



GOVERNOR GREG ABBOTT

October 27, 2022

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

12:30pm O'CLOCK

OCT 27 2022

The Honorable John B. Scott
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701


Secretary of State

Dear Mr. Secretary:

Pursuant to Chapter 317 of the Texas Government Code, the Legislative Budget Board sent the attached letter to the governor on Wednesday, October 26, 2022, stating an emergency exists under Sec. 317.002 of the code due to an insufficiency of funds. In response, the governor issued the attached letter under his signature ratifying the proposal made by the Legislative Budget Board.

Therefore, pursuant to Sec. 317.004 of the Texas Government Code, I am forwarding the proposal from the Legislative Budget Board and the order signed ratifying the proposal from the governor to the secretary of state to be duly filed for publication in the Texas Register.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachments



LEGISLATIVE BUDGET BOARD

Robert E. Johnson Bldg.
1501 N. Congress Ave. - 5th Floor
Austin, TX 78701

512/463-1200
Fax: 512/475-2902
<http://www.lbb.state.tx.us>

October 27, 2022

The Honorable Greg Abbott
Governor of the State of Texas
Capitol Building
Room 2S.1
Austin, Texas 78701

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Secretary of State

RECEIVED BY THE OFFICE
OF THE GOVERNOR
11:30am O'CLOCK

OCT 27 2022

EXECUTIVE CLERK

Dear Governor Abbott,

Pursuant to Texas Government Code, Section 317.002, this budget execution order is proposed for the following action affecting items of appropriation made by Senate Bill No. 1, General Appropriations Act, Acts of the 87th Legislature, Regular Session, 2021.

Funds are necessary to support school safety, public health, and border operations during the 2022-23 state fiscal biennium and this need creates an emergency. We therefore propose that:

- From appropriations made to the Department of State Health Services by Senate Bill No. 1, General Appropriations Act, Acts of the 87th Legislature, Regular Session, 2021, the amount of \$100,000,000 in General Revenue appropriated for fiscal year 2023 in Strategy A.1.1. Public Health Preparedness & Coordinated Services, shall be transferred to the Texas Division of Emergency Management to fund remaining COVID-19 response expenses.
- From appropriations made to the Texas Education Agency by Senate Bill No. 1, General Appropriations Act, Acts of the 87th Legislature, Regular Session, 2021, the amount of \$415,000,000 in General Revenue appropriated for use during fiscal year 2023 and available pursuant to the budget surplus of Foundation School Program Funds identified in Rider 3, Foundation School Program Funding, shall be transferred for the following purposes:
 - \$400,000,000 to assist school districts in replacing or upgrading doors, windows, fencing, communications, and other safety measures, and
 - \$15,000,000 to provide the Uvalde Consolidated Independent School District with funds for planning and construction of an elementary school.

These proposed transfers do not alter the allocation of money between particular programs or statutory allotments under the foundation school program contrary to the statutory proration formula provided by Education Code, Section 42.253(h) or its successor.


October 27, 2022

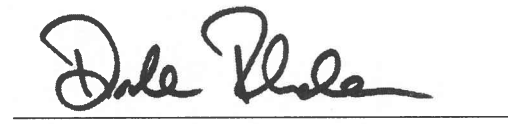
Page 2

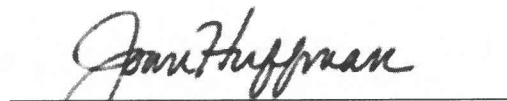
- From appropriations made to the Texas Department of Criminal Justice by Senate Bill No. 1, General Appropriations Act, Acts of the 87th Legislature, Regular Session, 2021, the amount of \$359,673,191 in General Revenue appropriated for use in fiscal year 2023 in Strategy C.1.1. Correction Security Operations and made available pursuant to Section 6 of Senate Bill 8, 87th Legislature, 3rd Called Special Session, shall be transferred to the Trusteed Programs within the Office of the Governor Strategy A.1.1., Disaster Funds including \$339,673,191 to support deployment of the National Guard and \$20,000,000 to support border operations in other state agencies.

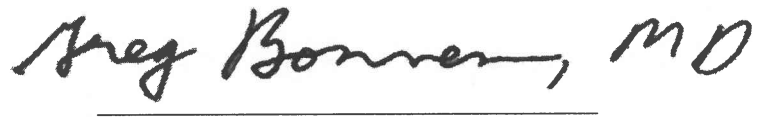
Nothing in this proposal extends appropriation authority beyond August 31, 2023.

Respectfully,


Dan Patrick
Lieutenant Governor
Joint Chair, Legislative Budget Board


Dade Phelan
Speaker of the House
Joint Chair, Legislative Budget Board


Joan Huffman
Chair, Senate Finance Committee


Greg Bonnen
Chair, House Appropriations Committee

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Secretary of State

October 27, 2022

Budget Execution Order

I am in receipt of the Legislative Budget Board's proposal dated October 27, 2022. In the proposal, you state there is an emergency pursuant to Section 317.002 of the Texas Government Code and recommend the transfer of funding between agencies as shown below.

Pursuant to Section 317.005(b) of the Government Code, I am ratifying the proposal. As the Legislative Budget Board notes, these funds are necessary to support school safety, public health, and border operations during the 2022–23 state fiscal biennium, and this need creates an emergency. Though the Legislature will soon meet, funds are necessary today to continue critical public safety initiatives, support public schools in further protecting schoolchildren, and ensure that incurred public health expenses are paid during the current biennium.

Therefore, it is ordered that:

- From appropriations made in the General Appropriations Act to the Department of State Health Services by Chapter 1053 (S.B. No. 1), Acts of the 87th Legislature, Regular Session, 2021, the amount of \$100,000,000 in General Revenue appropriated for Fiscal Year 2023 in Strategy A.1.1, Public Health Preparedness & Coordinated Services, shall be transferred to the Texas Division of Emergency Management to fund remaining COVID-19 response expenses.
- From appropriations made in the General Appropriations Act to the Texas Education Agency by Chapter 1053 (S.B. No. 1), Acts of the 87th Legislature, Regular Session, 2021, the amount of \$415,000,000 in General Revenue appropriated for use during Fiscal Year 2023 and available pursuant to the budget surplus of Foundation School Program funds identified in Rider 3, Foundation School Program Funding, shall be transferred for the following purposes:
 - \$400,000,000 to assist school districts in replacing or upgrading doors, windows, fencing, communications, and other safety measures; and
 - \$15,000,000 to provide the Uvalde Consolidated Independent School District with funds for planning and construction of an elementary school.

These proposed transfers do not alter the allocation of money between particular programs or statutory allotments under the Foundation School Program contrary to the statutory proration formula provided by Section 42.253(h) of the Education Code or its successor.

- From appropriations made in the General Appropriations Act to the Texas Department of Criminal Justice by Chapter 1053 (S.B. No. 1), Acts of the 87th Legislature, Regular Session, 2021, the amount of \$359,673,191 in General Revenue appropriated for use in Fiscal Year 2023 in Strategy C.1.1, Correction Security Operations and made available pursuant to Section 6, Chapter 10 (S.B. No. 8), Acts of the 87th Legislature, 3rd Called Session, shall be transferred to the Trusted Programs within the Office of the Governor Strategy A.1.1, Disaster Funds, including \$339,673,191 to support deployment of the National Guard and \$20,000,000 to support border operations in other state agencies.

Nothing in this proposal extends appropriation authority beyond August 31, 2023.

I hereby certify that this order has been reviewed by legal counsel and found to be within my authority.

Issued in Austin, Texas, on October 27, 2022.

Sincerely,



Greg Abbott
Governor

GA:bfd

cc: The Honorable Glenn Hegar, Texas Comptroller of Public Accounts
Jerry McGinty, Executive Director, Legislative Budget Board
Mike Morath, Commissioner, Texas Education Agency
John Scott, Chief of School Safety and Security, Texas Education Agency
Bryan Collier, Executive Director, Texas Department of Criminal Justice
Nim Kidd, Chief, Texas Division of Emergency Management
Dr. Jennifer A. Shuford, Interim Commissioner, Texas Department of State Health Services

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