

government overreach. The State of Texas brings this suit to ensure that Harris County follows the law and that public funds are properly expended and not doled out as door prizes at the voting booth.

I. DISCOVERY LEVEL

1. Discovery is intended to be conducted under Level 2 of Rule 190 of the Texas Rules of Civil Procedure.

II. PARTIES

2. Plaintiff, the State of Texas, is a state of the United States of America and a sovereign entity that “has an intrinsic right to enact, interpret, and enforce its own laws.”¹ Injuries to this right are sufficient to both create standing to sue and show irreparable harm.²
3. Defendant Harris County, Texas, is a political subdivision of the State of Texas.
4. Defendant Harris County Commissioners Court is the administrative body of Harris County, Texas.
5. Defendant Lina Hidalgo is the Harris County Judge and presiding officer of the Harris County Commissioners Court.
6. Defendant Rodney Ellis is the Harris County Commissioner for Precinct 1 and member of the Harris County Commissioners Court.
7. Defendant Adrian Garcia is the Harris County Commissioner for Precinct 2 and member of the Harris County Commissioners Court.

¹ *State v. Naylor*, 466 S.W.3d 783, 790 (Tex. 2015).

² *See, e.g., Valentine v. Collier*, 956 F.3d 797, 803 (5th Cir. 2020); *Texas v. EEOC*, 933 F.3d 433, 447 (5th Cir. 2019); *Texas Ass’n of Bus. v. City of Austin, Texas*, 565 S.W.3d 425, 441 (Tex. App.—Austin 2018, pet. denied).

8. Defendant Tom Ramsey is the Harris County Commissioner for Precinct 3 and member of the Harris County Commissioners Court.
9. Defendant Lesley Briones is the Harris County Commissioner for Precinct 4 and member of the Harris County Commissioners Court.
10. Defendant Harris County Public Health (“HCPH”) is a governmental entity organized and existing under the laws of the State of Texas and the agency of Harris County, Texas responsible for administering the Harris 2.0 Handout.
11. Defendant Leah Barton is the interim executive director of HCPH.

III. JURISDICTION & VENUE

12. This Court has subject matter jurisdiction over the claims asserted herein pursuant to Article V, § 8 of the Texas Constitution; Section 24.007 of the Texas Government Code; Sections 37.001 and 37.003 of the Texas Uniform Declaratory Judgments Act; and Section 65.021 of the Texas Civil Practice and Remedies Code.
13. Venue is mandatory in Harris County as this is a suit against that county.³ Additionally, all of the events giving rise to this lawsuit occurred in Harris County, Texas and the residence or principal office of all Defendants is in Harris County, Texas. Accordingly, venue is proper in this Court pursuant to Texas Civil Practice and Remedies Code §§ 15.002(a)(1), (a)(2), and (a)(3).

³ TEX. CIV. PRAC. & REM. CODE § 15.015.

IV. BACKGROUND

A. Texas Counties Have Limited Legal Authority

14. Unlike home-rule cities which have “all the powers of the state not inconsistent with the Constitution, the general laws, or the city’s charter,”⁴ for counties “the legal basis for any action taken must be grounded ultimately in the constitution or statute.”⁵
15. “The power the Legislature confers on counties and commissioners courts are duties rather than privileges.”⁶ “Thus[,] a commissioners court may only exercise powers expressly given by either the Texas Constitution or the Legislature.”⁷ “[T]he powers of such governmental agencies as counties, townships, and school districts ‘are generally more strictly construed than those of incorporated municipalities.’”⁸ A county commissioners court “is not invested with any general police power, and any attempt by it to exercise such power is unauthorized.”⁹

B. Harris County Creates the Harris Handout

16. On June 5, 2023, Harris County Judge Lina Hidalgo and Barbie Robinson, then the executive director of HCPH, unveiled the Family Financial Stability and Income Program, also called “Uplift Harris” — a blatantly unconstitutional handout giving away public funds to individual residents of Harris County.¹⁰ HCPH maintained that the original Harris Handout was funded

⁴ *City of Galveston v. State*, 217 S.W.3d 466, 469 (Tex. 2007).

⁵ *Guynes v. Galveston Cnty*, 861 S.W.2d 861, 863 (Tex. 1993).

⁶ *City of San Antonio v. City of Boerne*, 111 S.W.3d 22, 28 (Tex. 2003).

⁷ *Id.*

⁸ *Tri-City Fresh Water Supply Dist No 2 or Harris County v. Mann*, 142 S.W.2d 945 (Tex. 1940) (citing *Stratton v Commissioners’ Court of Kinney County*, 137 S.W. 1170, 1177 (Tex. Civ. App.—San Antonio 1911, writ ref’d)).

⁹ *Commissioners’ Court of Harris Cnty. v. Kaiser*, 23 S.W.2d 840, 842 (Tex. Civ. App.—Galveston 1929, writ ref’d).

¹⁰ Harris County Commissioner Ellis, County Judge Hidalgo to Introduce Uplift Harris, an ARPA-funded Guaranteed Income Program, Harris County Precinct 1, <https://www.hcp1.net/Connect-With-Us/Newsroom/commissioner-ellis-judge-hidalgo-to-introduce-uplift-harris-an-arpa-funded-guaranteed-income-program>.

with \$20.5 million received from the American Rescue Plan Act (“ARPA”), which was a COVID-19 stimulus relief package signed into law by the Biden Administration nearly three years ago on March 11, 2021, at the height of a pandemic that President Biden has long since declared “over.”

17. HCPH described the Harris Handout as a guaranteed income program that “will provide *no-strings-attached* \$500 monthly cash payments to 1,928 Harris County residents for 18 months.”¹¹ On January 12, 2024, the same day applications for the Harris Handout opened, County Commissioner Rodney Ellis appeared in an interview on local NBC affiliate KPRC2+ and made clear that “[t]here will be no strings attached to the funding.”¹² He repeated so it was clear—“No strings attached to the money. We will let the people who get the money decide what’s best for them to do with this funding.”¹³ Recipients “can use the money however they see fit to meet their needs.”¹⁴
18. HCPH alleged the main “goal of the program is to improve participants’ financial and health outcomes.”¹⁵ Harris County is using federal pandemic funds, not to address problems caused by the pandemic, but “to help stop some of the generational poverty out there.”¹⁶
19. The original Harris Handout randomly selected who would benefit from the program’s illegal monthly dispersal of public funds. Defendants haphazardly decided that “[t]wo cohorts of

¹¹ About the Pilot, Frequently Asked Questions, Uplift Harris—Harris County Public Health, <https://uplift.harriscountytexas.gov/faqs> (last visited Feb. 6, 2024) (emphasis added).

¹² Who Qualifies for \$500 a Month in ‘Uplift Harris’ Program, KPRC 2, <https://www.youtube.com/watch?v=m7zBzUkrSF8> (Jan. 12, 2024) (last visited Feb. 5, 2024)

¹³ *Id.*

¹⁴ Selection, Enrollment, and Payment, Frequently Asked Questions – Uplift Harris, Harris County Public Health, <https://uplift.harriscountytexas.gov/FAQs> (last visited Feb. 6, 2024).

¹⁵ About the Pilot, *supra*, note 3.

¹⁶ Who Qualifies, *supra*, note 4.

applicants will be eligible for Uplift Harris Guaranteed Income Pilot funds. Eligible applicants will be *randomly selected* for both cohorts:”

- Geographic cohort: Eligibility is based on income and geography. Applicant’s household income must be below 200% of the federal poverty line (FPL) and reside in one of the identified high-poverty ZIP codes. The overwhelming majority of the Uplift Harris Guaranteed Income Pilot participants were selected from the Geographic Cohort. The only eligible zip codes were 77050, 77093, 77051, 77060, 77028, 77033, 77026, 77081, 77547 and 77091.
- ACCESS Harris: Active participants of Accessing Coordinated Care and Empowering Self Sufficiency (ACCESS) Harris County are qualified to apply through their participation in ACCESS Harris and having a household income below 200% FPL. ACCESS cohort participants can reside anywhere in Harris County.¹⁷

20. Those chosen to receive payments were “selected randomly from the people that apply, it will go into a lottery” according to Harris County Commissioner Rodney Ellis.¹⁸

21. In his own interview on the Harris Handout, County Commissioner Tom Ramsey recognized that the Harris Handout’s goal of providing \$500 monthly gifts using public funds to random individuals was problematic, saying there were “*many potential problems* when you try to

¹⁷ Eligibility, Frequently Asked Questions – Uplift Harris, Harris County Public Health, <https://uplift.harriscountytexas.gov/FAQs> (last visited Feb. 6, 2024) (emphasis added).

¹⁸ Who Qualifies, *supra* note 4.

identify 1,800 people that you're going to give \$500 a month to—no restrictions—then you better have a pretty transparent program[.]”¹⁹

22. On February 2, 2024, the Harris Handout’s window for accepting applications from thousands of eligible Harris County residents closed. Defendants then commenced a “review” of an untold number of applications from private individuals before determining which individuals would receive illegal \$500 pay outs every month for the next 18 months.
23. Defendants selected the “winners” of the Harris Handout and began notifying them on or about March 18, 2024.²⁰ The first payment of \$500 was to be distributed to the lottery winners as early as April 24, 2024.²¹
24. On April 9, 2024, the State of Texas filed suit against the same Defendants²² seeking a Temporary Restraining Order and Temporary Injunction alleging violations of Article III, § 52(a) of the Texas Constitution and Article 1, § 3 of the Texas Constitution. The State’s Petition was denied by Hon. Ursula Hall of the 165th Judicial District Court of Harris County, and a Notice of Appeal was filed with the Fourteenth Court of Appeals the same day.
25. On April 22, 2024, the Fourteenth Court of Appeals denied the State’s request for emergency relief under Rule 29.3 seeking a stay of the unconstitutional payments under the Harris Handout while the temporary injunction appeal proceeded.

¹⁹Guaranteed Income Program ‘Uplift Harris’ Finalized Details, Fox 26 Houston, <https://www.youtube.com/watch?v=Vc-0U4WKHxw> (Jan. 9, 2024) (last visited Feb. 5, 2024) (emphasis added).

²⁰Uplift Harris Guaranteed Income Pilot announces award notifications starting today, Fox 26 Houston, <https://www.fox26houston.com/news/uplift-harris-guaranteed-income-pilot-announces-award-notifications-starting-today> (last visited March 22, 2024)

²¹ *Id.*

²² Original Defendants included Barbie Robinson, in her official capacity as Executive Director of Harris County Public Health, but Ms. Robinson was recently removed from her position.

26. The State then filed a mandamus petition with the Supreme Court of Texas, again requesting a stay of the unconstitutional payments under the Harris Handout while the temporary injunction appeal proceeded. The Supreme Court of Texas granted the State’s motion, indicating “[t]emporarily preventing expenditure of these funds while the State’s appeal proceeds ensures public funds are not irrecoverably spent in violation of the Texas Constitution.”²³ The Court further explained, “the State has raised serious doubts about the constitutionality of the Uplift Harris program, and this potential violation of the Texas Constitution could not be remedied or undone if payments were to commence while the underlying appeal proceeds.”²⁴
27. Incredibly, on August 15, 2024, the Harris County Commissioners Court voted in favor of proceeding with the Harris 2.0 Handout program, which included a few modifications from the original Harris Handout and significantly increased administrative costs.
28. Based on all currently available public information, it appears that Harris County intends to re-enroll all previously selected participants and provide them with a reloadable debit card with limited spending categories. Harris County did not make any attempt to address the program’s failure regarding “the public purposes of development and diversification of the economy of the state” as envisioned by § 52(a) of the Texas Constitution. This is especially concerning since the Supreme Court of Texas has already indicated their “skeptical[ism] of the County’s position.”²⁵

²³ No. 24-0325, *In re The State of Texas*, Order on Petition for Writ of Mandamus, p. 11.

²⁴ *Id.* at p. 7.

²⁵ *Id.* at p. 9.

29. In light of the minimal changes implemented in the Harris 2.0 Handout, the potential harm to the State remains while its appeal of the original Harris Handout program proceeds while “the County is not harmed by being required to follow the Texas Constitution.”²⁶

V. CAUSES OF ACTION

30. Pursuant to the *ultra vires* doctrine and the Texas Declaratory Judgment Act, the State of Texas alleges the following causes of action against Defendants:

A. **Count 1: The Harris 2.0 Handout Violates Article III, § 52(a) of the Texas Constitution**

31. Under § 52(a), the Texas “Legislature shall have no power to authorize any county . . . of the State to lend its credit or to grant public money or thing of value in aid of, or to any individual . . . whatsoever[.]”²⁷ Under Texas Supreme Court precedent, to meet the requirements of § 52(a), the program must (1) accomplish a legitimate public purpose—not benefit private parties, (2) Harris County must “retain public control over the funds to ensure that the public purpose is accomplished and to protect the public’s investment”, and (3) Harris County “must ensure that it receives a return benefit.”²⁸

32. The Harris 2.0 Handout plainly violates Article III, § 52(a) of the Texas Constitution. First, the Harris Handout directly benefits randomly selected individual residents of Harris County and does not accomplish a public purpose. Second, Harris County does not retain sufficient public control over the funds. Finally, Harris County has neither received nor will receive any return benefit from monthly gratuitous cash handouts to 1,928 individuals (or 0.04% of the

²⁶ *Id.* at 11.

²⁷ *See* Tex. Const. art. III, § 52(a).

²⁸ *Tex. Mun. League Intergovernmental Risk Pool v. Tex. Workers’ Comp. Comm’n*, 74 S.W.3d 377, 383 (Tex. 2002).

population of Harris County). Because the Harris 2.0 Handout does not meet the requirements of § 52(a), it is an unlawful *ultra vires* act and should be enjoined.

33. In her Press Release dated August 15, 2024, Judge Lina Hidalgo stated, “According to census data, roughly 1 in 6 people in Harris County live in poverty, more than the national average and more than all other large counties in Texas.” Harris County’s inexplicable decision to significantly limit the areas from where individuals could apply for Uplift Harris (essentially just those residing in Commissioner Ellis’ district) further indicates the program fails to ensure Harris County, as a whole, receives a return benefit.

B. Count 2: The Harris Handout Violates Article I, Section 3 of the Texas Constitution

34. Article I, § 3 of the Texas Constitution—part of the Texas Bill of Rights—provides that all men “have equal rights, and no man, or set of men, is entitled to exclusive separate emoluments, or privileges.”²⁹ “[E]very thing in [the] ‘Bill of Rights’ is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto . . . shall be void.”³⁰

35. A governmental entity “may establish a classification so long as the classification is reasonable and applies equally to all persons who fall within the class.”³¹ In order for a classification to be valid, “all persons or things within a particular class, a sub-class, or persons similarly situated, must be affected alike.”³² A “classification must not be arbitrary or unreasonable but rather must be based on a real and substantial difference having a relation to the subject of the

²⁹ Tex. Const. art. I, § 3.

³⁰ Tex. Const. art. I, § 29.

³¹ *Producers Ass'n of San Antonio v. City of San Antonio*, 326 S.W.2d 222, 226 (Tex. App.—San Antonio 1959, writ ref'd n.r.e.).

³² *Prudential Health Care Plan, Inc. v. Comm'r of Ins.*, 626 S.W.2d 822, 830 (Tex. App.—Austin 1981, writ ref'd n.r.e.).

particular enactment.”³³ A classification is invalid if “it appears that the basis therefor is purely arbitrary.”³⁴

36. Here, the selection of individuals to receive payments under the Harris 2.0 Handout, which are the same individuals selected under the original Harris Handout, is plainly arbitrary. While the initial eligibility criteria might be considered valid classifications, Defendants cross the line from rational to arbitrary by selecting participants by random lottery and artificially limiting the geographic areas from which applicants can apply.
37. Accordingly, Defendants’ classification is not valid, the Harris 2.0 Handout still violates Article I, § 3 of the Texas Constitution, and Harris County is without authority to carry out the program which is, therefore, void and should be enjoined.

C. Count 3: Local Gov’t Code §§ 381.003 and 81.027 does not provide any authority for Harris 2.0 Handout

38. In addition to being unconstitutional as described in Counts I and II, Defendants also lack any legal authority – constitutional or statutory – to create and implement the Harris 2.0 Handout.
39. The Local Government Code does not authorize the creation and/or implementation of the Harris 2.0 Handout. Under Local Government Code § 381.003, “[t]he commissioners court of a county may administer or otherwise engage in community and economic development projects authorized under Title I of the Housing and Community Development Act of 1974 or under any federal law creating community and economic development programs.³⁵ However, the Housing and Community Development Act of 1974 contemplated financing low-income housing projects – *not* blanket cash distributions to a fraction of residents of a county using

³³ *Crawford Chevrolet, Inc. v. McLarty*, 519 S.W.2d 656, 661 (Tex. App.—Amarillo 1975, no writ).

³⁴ *Inman v. R.R. Comm'n*, 478 S.W.2d 124, 127 (Tex. App.—Austin 1972, writ ref’d n.r.e.).

³⁵ Loc. Govt. Code § 381.003(a).

public funds.³⁶ ARPA is not a federal law creating community or economic development programs. Specifically, ARPA indicated the use of funds was intended “to respond to the public health emergency with respect to the Coronavirus Disease 2019.”³⁷

40. Section 381.004 of the Local Government Code similarly does not authorize Defendants’ actions in this case concerning the creation and implementation of the Harris 2.0 Handout. Section 381.004 permits a county to administer programs for state or local economic development, for small or disadvantaged business development, to develop business location and commercial activity, to promote or advertise the county, to improve the extent to which women and minority owned businesses are awarded county contracts, to support comprehensive literacy programs, and to encourage the arts.³⁸ Nowhere in § 381.004 is there any authority providing for the randomized distribution of cash payments, using public funds, to individual residents of Harris County.

41. Further, such payments are “not a proper subject of county government” and “not why we organize a county government.”³⁹

42. Harris County Judge Lina Hidalgo, being fully aware of the prohibition of such payments under the Harris 2.0 Handout, has already indicated the funds can be “reallocated to programs that already exist to support people living in poverty.”⁴⁰

³⁶ *Pub. Law 93-383, 93rd Cong.*, 1974-2 C.B. 418 (1974).

³⁷ 42 U.S.C. § 802(c)(1)(A).

³⁸ *Loc. Govt. Code* § 381.004(b).

³⁹ Bill King, Rice University Baker Institute Fellow, “What’s Your Point,” August 24, 2024, KRIV.Fox/wyp.

⁴⁰ *Newly revamped Uplift Harris 2.0 program to launch in Harris County*, Melissa Enaje, Community Impact, Aug. 15, 2024.

43. Local Government Code § 81.027 also fails to authorize the Harris 2.0 Handout. Section 81.027 permits a county to “provide for the support of paupers, residents of their county, who are unable to support themselves.” By the express terms of the Harris 2.0 Handout, it includes individuals with incomes exceeding the federal poverty limit, and are, therefore, not paupers to which this section applies.

44. Defendants are bound by their authority under State law. While Harris County may utilize funds received from the federal government, no federal law can expand that authority. Section 381.003(d) specifically indicates, “[t]his section does not authorize a commissioners court to exercise any ordinance-making authority not otherwise specifically granted by state law.”⁴¹ Defendants do not have any authority, under any state law, to authorize the Harris 2.0 Handout.

**VI. APPLICATION FOR TEMPORARY RESTRAINING ORDER AND
TEMPORARY AND PERMANENT INJUNCTIVE RELIEF**

45. Given the important and urgent issues raised in this action, the State requests an expedited setting on its applications for a temporary restraining order and a temporary injunction, especially given that thousands of Harris County residents have applied for the illegal dispersal of public funds through the Harris 2.0 Handout, the application portal is closed, Defendants have reviewed individual applications for selection and notified “winners” of the handout program that contravenes state law, and the Supreme Court of Texas has already indicated its skepticism of the original Harris Handout.

⁴¹ Loc. Govt. Code § 381.003(d).

46. A temporary restraining order serves to provide emergency relief and to preserve the status quo until a hearing may be held on a temporary injunction.⁴² “A temporary injunction’s purpose is to preserve the status quo of the litigation’s subject matter pending a trial on the merits.”⁴³ The applicant must prove three elements to obtain a temporary injunction: (1) a cause of action against the adverse party; (2) a probable right to the relief sought; and (3) a probable, imminent, and irreparable injury in the interim.⁴⁴ These requirements are readily met here.

A. The State is Likely to Succeed on the Merits

47. The State is likely to succeed on the causes of action described above. Texas, as a sovereign entity, “has an intrinsic right to enact, interpret, and enforce its own laws.”⁴⁵ This includes a right to “reassert the control of the state” and “enforce existing policy” as declared by the Texas Legislature.⁴⁶ Injuries to this right are sufficient to both create standing to sue and show irreparable harm.⁴⁷

48. This interest logically extends to issues concerning the applicability of the State’s laws. The State is “the guardian and protector of all public rights” and has authority to sue to redress any violations of those rights.⁴⁸ The State’s interests extend to preventing “an abuse of power by

⁴² *Texas Aeronautics Comm’n v. Betts*, 469 S.W.2d 394, 398 (Tex. 1971).

⁴³ *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002).

⁴⁴ *Id.*

⁴⁵ *State v. Naylor*, 466 S.W.3d 783, 790 (Tex. 2015).

⁴⁶ *City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009).

⁴⁷ *See, e.g., Valentine v. Collier*, 956 F.3d 797, 803 (5th Cir. 2020); *Texas v. EEOC*, 933 F.3d 433, 447 (5th Cir. 2019); *Texas Ass’n of Bus. v. City of Austin, Texas*, 565 S.W.3d 425, 441 (Tex. App.—Austin 2018, pet. denied).

⁴⁸ *Yett v. Cook*, 115 Tex. 205, 219 (1926); *see also Alfred L. Snapp & Son, Inc. v. Puerto Rico ex re. Barez*, 458 U.S. 592, 607 (1982) (“[A] State has a quasi-sovereign interest in the health and wellbeing—both physical and economical—of its residents in general.”).

public officers” and to issues concerning the “maintenance and operation of its municipal corporations in accordance with law.”⁴⁹

49. The Harris 2.0 Handout violates Article III, § 52(a) of the Texas Constitution and flouts the State’s prohibition against gratuitous payments of public funds to private persons without any return consideration to the State or its political subdivision, Harris County. The program’s purpose is not to accomplish a legitimate public purpose but rather to personally benefit a select few through monthly cash payments to a random selection of Harris County residents over an 18-month period for the direct benefit of those private parties in violation of § 52(a).⁵⁰ Moreover, Defendants cannot show that Harris County will receive a return benefit from indiscriminate cash deposits to a randomly selected group of Harris County residents comprising 0.04% of the population of the county. Consequently, the Harris 2.0 Handout cannot satisfy the three-part test set forth in *Texas Municipal League Intergovernmental Risk Pool v. Texas Workers’ Compensation Commission* for determining whether a payment to an individual using public funds is gratuitous and thus unconstitutional.⁵¹
50. Further, the Harris 2.0 Handout violates Article I, Section 3 of the Texas Constitution because its classification of recipients is arbitrary because it employs a random lottery and geographic limitation as opposed to a rational classification and not all members of the classification used to select the winners will receive payments under the program.

⁴⁹ *Yett*, 115 Tex. at 219–20.

⁵⁰ *Tex. Mun. League*, 74 S.W.3d at 383.

⁵¹ *Id.* at 383–84.

B. The State will be Imminently and Irreparably Injured Absent an Injunction

51. This litigation implicates important State interests, namely, the sanctity of its Constitution.

Local officials cannot ignore a state law just because they disagree with it; however, that is precisely what the Defendants have done here. Harris County received stimulus funding nearly three years ago from the federal government at the height of the COVID-19 pandemic. With the pandemic having all but faded, Defendants opted to take the public funds Harris County received from the federal government and create a guaranteed income program through which they randomly selected almost 2,000 individual Harris County residents (of over 4.7 million residents) to whom they will deliver monthly \$500 checks without any measurable return consideration to Harris County. Defendants' blatant violation undermines state law and irreparably injures the State.⁵²

52. The Texas Supreme Court has explained that a century's worth of precedent establishes "the State's 'justiciable interest in its sovereign capacity in the maintenance and operation of its municipal corporation in accordance with law.'"⁵³ The Court noted that an *ultra vires* suit is a necessary tool to reassert the State's control over local officials who are misapplying or defying State laws.⁵⁴ The Court reasoned: "[This] tool would be useless . . . if the State were required to demonstrate additional, particularized harm arising from a local official's specific unauthorized actions."⁵⁵

⁵² 620 S.W.3d 400, 409–10 (Tex. 2020).

⁵³ *Id.* at 410 (quoting *Yett*, 115 Tex. at 842).

⁵⁴ *Id.*

⁵⁵ *Id.*

53. The Court continued that “[t]he [State] would be impotent to enforce its own laws if it could not temporarily enjoin those breaking them pending trial.”⁵⁶ The Court found that, “[w]hen the State files suit to enjoin ultra vires action by a local official, a showing of likely success on the merits is sufficient to satisfy the irreparable-injury requirement for a temporary injunction.”⁵⁷

54. The State of Texas has an interest that justifies suit, and the State will suffer an irreparable injury absent judicial relief.

C. Emergency Injunctive Relief is Necessary to Preserve the Status Quo

55. “The status quo is the last actual, peaceable, non-contested status which preceded the pending controversy.”⁵⁸ Here, the status quo is before Defendants unconstitutionally created and implemented the Harris 2.0 Handout without legal authority. It is crucial that this Court maintain the status quo during the pendency of this action so that public funds are not used for cash payments to Harris County residents prior to this Court determining the constitutionality of Defendants’ guaranteed income program.

56. The original Harris Handout payments were stayed by the Supreme Court of Texas pending the final determination of the State’s appeal which remains ongoing. Considering the minor, window dressing changes made to the original Harris Handout and relabeled the Harris 2.0 Handout program, there is not any valid reason to diverge from the Supreme Court of Texas’ prior words of caution regarding the likely unconstitutionality of the Harris 2.0 Handout.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Sharma v. Vinmar Intern., Ltd.*, 231 S.W.3d 405, 419 (Tex. App.—Houston [14th Dist.] 2007, no pet.).

VII. PRAYER

57. For the reasons discussed above, the State of Texas respectfully prays that this Court:

- A. Grant a temporary restraining order, which will remain in force until a temporary injunction hearing can be held, restraining Defendants and any of their officers, agents, servants, employees, attorneys, representatives, or any other persons in active concert or participation with them from continuing to implement and operate the Harris 2.0 Handout, which is expected to commence with the issuance of payments in approximately December 2024;
- B. Grant temporary and permanent injunctions prohibiting Defendants and any of their officers, agents, servants, employees, attorneys, representatives, or any other persons in active concert or participation with them from continuing to implement and operate the Harris 2.0 Handout;
- C. Declare that the Harris Handout is unconstitutional under Article III, § 52(a) and Article I, § 3 of the Texas Constitution;
- D. Declare that Local Government Code §§ 381.003 and 81.027 fail to provide any authority for the implementation of the Harris 2.0 Handout;
- E. Declare that the Harris 2.0 Handout constitutes an *ultra vires* action;
- F. Award attorney's fees and costs; and
- G. Award any such further relief that the Court deems just and proper.

Respectfully submitted,

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VERIFICATION

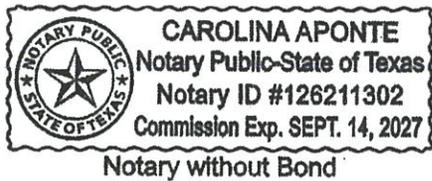
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

Before me, the undersigned notary for the State of Texas, on this day personally appeared William H. Farrell, the affiant, whose identity is known to me. After I administered an oath, affiant testified as follows:

“My name is William H. Farrell. I am over the age of eighteen and otherwise fully capable of making this verification. I have read the foregoing *State of Texas’ Original Petition and Application for Temporary Restraining Order and Injunctive Relief*, and the facts stated therein are within my personal knowledge and are true and correct.”

/s/ William H. Farrell
William H. Farrell

Sworn to and subscribed before me by William H. Farrell on September 19, 2024.



Carol Aponte
Notary Public in and for
the State of Texas
Carolina Aponte