b>
<b>Items of Appropriation:</b>		
<b>A. Goal: SOCIAL SECURITY/BENEFIT REPLACEMENT</b> Comptroller - Social Security.		
<b>A.1.1. Strategy: STATE MATCH -- EMPLOYER</b> State Match -- Employer. Estimated.	\$ 8,636,631	\$ 8,679,814
<b>A.1.2. Strategy: BENEFIT REPLACEMENT PAY</b> Benefit Replacement Pay. Estimated.	<u>78,233</u>	<u>64,777</u>
<b>Total, Goal A: SOCIAL SECURITY/BENEFIT REPLACEMENT</b>	<u>\$ 8,714,864</u>	<u>\$ 8,744,591</u>
<b>Grand Total, SOCIAL SECURITY AND BENEFIT REPLACEMENT PAY</b>	<b><u>\$ 8,714,864</u></b>	<b><u>\$ 8,744,591</u></b>

**LEASE PAYMENTS**

	For the Years Ending	
	August 31, 2022	August 31, 2023
<b>Method of Financing:</b>		
<b>Total, Method of Financing</b>	\$ <u>0</u>	\$ <u>0</u>
<b>Items of Appropriation:</b>		
<b>Grand Total, LEASE PAYMENTS</b>	\$ <u>0</u>	\$ <u>0</u>

**SPECIAL PROVISIONS RELATING TO THE LEGISLATURE**

**Sec. 2.**

- (a) A provision of the General Provisions of this Act that restricts or limits the use or transfer of appropriated funds, or that imposes a duty or places a limitation or condition precedent on a state agency, applies to entities and appropriations under this Article only to the extent that the provision by its terms specifically and expressly applies to those entities or appropriations. A general reference to "funds appropriated by this Act" or similar words is not specific and does not express application for purposes of this section.
- (b) Notwithstanding other provisions in this Article, amounts appropriated under this Article may be transferred among entities covered by this Article:
  - (1) in accordance with Chapter 326, Government Code; or,
  - (2) under a written agreement executed by the presiding officers of the Senate and House of Representatives.

**Sec. 3. Authorization to Spend Unexpended Balances.** Notwithstanding any other provision contained herein, a legislative agency may only spend prior year balances with the approval of its respective governing board.

**RECAPITULATION - ARTICLE X  
THE LEGISLATURE  
(General Revenue)**

	For the Years Ending	
	August 31, 2022	August 31, 2023
	<u>                    </u>	<u>                    </u>
Senate	\$ 34,422,614	\$ 37,291,165
House of Representatives	43,098,410	48,600,335
Legislative Budget Board	13,178,999	13,178,998
Legislative Council	40,205,883	43,556,374
Commission on Uniform State Laws	143,958	143,958
Sunset Advisory Commission	2,268,722	2,268,722
State Auditor's Office	17,027,403	17,027,402
Legislative Reference Library	<u>1,733,325</u>	<u>1,733,325</u>
Subtotal, Legislature	\$ 152,079,314	\$ 163,800,279
Retirement and Group Insurance	38,161,558	38,679,876
Social Security and Benefit Replacement Pay	<u>8,714,864</u>	<u>8,744,591</u>
Subtotal, Employee Benefits	\$ <u>46,876,422</u>	\$ <u>47,424,467</u>
TOTAL, ARTICLE X - THE LEGISLATURE	<u>\$ 198,955,736</u>	<u>\$ 211,224,746</u>

**RECAPITULATION - ARTICLE X  
THE LEGISLATURE  
(Other Funds)**

	For the Years Ending	
	August 31, 2022	August 31, 2023
State Auditor's Office	\$ 4,775,000	\$ 4,775,000
Legislative Reference Library	2,425	2,425
Subtotal, Legislature	\$ 4,777,425	\$ 4,777,425
Less Interagency Contracts	\$ 4,676,000	\$ 4,676,000
TOTAL, ARTICLE X - THE LEGISLATURE	\$ 101,425	\$ 101,425

**RECAPITULATION - ARTICLE X  
THE LEGISLATURE  
(All Funds)**

	For the Years Ending	
	August 31, 2022	August 31, 2023
	<u>2022</u>	<u>2023</u>
Senate	\$ 34,422,614	\$ 37,291,165
House of Representatives	43,098,410	48,600,335
Legislative Budget Board	13,178,999	13,178,998
Legislative Council	40,205,883	43,556,374
Commission on Uniform State Laws	143,958	143,958
Sunset Advisory Commission	2,268,722	2,268,722
State Auditor's Office	21,802,403	21,802,402
Legislative Reference Library	<u>1,735,750</u>	<u>1,735,750</u>
Subtotal, Legislature	\$ 156,856,739	\$ 168,577,704
Retirement and Group Insurance	38,161,558	38,679,876
Social Security and Benefit Replacement Pay	<u>8,714,864</u>	<u>8,744,591</u>
Subtotal, Employee Benefits	\$ 46,876,422	\$ 47,424,467
Less Interagency Contracts	<u>\$ 4,676,000</u>	<u>\$ 4,676,000</u>
TOTAL, ARTICLE X - THE LEGISLATURE	<u>\$ 199,057,161</u>	<u>\$ 211,326,171</u>

Tab B

# PROCLAMATION

BY THE

## Governor of the State of Texas

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TO ALL TO WHOM THESE PRESENTS SHALL COME:

Senate Bill No. 1, the General Appropriations Act, having been duly certified by the Comptroller of Public Accounts pursuant to Article III, Section 49a of the Texas Constitution, has been presented to me for action.

I am proud to sign a budget that does not grow government in an amount greater than the increase in population and inflation while also making targeted investments in areas such as public education, foster care, law enforcement, border security, pension solvency, and broadband access.

However, I hereby object to and veto the following items from Senate Bill No. 1, and include a statement of my objections to each of those items.

### Article X – The Legislature

#### Senate

	<u>2022</u>	<u>2023</u>
A.1.1. Strategy: SENATE	\$34,422,614	\$37,291,165

~~3. Unexpended Balances. Any unobligated and unexpended balances remaining as of August 31, 2021, from appropriations made to the Senate are appropriated to the Senate for the same purposes for the biennium beginning September 1, 2021.~~

~~Any unobligated and unexpended balances remaining as of August 31, 2022, from appropriations made to the Senate are appropriated for the same purposes for the fiscal year beginning September 1, 2022.~~

#### House of Representatives

	<u>2022</u>	<u>2023</u>
A.1.1. Strategy: HOUSE OF REPRESENTATIVES	\$43,098,410	\$48,600,335

~~3. Unexpended Balances. Any unobligated and unexpended balances remaining as of August 31, 2021, from appropriations made to the House of Representatives are appropriated to the House of Representatives for the same purposes for the biennium beginning September 1, 2021.~~

~~Any unobligated and unexpended balances remaining as of August 31, 2022, from appropriations made to the House of Representatives are appropriated for the same purposes for the fiscal year beginning September 1, 2022.~~

#### Legislative Budget Board

	<u>2022</u>	<u>2023</u>
A.1.1. Strategy: LEGISLATIVE BUDGET BOARD	\$13,178,999	\$13,178,998

~~2. Unexpended Balance. Any unobligated and unexpended balances remaining as of August 31, 2021, from appropriations made to the Legislative Budget Board are appropriated to the Legislative Budget Board for the same purposes for the biennium beginning September 1, 2021.~~

~~Any unobligated and unexpended balances remaining as of August 31, 2022, from appropriations made to the Legislative Budget Board are appropriated to the Legislative Budget Board for the same purposes for the fiscal year beginning September 1, 2022.~~

Legislative Council

	<u>2022</u>	<u>2023</u>
A.1.1. Strategy: LEGISLATIVE COUNCIL	\$40,205,883	\$43,556,374

2. **Unexpended Balances.** Any unobligated and unexpended balances remaining as of August 31, 2021, from appropriations made to the Legislative Council are appropriated to the Legislative Council for the same purposes for the biennium beginning September 1, 2021.

Any unobligated and unexpended balances remaining as of August 31, 2022, from appropriations made to the Legislative Council are appropriated to the Legislative Council for the same purposes for the fiscal year beginning September 1, 2022.

Commission on Uniform State Laws

	<u>2022</u>	<u>2023</u>
A.1.1. Strategy: COMMISSION ON UNIFORM STATE LAWS	\$143,958	\$143,958

2. **Unexpended Balances.** Any unobligated and unexpended balances remaining as of August 31, 2021, from appropriations made to the Commission on Uniform State Laws are appropriated to the Commission on Uniform State Laws for the same purposes for the biennium beginning September 1, 2021.

Any unobligated and unexpended balances remaining as of August 31, 2022, from appropriations made to the Commission on Uniform State Laws are appropriated to the Commission on Uniform State Laws for the same purposes for the fiscal year beginning September 1, 2022.

Sunset Advisory Commission

	<u>2022</u>	<u>2023</u>
A.1.1. Strategy: SUNSET ADVISORY COMMISSION	\$2,268,722	\$2,268,722

1. **Unexpended Balances.** Any unobligated and unexpended balances remaining as of August 31, 2021, from appropriations made to the Sunset Advisory Commission are appropriated to the Sunset Advisory Commission for the same purposes for the biennium beginning September 1, 2021.

Any unobligated and unexpended balances remaining as of August 31, 2022, from appropriations made to the Sunset Advisory Commission are appropriated to the Sunset Advisory Commission for the same purposes for the fiscal year beginning September 1, 2022.

2. **Appropriation to Sunset Advisory Commission Account.** The money that an entity is required by law to pay to the Sunset Advisory Commission to cover the costs the commission incurs in performing a review of the entity is appropriated to the commission for maintaining the operations of the commission.

State Auditor's Office

	<u>2022</u>	<u>2023</u>
A.1.1. Strategy: STATE AUDITOR	\$21,802,403	\$21,802,402

2. **Appropriation of Appropriated Receipts.** All funds reimbursed to the State Auditor's Office (SAO) by governmental entities for the provision of services are appropriated to the SAO during the fiscal year in which they are received and shall be used as provided by Government Code, Chapter 321.

3. **Unexpended Balances.** Any unobligated and unexpended balances remaining as of August 31, 2021, from appropriations made to the State Auditor's Office (SAO) from the General Revenue Fund are appropriated to the SAO for the same purposes for the biennium beginning September 1, 2021.

Any unobligated and unexpended balance remaining as of August 31, 2022, from appropriations made to the SAO from the General Revenue Fund are appropriated to the SAO for the same purposes for the fiscal year beginning September 1, 2022.

Legislative Reference Library

	<u>2022</u>	<u>2023</u>
A.1.1. Strategy: LEGISLATIVE REFERENCE LIBRARY	\$1,735,750	\$1,735,750

2. **Unexpended Balances.** Any unobligated and unexpended balances remaining as of August 31, 2021, from appropriations made to the Legislative Reference Library from the General Revenue Fund are appropriated for the same purposes for the biennium beginning September 1, 2021.

~~Any unobligated and unexpended balances remaining as of August 31, 2022, from appropriations made to the Legislative Reference Library from the General Revenue Fund are appropriated for the same purposes for the fiscal year beginning September 1, 2022.~~

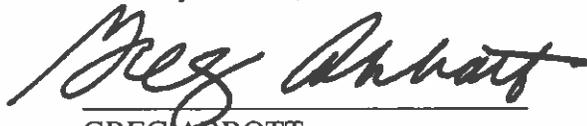
*Texans don't run from a legislative fight, and they don't walk away from unfinished business. Funding should not be provided for those who quit their job early, leaving their state with unfinished business and exposing taxpayers to higher costs for an additional legislative session. I therefore object to and disapprove of these appropriations.*

I have signed Senate Bill No. 1 together with this proclamation, stating my objections in accordance with Article IV, Section 14, of the Texas Constitution.

Since the 87th Legislature, Regular Session, by its adjournment has prevented the return of this bill, I am filing this bill and these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.



IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 18th day of June, 2021.

  
GREG ABBOTT  
Governor of Texas

ATTESTED BY:

  
JOSE A. ESPARZA  
Deputy Secretary of State

Tab C

THE TEXAS CONSTITUTION

ARTICLE 1. BILL OF RIGHTS

Sec. 2. INHERENT POLITICAL POWER; REPUBLICAN FORM OF GOVERNMENT. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.

Tab D

THE TEXAS CONSTITUTION

ARTICLE 2. THE POWERS OF GOVERNMENT

Sec. 1. SEPARATION OF POWERS OF GOVERNMENT AMONG THREE DEPARTMENTS. The powers of the Government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are Legislative to one; those which are Executive to another, and those which are Judicial to another; and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

Tab E

THE TEXAS CONSTITUTION

ARTICLE 3. LEGISLATIVE DEPARTMENT

Sec. 1. SENATE AND HOUSE OF REPRESENTATIVES. The  
Legislative power of this State shall be vested in a Senate and  
House of Representatives, which together shall be styled "The  
Legislature of the State of Texas."

Tab F

THE TEXAS CONSTITUTION

ARTICLE 3. LEGISLATIVE DEPARTMENT

Sec. 5. MEETINGS; ORDER OF BUSINESS. (a) The Legislature shall meet every two years at such time as may be provided by law and at other times when convened by the Governor.

(b) When convened in regular Session, the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature. During the succeeding thirty days of the regular session of the Legislature the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending; and such emergency matters as may be submitted by the Governor. During the remainder of the session the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature.

(c) Notwithstanding Subsection (b), either House may determine its order of business by an affirmative vote of four-fifths of its membership.

(Amended Nov. 4, 1930, and Nov. 2, 1999.) (TEMPORARY TRANSITION PROVISIONS for Sec. 5: See Appendix, Note 1.)

THE TEXAS CONSTITUTION

ARTICLE 3. LEGISLATIVE DEPARTMENT

Sec. 11. RULES OF PROCEDURE; PUNISHMENT OR EXPULSION OF MEMBER. Each House may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same offense.

Tab G

THE TEXAS CONSTITUTION

ARTICLE 3. LEGISLATIVE DEPARTMENT

Sec. 24. COMPENSATION AND EXPENSES OF MEMBERS OF LEGISLATURE; DURATION OF REGULAR SESSIONS. (a) Members of the Legislature shall receive from the Public Treasury a salary of Six Hundred Dollars (\$600) per month, unless a greater amount is recommended by the Texas Ethics Commission and approved by the voters of this State in which case the salary is that amount. Each member shall also receive a per diem set by the Texas Ethics Commission for each day during each Regular and Special Session of the Legislature.

(b) No Regular Session shall be of longer duration than one hundred and forty (140) days.

(c) In addition to the per diem the Members of each House shall be entitled to mileage at the same rate as prescribed by law for employees of the State of Texas.

(Amended Nov. 4, 1930, Nov. 2, 1954, Nov. 8, 1960, April 22, 1975, and Nov. 5, 1991.)

Tab H

THE TEXAS CONSTITUTION

ARTICLE 3. LEGISLATIVE DEPARTMENT

Sec. 44. COMPENSATION OF PUBLIC OFFICIALS AND CONTRACTORS;  
EXTRA COMPENSATION; UNAUTHORIZED CLAIMS; UNAUTHORIZED EMPLOYMENT.

The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors, not provided for in this Constitution, but shall not grant extra compensation to any officer, agent, servant, or public contractors, after such public service shall have been performed or contract entered into, for the performance of the same; nor grant, by appropriation or otherwise, any amount of money out of the Treasury of the State, to any individual, on a claim, real or pretended, when the same shall not have been provided for by pre-existing law; nor employ any one in the name of the State, unless authorized by pre-existing law.

Tab I

THE TEXAS CONSTITUTION

ARTICLE 4. EXECUTIVE DEPARTMENT

Sec. 14. APPROVAL OR VETO OF BILLS; RETURN AND RECONSIDERATION; FAILURE TO RETURN; VETO OF ITEMS OF APPROPRIATION.

Every bill which shall have passed both houses of the Legislature shall be presented to the Governor for his approval. If he approve he shall sign it; but if he disapprove it, he shall return it, with his objections, to the House in which it originated, which House shall enter the objections at large upon its journal, and proceed to reconsider it. If after such reconsideration, two-thirds of the members present agree to pass the bill, it shall be sent, with the objections, to the other House, by which likewise it shall be reconsidered; and, if approved by two-thirds of the members of that House, it shall become a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor with his objections within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Legislature, by its adjournment, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of State and give notice thereof by public proclamation within twenty days after such adjournment. If any bill presented to the Governor contains several items of appropriation he may object to one or more of such items, and approve the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and no item so objected to shall take effect. If the Legislature be in session, he shall transmit to the House in which the bill originated a copy of such statement and the items objected to shall be separately considered. If, on reconsideration, one or more of such items be approved by two-thirds of the members present of each House, the same shall be part of the law, notwithstanding the objections of the Governor. If any such bill, containing several items of appropriation, not

having been presented to the Governor ten days (Sundays excepted) prior to adjournment, be in the hands of the Governor at the time of adjournment, he shall have twenty days from such adjournment within which to file objections to any items thereof and make proclamation of the same, and such item or items shall not take effect.

Tab J

**Patrick Svitek**  @PatrickSvitek · Jun 1

In interview a little while ago, Abbott mum on specifics of special session(s):

- Timing? "Stay tuned."
- Multiple specials? "Stay tuned."
- Agenda beyond elections & bail? "Same thing."
- Factors weighing on you as you plot agenda? "I'm not gonna be announcing that at this time"

21 56 84

**Patrick Svitek**  @PatrickSvitek · Jun 1

W/o revealing full agenda, Abbott reiterates support for 3 Patrick priorities that died in House (trans student athletes, social media & taxpayer-funded lobbying). "I worked on all 3 of those issues in both the House & the Senate, & I wanted to get 'em across the finish line."

1 11 11

**Patrick Svitek**  @PatrickSvitek · Jun 1

On who's to blame for #SB7 failure, Abbott says it's "the people who walked out on their job."

So not echoing Patrick blaming Phelan? "No, I want to make the pt. clear, ... it's always wrong to be a quitter. You don't quit b4 the end of the game, & that's exactly what happened."

4 11 9

**Patrick Svitek**  @PatrickSvitek

Replying to @PatrickSvitek

(1/2) Abbott on Phelan expressing concern over defunding #txlege and its impact on staff: "If the speaker's concerned about it, he needs to do something about it. He needs to step up and make sure these bills pass. He has a role to play here. He's not some outside viewer."

4:32 PM · Jun 1, 2021 · Twitter Web App

8 Retweets 5 Quote Tweets 13 Likes

Reply Retweet Like Share

**Patrick Svitek**  @PatrickSvitek · Jun 1

Replying to @PatrickSvitek

(2/2) He's a participant, and he needs to step up and get the job done."

2 2 9

**Patrick Svitek**  @PatrickSvitek · Jun 1

Abbott insists he's not bluffing on defunding the Legislature. "I'm gonna veto Article X," he says.

4 12 16

**Patrick Svitek**  @PatrickSvitek · Jun 1

Abbott on whether he wants any major changes to #SB7 in a special session: "I am satisfied with the current bill. If the House and Senate can work together to reach an agreement, that's what I expect them to do, so that they can quickly get a bill to my desk."

2 4 2

**Patrick Svitek**  @PatrickSvitek · Jun 1

Abbott sez he's not familiar w/ Rs claiming they erred in starting Sun. EV window at 1p vs 11a. But he did hear there were "clerical errors"

"I don't want to hinder anybody's ability to vote on that 1 Sun. that we do have for EV & so I'm amenable to making modifications" on that

 4    8    10   

**Patrick Svitek**  @PatrickSvitek · Jun 1

Abbott on Patrick push for direct credits for ratepayers: "As it concerns any add'l funding that could go to consumers, I'm always in favor of concepts like that. I would need to see" deets before backing it, but "put me on the side of consumers who suffered through this storm."

 1    4    4   

**Patrick Svitek**  @PatrickSvitek · Jun 1

Abbott is not interested in talking about his primary for now. He says: "My focus still is singularly" on legislative issues, "and I have not yet and won't until at the earliest in late June have a chance to start focusing on politics, and when I do, I'll get fully engaged."

 3    4    3   

**Patrick Svitek**  @PatrickSvitek · Jun 1

Abbott defends conservativeness of reg. session, while vowing more will be done in special. On things like permitless carry & "heartbeat" bill, "These are issues that some people in our party have been clamoring for 4 a long time, that have never been able to be achieved b4 now"

Tab K

# Texas lawmakers send \$248 billion two-year budget to Gov. Greg Abbott

Abbott has the power to veto individual line items he objects to.

by [Cassandra Pollock](#) May 27, 2021 Updated: 5 PM Central



A view inside the state Capitol on the opening day of the legislative session. *Miguel Gutierrez Jr./The Texas Tribune*

[Sign up for The Brief](#), our daily newsletter that keeps readers up to speed on the most essential Texas news.

The Texas Legislature's two-year, roughly \$248 billion state budget is headed to the governor's desk after the House advanced the proposal Thursday, completing monthslong negotiations between the two chambers.

The spending plan, Senate Bill 1, is “a bill that each and every one of us can be very proud of, and it represents the priorities for Texans across the state,” said state Rep. [Greg Bonnen](#), a Friendswood Republican and the House’s chief budget writer, on the House floor as he laid out the legislation.

The House’s 142-6 vote for SB 1 comes a day after the Senate unanimously approved the compromise, which state Sen. [Jane Nelson](#), a Flower Mound Republican and chair of the Senate Finance Committee, said in a statement “is compassionate, responsible and meets the needs of our growing state.”

Once the 2022-23 spending plan lands on Gov. [Greg Abbott](#)’s desk, he will have the power to veto individual line items he objects to.

As passed by the Legislature, SB 1 would spend over \$116 billion in general revenue and does not tap into the state’s Economic Stabilization Fund, also called the rainy day fund. That \$116 billion matches Comptroller [Glenn Hegar](#)’s most recent projection at the beginning of the month for state funds available for the next biennium — and [it’s an increase of \\$3 billion](#) from his last estimate.

The approved \$248 billion in SB 1 is about a \$13.5 billion decrease from the 2020-21 budget cycle, thanks largely, if not all, to federal funding for coronavirus relief.

Questions over who should have a say in how that funding is spent have been a major point of discussion this session as lawmakers have moved through the budget-writing process.

The final version of SB 1, which lawmakers from both chambers negotiated behind closed doors, includes language that Bonnen said “works in concert with” [Abbott’s recent announcement](#) that he plans to place the allocation of nearly \$16 billion in federal funds on the Legislature’s plate for a planned special session in the fall.

That \$16 billion, Bonnen said Thursday, is money that “is simply not appropriated, so it’s not available, and it won’t be available, until we appropriate it in a special session in a few months.”

The language differs from what the House included in its version of the budget that it passed in April, which had a provision unanimously approved by the chamber that aimed to ensure the Legislature would have a say in how that federal relief money is spent.

SB 1, Bonnen said, also fully funds the state's commitment to better fund public education, which state lawmakers acted on in 2019 via House Bill 3, a wide-ranging bill that reformed the state's school finance system.

The budget also includes \$8.6 billion for higher education, including \$486 million to fund enrollment growth, which was added into the budget at the last minute and is seen as a victory for colleges, universities and health-related institutions.

It also includes \$110 million for need-based financial aid for students at two- and four-year schools, though the additional funding would not cover every Texas college student who qualifies for this financial aid. Higher education officials estimate 56% of eligible four-year college students will be served with Texas Grants.

Some lawmakers also lamented that public historically Black colleges and universities remain underfunded, despite large appropriations requests this session. Lawmakers said Texas Southern University students are living in moldy dorms, and some have broken air-conditioning units.

“The conditions of a state institution in the state of Texas are shameful,” said Rep. [Jarvis Johnson](#), D-Houston.

Throughout the coronavirus pandemic over the past year, the state’s fiscal forecast has changed dramatically. In January, Hegar, the state’s comptroller,

projected that lawmakers would have to work with a nearly \$1 billion deficit for the current budget, which was an improvement from the \$4.6 billion projection he made last July. Even that smaller deficit disappeared when Hegar [gave his final revenue estimate](#) earlier this month.

"We started this process under a cloud of uncertainty," said state Rep. [Mary González](#), a Clint Democrat and vice chair of the House Appropriations Committee. "The Legislature's job is to forge compromise that can meet the moment, and we have."

*Kate McGee contributed to this report.*

**Correction, May 27, 2021:** *A previous version of this story misidentified the lawmaker who said that "conditions of a state institution in the state of Texas are shameful." State Rep. Jarvis Johnson, D-Houston, made the comment during a back-and-forth with state Rep. Ron Reynolds, D-Missouri City. Reynolds did not make the statement.*

Tab L

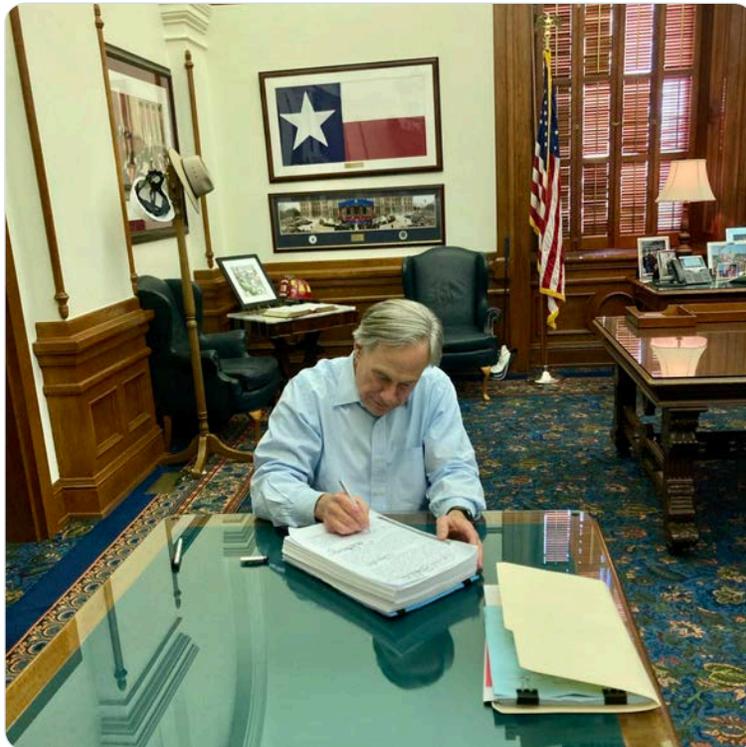


**Greg Abbott** ✓  
@GregAbbott\_TX



Today I signed a fiscally conservative Texas budget.

It includes no new taxes and a budget surplus of more than \$1 billion.



4:25 PM · Jun 18, 2021 · Twitter for iPhone

Tab M

# After drastic changes made behind closed doors, and an overnight debate, Texas Senate approves voting bill

Senate Bill 7 includes provisions to limit early voting hours, curtail local voting options and further tighten voting by mail. The upper chamber suspended its own rules to approve it after debating it for hours overnight.

by [Alexa Ura](#) May 30, 2021 6 AM Central

*[Sign up for The Brief](#), our daily newsletter that keeps readers up to speed on the most essential Texas news.*

In the course of several hours Saturday and early Sunday, Senate Republicans hurtled to move forward on a sweeping voting bill negotiated behind closed doors, where it doubled in length and grew to include voting law changes that weren't previously considered.

Over Democrats' objections, they suspended the chamber's own rules to narrow the window lawmakers had to review the new massive piece of legislation before giving it final approval ahead of Monday's end to the legislative session. This culminated in an overnight debate and party line vote early Sunday to sign off on a raft of new voting restrictions and changes to elections — and get it one step closer to the governor's desk.

[Senate Bill 7](#), the GOP's priority voting bill, emerged Saturday from a conference committee as an expansive bill that would touch nearly the entire voting process, including provisions to limit early voting hours, curtail local voting options and further tighten voting by mail, among several other

provisions. It was negotiated behind closed doors over the last week after the House and Senate passed significantly different versions of the legislation and pulled from each chamber's version of the bill. The bill also came back with a series of additional voting rule changes, including a new ID requirement for mail-in ballots, that weren't part of previous debates on the bill.

But instead of giving senators the 24 hours required under the chamber's rules to go over the committee's report, including those new additions, state Sen. [Bryan Hughes](#), R-Mineola, moved to ignore that mandate so the Senate could debate and eventually vote on the final version of the bill just hours after it was filed.

Around 6 p.m. Saturday, Hughes acknowledged the Senate would consider the report "earlier than usual" but tried to argue he was giving senators "more time" by alerting them about his plan to debate the final version of SB 7 at 10 p.m.

"That's a nice spin," state Sen. [John Whitmire](#), D-Houston, shot back.

The Legislature is up against a Sunday night deadline to approve conference committee reports, like the compromise version of SB 7. Had the Senate waited until later Sunday to consider it, it could have left it in reach of a filibuster that could have killed the bill. The House is expected to vote on the final version of the bill later today.

Senate Democrats raised concerns that they had not had sufficient time to review the 180-page conference committee report, including a 67-page bill and a lengthy analysis of the negotiated changes. Roughly 12 pages of the bill contained additions that hadn't been previously considered as part of the legislation and were added by the committee out of the public eye. The truncated schedule also left them without the opportunity to check in with local election officials in their districts or voting rights groups monitoring its passage, they said.

After Senate Republicans voted to suspend the rules, Hughes opened debate on a resolution to approve those 12 pages of additional changes, with Democrats questioning the origin of those changes and the lack of public input in tacking them onto the bill.

"I couldn't in good faith vote to pass a bill the size of this one, that will affect the voting rights of every single Texan of voting age, when they've been deprived of the opportunity to voice their opinions on the final package of this bill," state Sen. [Beverly Powell](#), D-Burleson, said.

Throughout the debate, Hughes argued SB 7 was striving for "common sense" solutions that secured elections from wrongdoing and fraud.

"We want elections to be secure and accessible," he said.

Defending the additions as a standard part of the conference committee process, Hughes argued that many of the additions were pulled from other bills passed by the Senate or generally discussed by the chamber.

The new provisions include language from separate Republican bills that failed to pass that would set a new voter ID rule for mail-in ballots, requiring voters to provide their driver's license number or the last four digits of their Social Security number, if they have one, on their applications for those ballots. For their votes to be counted, voters will be required to include matching information on the envelopes used to return their ballots.

Other changes, including a new window of 1 to 9 p.m. for early voting on Sundays, hadn't come up until they were added to the conference committee report outside of public view. State Sen. [Royce West](#), D-Dallas, raised the possibility that change could hamper "souls to the polls" efforts meant to turn out voters after church services and questioned the justification for a 1 p.m. start time.

"Those election workers want to go to church, too," Hughes responded.

When West asked if Hughes had spoken to election workers to make that determination, Hughes admitted he hadn't.

"We're going to be able to buy beer at 10 o'clock in the morning but we can't vote until 1 p.m.," West said.

Beyond the debate over the new changes, the Senate's discussion on SB 7 regularly landed on the detrimental effect Democrats feared the legislation would have on voters of color and the significant portions of the bill that were written to outlaw some of the voting initiatives Harris County used in the last election.

SB 7 would ban drive-thru voting and the day of 24 hours of uninterrupted early voting the county offered — both of which proved particularly successful in reaching voters of color. An analysis by Harris County's election office estimated that Black and Hispanic voters cast more than half of the votes counted both at drive-thru sites and during extended hours.

"The provisions of this bill apply equally across the board," Hughes said in response to Democrats' questions about the bill's effect on access for voters of color. He added that the provisions banning those voting initiatives could target only Harris County because it was the only county he was aware of that offered those options.

He also pointed out that the final version of SB 7 left out a provision to regulate the distribution of polling places only in the state's largest counties — diverse, urban counties largely under Democratic control. A Texas Tribune [analysis](#) found the formula proposed by Hughes would have led to a significant drop in voting sites in largely Democratic areas, with voting options curtailed most in areas with higher shares of voters of color.

Hughes said the decision to leave out that provision had been influenced by the Senate's initial debate on SB 7 when Democrats hammered the Republican over that proposal. But state Sen. [Borris Miles](#), a Houston

Democrat, pressed him on whether he had adequately considered the extent to which SB 7 could narrow access for voters of color, pointing to Hughes' decision to keep the ban on drive-thru voting despite the concerns Democrats raised about that provision.

"Because I represent a majority African American district and we benefited from the drive-thru voting that you're trying to ban now, I feel like you're coming for my district," Miles said.

Tab N



**Greg Abbott**  @GregAbbott\_TX · May 31



This session we passed legislation to:

-  Secure our border
-  Support our police
-  Expand #2A rights
-  Defend religious liberty
-  Protect life

It was one of the most conservative sessions our state has ever seen.

 555

 424

 2.1K



**Greg Abbott**  @GregAbbott\_TX



Replying to [@GregAbbott\\_TX](#)

But, there's more we must do to ensure a brighter future for Texas.

Election integrity & bail reform were must-pass emergency items.

I expect legislators to work out their differences before special session.

**Governor Abbott Statement On 87th Legislative Session**

AUSTIN - Governor Greg Abbott today issued a statement upon the conclusion of the 87th regular Legislative Session:

"From Day One of this session, our priorities were centered around hardworking Texans and building a state that is safer, freer, healthier, and more prosperous. We added to that the imperative that we secure the Texas power system to ensure it never fails again. We kept those promises while also delivering one of the most conservative legislative sessions our state has ever seen.

"We passed legislation to secure our border, support our police, expand second amendment rights, defend religious liberty, and protect the sanctity of life in Texas. We also enacted several key emergency items like reforming the Electric Reliability Council of Texas, weatherizing and stabilizing our power grid, ensuring COVID-19 liability protections, and expanding access to broadband and telemedicine.

"However, there is more we can and must do to ensure a brighter future for Texas. At the beginning of the legislative session, I declared Election Integrity and Bail Reform to be must-pass emergency items. It is deeply disappointing and concerning for Texans that neither reached my desk. Ensuring the integrity of our elections and reforming a broken bail system remain emergencies in Texas, which is why these items, along with other priority items, will be added to the special session agenda.

"I expect legislators to have worked out their differences prior to arriving back at the Capitol so that they can hit the ground running to pass legislation related to these emergency items and other priority legislation. During the special session, we will continue to advance policies that put the people of Texas first."

###

5:48 PM · May 31, 2021 · Twitter Web App

Tab O

# **Abbott says he'll call two special sessions, the first on the controversial elections bill**

Texas' Republican governor said such party priorities limiting abortion and ending the license requirement for carrying a handgun were major victories during the 2021 legislative session.

AUSTIN — Gov. Greg Abbott will call lawmakers back to Austin in the fall to redraw the state's political boundaries to reflect the latest population changes and to parcel out how the state's share of federal COVID relief funds are spent, but first he'll bring them back to finish work on the elections bill.

The two-term Republican made the much-anticipated announcement Thursday on radio host Chad Hasty's broadcast from Lubbock. He did not offer a timetable for the special session he intends to call because the House Democrats' walkout on Sunday that killed legislation that would have revamped some early-voting procedures.

In an interview Wednesday with the USA TODAY Network, said he plans to make good on his promise to veto the section of the newly passed state budget that funds the legislative branch of government. That means, lawmakers would have to restore that spending during a special session before the two-year budget kicks in before Sept. 1.



That also means that if Democrats were planning to boycott the special session on the elections measure, known in the regular session as Senate Bill 7, in an effort to again thwart its passage, Abbott's spending veto would stick and that no one who works in the legislative branch of government would be paid after Sept. 1

Asked if he was serious about veto threat, issued shortly after the Democrats' walkout, that he might have issued it as a negotiating tool, Abbott responded: "If you mean as a threat, suggesting that I will not follow through with it, that's wrong. So I will veto it."

**More:** [Texas Republicans' voting bill led to a dramatic walkout. What we know about the fight over elections](#)

That would appear to check-mate any move by Democrats in either the House or the Senate to attempt a quorum-busting repeat.

Democrats said the measure, which would end drive-through voting, shorten the hours for casting ballots on Sunday during early voting periods and limit mail-in balloting, would disproportionately affect Blacks, Latinos and elderly Texans. Republicans say the measure would protect "election integrity" and reduce opportunities for voter fraud.



Abbott made the elections bill one of his top priorities for the 140-day legislative session that ended Monday. But the version of the bill was not called up in the House until just a couple of hours before Sunday's deadline to act on legislation.

Once it became clear to House Democrats they would not be able to simply run out the legislative clock on the measure, they began discreetly leaving both the chamber and the Capitol itself. Once 51 of the 150-member chamber members were gone, the House lacked the constitutional authority to take any substantive action.

**More:** [GOP Texas House speaker: Democrats had a right to bust quorum over elections bill](#)

State Rep. Dustin Burrows, a Lubbock Republican who chairs the agenda-setting House Calendars Committee applauded the governor's announcement that he'll call lawmakers back to work.

"I'm ready to answer the Gov's call & get this unfinished business done!," Burrows said in a tweet.

In his interview on Wednesday, Abbott said lawmakers acted on several measures that have long been on the Republican wish list. Among them were outlawing abortion once a fetal heartbeat is detectable and allowing the unlicensed carry of handguns in public places that permit guns to be carried.

The governor also touted the measure he promoted that forbid cities from cutting police budgets and to prevent homeless people from camping in public. He said the session was an overall success for Republicans, especially after the slow start in January because of COVID-19, exacerbated in February by the brutal winterstorm.

"When everybody got here and got engaged, we passed so many substantive pieces of legislation that turned out to be remarkably productive," he said.

Abbott also gave lawmakers high marks for what he called "issues other than what may be considered to be Republican red meat." Among them was responding to massive failure of Texas' power grid during the brutal winter storm in February that shutdown nearly the entire state for several days. One bill required electric generating plants to be able to withstand extreme temperatures.

"We passed weatherization, not winterization," Abbott said. "Because in Texas, we need to prepare for both winter and summer. "

Both the state's Public Utility Commission, which oversees Texas' electric grid, and the Electric Reliability Council of Texas, which manages it day to day, were restructured to add more accountability measures, Abbott said.

Democrats, meanwhile, put out their own list of achievements from the session.

The Botham Jean Act, named for the 26-year-old accountant who was killed in his Dallas apartment by an off-duty police officer, was passed as a Democratic priority by both chambers. . It states police officers may not turn off their body cameras during investigations.

Elements of the George Floyd Act, named for the former Houston resident whose death in the custody of police in Minnesota prompted national outrage, also won passage. It prohibits chokeholds, establishes "a duty to intervene" for officers who witness excessive force and strengthening protocols for investigating officer misconduct.

Even with Abbott's budget veto threat, state Rep. Chris Turner of Grand Prairie, who heads the House Democratic Caucus, said his party plans to continue to resist any new restrictions on voting.

"We're out numbered. there's no doubt about it," he said. "Republicans are in the majority. And they are trying to use their advantage and their total control of state government to pass very harmful policies, Democrats are going to continue to use every tool in our toolbox to slow them down to fight them to stop them."



*John C. Moritz covers Texas government and politics for the USA Today Network in Austin. Contact him at [jmoritz@gannett.com](mailto:jmoritz@gannett.com) and follow him on Twitter [@JohnnieMo](https://twitter.com/JohnnieMo).*

Tab P



Texas Gov. Greg Abbott, center, takes part in a roundtable discussion on public safety and law enforcement, Thursday, Jan. 21, 2021, in Austin, Texas. (AP Photo/Eric Gay)

POLITICS

## Gov. Greg Abbott discusses special session agenda, veto threat

BY KARINA KLING | TEXAS  
PUBLISHED 8:02 PM CT JUN. 07, 2021

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AUSTIN, Texas — It's been one week since the Texas Legislature left town. But lawmakers left a lot of business unfinished in Gov. Greg Abbott's eyes and he's vowed to call them back.

He said to expect at least two special sessions. The second one was expected and will be in the fall to deal with redistricting and spending federal COVID relief money. Gov. Abbott's said the first overtime call with include a sweeping elections reform bill and a measure to overhaul the bail system. But in an interview on Capital Tonight Monday, he said he's still deciding what other items he may place on the early special session agenda and expects to make an announcement about that and the timing of it by the end of the month.

One thing he disclosed he will include, reinstating all of the funding contained in Article 10 of the state budget. Abbott threatened to veto Texas lawmakers' pay after the elections bill failed, but that article also includes salaries for staff and several key agencies. Abbott's been criticized for punishing staff who had nothing to do with the Democrats walkout over the elections bill.

"I'll give them [lawmakers] the opportunity to reinstate it," he said "I will add that issue back on the table during the special session so they will have the opportunity to reinstate all of the funding in Article 10."

Abbott has until June 20 to announce his vetoes. The current budget ends on Aug. 31 so he'd need to call lawmakers back before then to let them restore the funding for the new budget that starts in September without affecting staff.

Click the video link above to watch our full interview with Gov. Abbott, including his take on his reelection campaign as more Republicans weigh challenging him.

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Tab Q

# House Speaker Dade Phelan says Gov. Greg Abbott could hurt staffers and legislative agencies if he tries to block lawmaker salaries

Abbott's vow came after a Democratic walkout in the House late Sunday night blocked passage of Senate Bill 7, his priority elections bill that would overhaul voting rights in Texas.

by [Cassandra Pollock](#) June 1, 2021 Updated: 4 PM Central

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Texas House Speaker Dade Phelan said Tuesday he has concerns with Gov. [Greg Abbott](#)'s recent vow to veto a section of the state budget that funds the Legislature, citing how the move to block such pay could impact staffers and legislative agencies.

"I understand the frustration the governor has in [lawmakers] not passing those emergency items — they were priorities of the governor, they were priorities of mine, priorities of many members of the Legislature," Phelan, a Beaumont Republican, said in an interview with The Texas Tribune. "My only concern is how it impacts staff, especially those who live here in Austin, which is not an inexpensive place to live and raise your family and children."

[Abbott's vow](#) came after a Democratic walkout in the House late Sunday night blocked passage of Senate Bill 7, his priority elections bill that would overhaul voting rights in Texas.

"No pay for those who abandon their responsibilities," Abbott [said in a tweet](#).

Phelan also said he thinks that, under the Constitution, lawmakers would still have to be paid even if Abbott carried out his veto. Lawmakers are paid \$600 a month in addition to a per diem of \$221 every day the Legislature is in session, during both regular and special sessions.

In an interview with the Tribune later Tuesday, Abbott insisted he still plans to veto that part of the budget and said that if Phelan is "concerned about it, he needs to do something about it."

"He has a role to play here," Abbott said. "He's not some outside viewer. He's a participant, and he needs to step up and get the job done."

The governor has said he will summon the Legislature back to Austin for an overtime round to pass the legislation, though he has not yet specified when he plans to do so. Lawmakers are already expected to return this fall for a special session to redraw the state's political maps.

Phelan said if Abbott carries out the veto, which he has until June 20 to do, lawmakers could be back for an earlier-than-anticipated overtime round to deal with the issue, since the budget involved covers the fiscal year starting Sept. 1.

The speaker also said he had concerns about how the move could impact legislative agencies such as the Legislative Budget Board, which are also funded by Article X of the budget.

"They weren't the ones who decided that we were going to break quorum," Phelan said.

Abbott is the only elected official who can decide which issues are included in a special session agenda and when one can happen. He has said that both the voting bill and priority bail legislation that also failed to advance during the regular session will be added to a special session agenda.

Asked Tuesday whether there were additional issues he'd like to see included, Phelan suggested that lawmakers could go further on some of the issues the Legislature debated about how to shore up the state's electrical grid after a deadly winter storm in February left millions of homes and businesses without electricity for days.

While lawmakers sent Abbott legislation [that will make some changes to the state's power grid](#), such as requiring power plants to prepare key infrastructure for more extreme weather, they did not pass measures to structurally change the Texas electricity market that some experts called for in the wake of the massive storm.

"I think there's some more discussion that needs to occur about securitization and making certain that the grid is exactly how we need it to be in not just the summer months but winter months as well," Phelan said.

On SB 7, Phelan expressed interest in taking a more piecemeal approach during a special session, suggesting that the issue could be broken into multiple pieces of legislation instead of an omnibus bill, which he said sometimes "can become just too weighty."

The move, he said, could help lawmakers "feel more comfortable about what's in each piece of legislation and give everyone a better opportunity to vet the ideas."

Phelan, who was elected to his first term as speaker by House members in January, also said Tuesday he will almost certainly seek another term at the gavel.

Phelan put the odds of that at "99% — because I haven't talked to my wife yet."

Tab R

# Texas Gov. Greg Abbott could be upsetting balance of powers with threat to veto Texas Legislature's pay

A governor targeting the Legislature's budget would be unprecedented in Texas history.

by [James Barragán](#) June 3, 2021 11 PM Central

*[Sign up for The Brief](#), our daily newsletter that keeps readers up to speed on the most essential Texas news.*

Fresh off the defeat of two of his legislative priorities Sunday night when Democrats abandoned the Texas House to block a sweeping elections bill, Gov. [Greg Abbott](#) flexed his executive muscle Monday — vowing to defund a co-equal branch of government while raising questions about the separation of powers in Texas.

"I will veto Article 10 of the budget passed by the legislature," he wrote on [Twitter](#). "Article 10 funds the legislative branch. No pay for those who abandon their responsibilities."

Abbott did not give additional details about how the veto would work, telling his nearly 600,000 Twitter followers only to "stay tuned." He's also said that lawmakers will be brought back for a special legislative session this year to pass the failed priority bills. But the veto announcement on social media sparked concerns about the increasing encroachment by the state's executive branch into the legislative branch's purview.

"We have not seen a governor in modern times who has taken such a step to minimize the legislative branch of government," said Brandon Rottinghaus, a political scientist at the University of Houston. "The Texas Constitution sets

out a balance of power, and it has stuck to that since the inception of the Texas government. To change that by altering which branch was able to be politically and financially stronger is clearly antithetical to the Constitution."

Abbott's office declined to comment.

A governor targeting the Legislature's budget would be unprecedented in Texas history, according to the Legislative Reference Library of Texas. But in 1971, Gov. Preston Smith vetoed all appropriations made for the second year of the 1972-73 biennial budget and tasked the Legislature with redoing the budget for that year during an already planned special session.

"This probably ventures into uncharted territory," said Dale Craymer, president of the Texas Taxpayers and Research Association, who worked on the budget for Govs. [Ann Richards](#) and George W. Bush. "It invites some fascinating academic questions."

On top of funding the two chambers of the Legislature, Article X of the state budget also funds nonpartisan agencies that are crucial for policymaking, including the Legislative Reference Library, which conducts research for the Legislature; the Legislative Budget Board, which develops policy and budget recommendations and provides fiscal analyses for legislation; the Legislative Council, which helps draft and analyze potential legislation; the State Auditor's Office, which reviews the state's finances; and the Sunset Advisory Commission, which reviews the efficiency of state agencies.

Several of these agencies would be crucial for the all-important redrawing of political maps that lawmakers are expected to take up in an already planned special session in the fall.

Lawmakers on both sides of the aisle are worried about Abbott's veto impacting workers in those agencies and other staffers.

House Speaker [Dade Phelan](#), a Beaumont Republican, said he shared the

governor's frustration that two GOP priority bills on elections and bail had not gotten the Legislature's approval.

The elections bill followed a nationwide push for so-called "election integrity" in state legislatures, after claims by former President Donald Trump that there was voter fraud in the 2020 presidential elections. Texas' bill would have restricted voting hours during early voting, curtailed local voting options and further limited the ability of Texans to vote by mail.

Abbott pushed to change the bail system in Texas after Damon Allen, a trooper with the Department of Public Safety, was killed during a traffic stop while the suspect was out on bond. Abbott asked the Legislature to make it harder for violent criminals to receive bail.

But Phelan said a veto of the entire Legislature's budget would hurt the wrong people while lawmakers, whose \$600-per-month pay is written into the Constitution, would still get their paychecks.

"My concern is how it impacts staff, especially those who live here in Austin, which is not an inexpensive place to live and raise your family and children," said Phelan, a former legislative staffer. "And the agencies it impacts — Sunset, Legislative Reference Library, Lege Council — I'm just concerned how it impacts them because they weren't the ones who decided that we were gonna break quorum, it wasn't their decision, right?"

Rep. [Donna Howard](#), an Austin Democrat who was among those who walked out of the House to break its quorum Sunday night, echoed Phelan's concern for government employees and criticized Abbott for announcing the veto without explaining how it would work.

"They had nothing to do with it. They are hired to do a job. They do it well. They show up and they work long hours during session," she said. "To put them in the position of being concerned whether their jobs will be continued is extremely irresponsible."

Howard also criticized the move as an attempt to inhibit the Legislature's ability to perform its duties by a governor who was angry for political reasons.

"We have a balance of powers for a reason," Howard said. "If you do not have the branch that represents directly the people of this state, then you are in essence having something very similar to a monarchy, with one person in charge of everything that happens in the state with no input from elected representatives."

But Abbott has support for his proposed veto from Lt. Gov. [Dan Patrick](#), who presides over the Senate. Patrick, who has been vocal about his frustration with House leadership over the walkout, said putting staff jobs on the line was an effective way to ensure Democratic lawmakers show up for the special session.

"If the Democrats don't come back, they'll have to fire everybody," Patrick told Dallas radio host Mark Davis. "That will force them to come back, and while they're back, we'll pass those other bills."

If carried through, the veto would continue an expansion of the executive branch's authority over the last two decades. During the pandemic, Abbott exerted broad authority to respond to COVID-19 under the Texas Disaster Act of 1975, issuing [executive orders](#) that limited social gatherings to 10 people, closed down restaurants and bars, and closed down nursing homes to visitors.

Some lawmakers flinched at his use of that law, which was meant for natural disasters like hurricanes with a clear end date, to exert executive power during an ongoing pandemic.

The conservative House Freedom Caucus called on him to stop the "government overreach," and lawmakers tried unsuccessfully this session to curb the governor's executive authority during natural disasters.

Abbott has also expanded the governor's power in the realm of budget vetoes.

In 2015, the Legislative Budget Board argued that a governor went too far when he used his line-item veto to scratch items in the state budget that were not directly tied to appropriations.

But Attorney General [Ken Paxton](#)'s office [sided with Abbott](#) and said the governor was within his authority to do so, which critics said gave governors the ability to veto the directions and intentions of lawmakers on top of actual appropriations.

Rottinghaus, who is working on a book about former Gov. [Rick Perry](#), said the growth of the executive branch's power is one of the themes of the book, but "Abbott has taken it to the next level."

"Perry made the tune popular, but Abbott took it to No. 1 with a new band," he said.

Perry could serve in some ways as a cautionary tale for Abbott. In 2007, Perry signed an executive order mandating that all sixth grade girls get vaccinated for the human papillomavirus, which can cause cervical cancer. But lawmakers came back during that legislative session and blocked his executive order, saying Perry had overstepped his authority.

"He backed off immediately. He saw he'd gone too far," Rottinghaus said. "That's a battle that the governor doesn't want to pick because the courts could say he's wrong, the Legislature could defund the executive branch in the same way — there's all kinds of options that the Legislature can use. ... That's what Perry found. If you cross the Legislature, you're risking a revolt you can't contain."

Not everyone believes the governor will follow through, however.

Abbott has until June 20 to announce his vetoes. The current biennial

budget ends Aug. 31. If Abbott called back lawmakers before the end of August and got his priority bills passed, he could then let lawmakers restore the funding for the new budget starting in September without any impact to people employed by the legislative branch.

"Abbott likes to puff up and then deflates very quickly," said Matt Angle, a Democratic political operative who runs the Lone Star Project. "He doesn't have the guts to send termination notices to public servants who are just doing their jobs."

On Thursday, Abbott told Lubbock radio host Chad Hasty he would call lawmakers back for two special sessions. The previously planned fall special session would be in September or October and deal with redistricting and the [allocation of \\$16 billion](#) in federal COVID-19 funds. But before that, Abbott said, he'd call legislators back to work on the defeated elections and bail bills.

Rep. [Lyle Larson](#), R-San Antonio, said he was doubtful the veto would come to pass and said it would reflect poorly on Abbott if it did. Staffers for Republican lawmakers who played no role in the Democratic walkout would also be harmed.

"If it's a political statement that he's making, that's one thing," Larson said. "But if he follows through with it, I think a lot of people will lose confidence in his ability to govern. I know independent voters, Democratic voters and a lot of Republican voters will lose confidence in his ability to govern if he starts retaliating toward the majority party that did not walk out of the Legislature. It makes no sense."

Governors in other states have tried the maneuver before. In 2017, New Mexico Gov. Susana Martinez, a Republican, used a line-item veto to [cut the Legislature's funding](#) when she disagreed with the Democratic majority in the statehouse over its budget.

The Legislature sued Martinez, but the state's Supreme Court [declined to hear the lawsuit](#). Martinez later called a special session during which funding for the Legislature was restored.

That same year, Minnesota Gov. Mark Dayton, a Democrat, vetoed funding for his state's Legislature. That state's Supreme Court also [held up the governor's veto](#), explaining in a 5-1 decision that Minnesota's constitution did not bar the governor from vetoing funding for another branch of government.

Two states, Hawaii and Michigan, have constitutional statutes that bar governors from vetoing or reducing legislative or judicial appropriations, according to the National Conference of State Legislatures. Texas does not.

*Cassandra Pollock and Patrick Svitek contributed to this report.*

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Tab S



**DONNA HOWARD**  
STATE REPRESENTATIVE  
DISTRICT 48

*FOR IMMEDIATE RELEASE*  
June 18, 2021

Contact: Jacob Cottingham (512) 463-0631  
jacob.cottingham@house.texas.gov

**Rep. Howard Statement on Governor Greg Abbott's Article X Veto**

This veto can only be described as executive overreach for the sole purpose of threatening and coercing the Legislature - comprised of 181 different officials elected by their respective districts - into bending to the will of a single person, the Governor.

And make no mistake, this is purely a political stunt that endangers the livelihoods of hardworking Capitol staffers and other workers, including our custodians, librarians, and sergeants. We elected officials will continue to get our payment of \$600 per month because the Constitution guarantees our paychecks. It also guarantees our per diem should we be called back into session.

On the other hand, this irresponsible budget cut will directly impact the livelihoods of nearly 2,109 full-time positions, all of which play an important role in the legislative process. The Legislative Council, Legislative Budget Board, Legislative Reference Library, State Auditor's Office, and Sunset Advisory Commission would all be de-funded alongside the Texas House and Senate, both Democrats and Republicans.

These agencies help us write our bills, review everything we need to know about the budget, inform us of potential waste and abuse in state agency's work and spending, provide us with recommendations on policies to save taxpayer dollars, and even help with sifting through the mountains of data necessary for redistricting. In short, these agencies make sure that we are able to do our job so we can effectively represent our constituents, from responsibly allocating the \$16 billion in federal stimulus funds awarded to Texas, to providing the necessary policy research that will truly protect Texans' right to vote.

Do not be fooled by this veto from the Governor. He is not doing it to make sure we do our jobs--which, contrary to his rhetoric, we actually did during session and have continued to do post-session. What Abbott is doing is simply political theater in order to grandstand as a show of force so that he can claim he punished the Legislature for failing to pass his priorities. But in reality, all he's doing is taking away the jobs of dedicated public servants, while simultaneously making it harder for his supposed priorities to pass.

Ultimately, Abbott's shenanigans will not threaten me personally as a legislator, but will threaten our democratic form of government based on three equal branches of government--and that will only bring harm to our entire state.

###

*Rep. Donna Howard (D-Austin) has represented House District 48 since 2006. She is the Chair of the Texas House Women's Health Caucus and a member of the House Appropriations Committee and House State Affairs Committee.*

Tab T

# Gov. Greg Abbott vetoes funding for Texas Legislature and its staff as punishment for Democrats' walkout on elections bill

The governor's move comes after Democrats walked out of the House in the final days of the regular legislative session to block passage of Senate Bill 7, Abbott's priority elections bill that would have overhauled voting rights in the state.

by [Cassandra Pollock](#) June 18, 2021 Updated: 6 PM Central

*[Sign up for The Brief](#), our daily newsletter that keeps readers up to speed on the most essential Texas news.*

Gov. [Greg Abbott](#) followed through Friday on a threat to veto a section of the state budget that funds the Texas Legislature, its staffers and legislative agencies.

The governor's move targeting lawmaker pay comes after House Democrats walked out in the final days of the regular legislative session, breaking quorum, to block passage of Senate Bill 7, Abbott's priority elections bill that would have overhauled voting rights in the state. The move also killed bail legislation that Abbott had earmarked as a priority.

In a statement, Abbott said that "funding should not be provided for those who quit their job early, leaving their state with unfinished business and exposing taxpayers to higher costs for an additional legislative session."

"I therefore object to and disapprove of these appropriations," the governor

said.

House Democratic Caucus Chair [Chris Turner](#) of Grand Prairie called the move by Abbott an "abuse of power" and said the caucus "is exploring every option, including immediate legal options, to fight back."

"Texas has a governor, not a dictator," Turner said in a statement. "The tyrannical veto of the legislative branch is the latest indication that [Abbott] is simply out of control."

Since Abbott issued his threat earlier this month, other lawmakers and political leaders [have raised concerns](#) over how the move could impact staffers and legislative agencies that are funded by Article X, which is the section of the budget he vetoed, such as the Legislative Reference Library and the Legislative Budget Board.

"I'm just concerned how it impacts them because they weren't the ones who decided that we were going to break quorum, it wasn't their decision, right?," said House Speaker [Dade Phelan](#), R-Beaumont, in an interview earlier this month.

Questions have also been raised about the [constitutionality of the move](#), which according to the Legislative Reference Library is unprecedented.

Meanwhile, Lt. Gov. [Dan Patrick](#), who heads the Senate, [expressed support](#) for Abbott's proposed veto, saying the move could force Democrats to come back for a special session.

The biennial budget at hand covers the fiscal year beginning Sept. 1. If lawmakers are back in Austin for a special session before then, they could pass a supplemental budget to restore that funding.

Lawmakers are paid \$600 a month in addition to a per diem of \$221 every day the Legislature is in session, during both regular and special sessions.

The Legislature is expected to convene for at least two special sessions, Abbott has said in interviews. One, set for September or October, will focus on the redrawing of the state's political maps and the doling out of \$16 billion in federal coronavirus relief funds. Before that, the governor has said he will call lawmakers back to work on the elections and bail bills, as well as other issues he has not yet announced.

Tab U

# Abbott, as threatened, vetoes budget for legislative staff

AUSTIN, Texas (AP) — Texas Gov. Greg Abbott followed through on his threat and vetoed Friday the new state budget's line item providing for legislative staff pay.

The Republican governor had threatened the veto after a walkout by House Democrats in the final hours of the regular legislative session. The walkout denied a House quorum to vote on controversial voting restrictions that Abbott had prioritized.

"Texans don't run from a legislative fight, and they don't walk away from unfinished business," Abbott said in Friday's veto message. "Funding should not be provided for those who quit their job early, leaving their state with unfinished business and exposing taxpayers to higher costs for an additional legislative session."

However, a summer special session already was expected so the Legislature can redraw district lines for congressional, legislative and other government offices.

The budget is to take effect on Sept. 1. Abbott is expected to push the voting restrictions bill gain during the summer special session.

Rep. Chris Turner, the Grand Prairie Democrat who chairs the House Democratic Caucus, engineered the walkout. In a statement Friday, he called Abbott's veto "tyrannical" and the latest indication the Republican governor "is out of control." The caucus is considering all of its options, Turner said, "including immediate legal options."

"Let's be clear," he said. "Vetoing the legislative branch will cause direct harm to Texans. Members of the Legislature provide vital services in our

districts — helping single parents receive child support payments, assisting a family with healthcare enrollment for their children or resolving a driver license issue. Our constituent services are the lifeblood of our public service, something Abbott should try learning about. By placing a termination date on the employment of all legislative staff, the governor is cutting off services to millions of Texans."

Messages seeking comment from House Speaker Dade Phelan and Lt. Gov. Dan Patrick, who presides over the Senate, were not immediately returned. Both are Republicans.

Tab V

# Texas Gov. Greg Abbott sets July 8 date for special legislative session on voting bill, other issues

Abbott's office did not specify what legislative priorities will be included on the special session agenda and said in an advisory that such items "will be announced prior to the convening of the special session."

by [Cassandra Pollock](#) June 22, 2021 Updated: 8 PM Central

*[Sign up for The Brief](#), our daily newsletter that keeps readers up to speed on the most essential Texas news.*

Gov. [Greg Abbott](#) has set a special session of the Texas Legislature starting July 8, his office announced Tuesday.

Abbott's office did not specify what legislative priorities will be included on the special session agenda and said in an advisory that such items "will be announced prior to the convening of the special session."

Abbott has already said that he plans to ask state lawmakers to work on two priority elections and bail bills that died in the final hours of the regular legislative session after House Democrats walked out of the chamber.

[More recently](#), Abbott has said the agenda for the Legislature's overtime round will also include further restricting in schools the teaching of [critical race theory](#), which refers to an academic discipline that explores the role racism plays in institutions and structures of governance. And during a teletownhall with supporters Tuesday evening, Abbott said he would add a call for legislation that would prevent certain social media companies from

blocking or banning users based on their viewpoints. Legislation [that sought to do so died](#) during the regular session.

The GOP priority elections bill, known during the regular session as Senate Bill 7, was a sweeping piece of legislation that would have created new limitations to early voting hours and curbed local voting options like drive-thru voting, among other things.

It's unclear what tweaks, if any, will be made to the bill during a special session. After the Legislature adjourned in May, [some Republicans said](#) they planned to change at least one controversial provision in the bill that dealt with the window for early voting on Sundays. The last-minute addition to the bill had raised concerns that it would harm get-out-the-vote efforts by Black churches.

Abbott's other priority legislation that died, [known as House Bill 20](#) during the regular session, would have made it harder for people arrested to bond out of jail without cash. That bill was also killed after House Democrats broke quorum to block passage of SB 7.

Lawmakers were already expected to return to the Legislature this calendar year for a special session focused on redrawing the state's political maps and doling out billions of dollars in federal COVID-19 relief funds. Abbott has said that special session will happen sometime in September or October.

But after Abbott's elections and bail priority bills died in May, the governor said he would call lawmakers back to work on that legislation as well as a host of other issues — and he vowed to veto the section of the state budget that funds the Legislature, its staffers and legislative agencies, as punishment for House Democrats walking out of the chamber.

[Abbott followed through on that threat Friday](#), though the budget at hand covers the fiscal year beginning Sept. 1. When they're back in Austin next month, lawmakers can pass a supplemental budget to restore that funding —

though the item would first need to be included on the governor's special session agenda. The document would also need a signature from Abbott before it could go into effect.

On top of that, Abbott and the heads of the Senate and House — Lt. Gov. [Dan Patrick](#) and Speaker [Dade Phelan](#), R-Beaumont, respectively — [showed tensions earlier this month](#) over the specifics of a special session, including what other legislative issues should be on the agenda and how to approach the elections bill.

On Senate Bill 7, for example, Abbott said after the Legislature adjourned he was "satisfied" with the legislation as is and Patrick said that Republicans would not "soften the bill." Phelan, meanwhile, said he would favor breaking the legislation into smaller pieces, saying a more piecemeal approach could help members "feel more comfortable ... and give everyone a better opportunity to vet the ideas."

Another question hanging over state lawmakers is whether Democrats plan to again break quorum to prevent the passage of an elections bill during a special session. A number of House Democrats have said that all tools are on the table with regards to a special session strategy, including potentially leaving the state to help block the legislation.

"It's no secret that that's something that's been effective in the past," said state Rep. [Rafael Anchía](#), a Dallas Democrat who chairs the Mexican American Legislative Caucus, during an interview last week on CNN.

Though it's unclear what Abbott plans to include in a special session agenda, state lawmakers and outside groups have been expressing what issues they would like to see the Legislature additionally tackle.

Republicans, including Patrick, the lieutenant governor, have asked Abbott to include legislation that would ban the practice known as taxpayer-funded lobbying and a bill [that would restrict the participation of transgender](#)

[student athletes in school sports](#) — two items that failed to pass during the regular session.

Meanwhile, Democrats and left-leaning groups have called on Abbott to include items such as fixing the state's electric grid and expanding health care.

"We're not going to go down without a fight and we will never stop fighting to protect the rights of all Texans to cast a ballot," said Carisa Lopez, political director of the left-leaning Texas Freedom Network, in a statement Tuesday.

*Disclosure: Texas Freedom Network has been a financial supporter of The Texas Tribune, a nonprofit, nonpartisan news organization that is funded in part by donations from members, foundations and corporate sponsors. Financial supporters play no role in the Tribune's journalism. Find a complete [list of them here](#).*