



SIERRA CLUB

LONE STAR CHAPTER

To: Chairman Brian Birdwell
Members, Senate Committee on Natural Resources
Re: SB 784

March 22nd, 2023

Multiple cities in Texas have adopted climate action plans which set broad strategies and goals in terms of reducing greenhouse gasses from energy use, transportation, land use and waste policies. Cities like Austin, San Antonio, Dallas and Houston have all adopted ambitious plans to move their city operations toward net-zero carbon goals and to the extent possible to community-wide zero emissions. Some of these and other cities also have municipally-owned utilities that have set their own goals in terms of reducing greenhouse gas emissions from power plants they own.

S.B. 784 provides that, to the extent not preempted by federal law, the state has exclusive jurisdiction over the regulation of greenhouse gas emissions in the State of Texas. The bill further clarifies that a municipality or other political subdivision may not enact or enforce an ordinance or other measure that directly regulates greenhouse gas emissions.

The Sierra Club believes this is already the law and is not aware of any municipality or other political subdivision that seeks to directly regulate greenhouse gas emissions. We appreciate that the bill only prohibits actions that “directly” regulate greenhouse gas emissions since many subdivisions do take actions which might have indirect impacts on greenhouse gas emission regulations.

We are aware of cities that have municipally-owned utilities setting goals in terms of reducing their emissions or contracting to increase their use of renewable energy. We would suggest adding some language that political subdivisions can regulate greenhouse gas emissions from facilities they directly own or contract for.

Proposed language:

This section does not limit the ability of a political subdivision to encourage, promote, or provide rebates for low-carbon energy sources through ordinances, resolutions, regulations, codes, orders, or policies, or other measures as long as they do not directly regulate greenhouse gas emissions. Nothing in this section prevents a political subdivision that directly owns or contracts with an electric generation source from operating those sources in a way designed to lower emissions of greenhouse gases.