



CITY OF HOUSTON

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April 13, 2023

The Honorable Bryan Hughes
Senate Committee on State Affairs
P.O. Box 12068
Capitol Station
Austin, Texas 78768

Dear Chairman Hughes and Members of the Committee:

On behalf of the City of Houston, I write in opposition to Senate Bill 242 and ask that this written testimony be included in the formal legislative record for S.B. 242. The City and I thank the Committee and Chairman for the opportunity to comment regarding this proposed legislation.

My name is Rebekah Wendt. I am an Assistant City Attorney in the General Counsel Section of the City of Houston Legal Department. I testify with the City's full authority to speak on its behalf as part of my assigned duties and responsibilities.

The City of Houston opposes S.B. 242 for the following reasons:

S.B. 242 requires the Texas Attorney General to submit a monthly report of each federal rule adopted in the previous month that was adopted in response to a presidential executive order and that the Attorney General judges to violate certain listed constitutional rights, and to include the status of any lawsuit filed against the federal government relating to any rule identified in any of these reports. If the Attorney General lists a federal rule in this report, then political subdivisions of the state would be prohibited from cooperating with the relevant federal agency to implement or enforce them.

The City of Houston opposes this bill because it would place political subdivisions between the State of Texas and the federal government in any disputes that arise out of these monthly reports. For any listed federal rule requiring municipal

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cooperation or enforcement, political subdivisions in Texas would be forced to disobey either state or federal law, and likely incur litigation expenses as a consequence. The costs of such litigation would be borne by taxpayers.

Additionally, rather than provide a clear process for judicial or legislative review of the Attorney General's determinations before they take effect in political subdivisions, S.B. 242 places all authority to decide whether political subdivisions may cooperate with federal laws with one office. This arrangement risks committing potentially large portions of municipal budgets to resulting litigation that municipalities may not be able to afford, without the input of municipal voters or their local elected officials.

A mechanism to challenge the constitutionality of federal rules already exists. The State of Texas may, and does, file lawsuits against the federal government seeking to invalidate a rule or statute. S.B. 242 would unnecessarily bring the state's political subdivisions into these disputes, at potentially great cost to local taxpayers.

For these reasons, the City of Houston respectfully opposes S.B. 242.

Sincerely yours,

/s/Rebekah Wendt

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