



SIERRA CLUB

LONE STAR CHAPTER

March 15, 2023

To: The Honorable Todd Hunter, Chair
Members, Committee on State Affairs

Re: HB 2127 by Burrows Relating to state preemption of certain municipal and county regulation.

HB 2127 is a “Super-Preemption” Bill that removes the potential for local control for hundreds of important issues: Please Vote No

HB 2127 would reverse 100 hundred years of Texas law which allows cities to enact ordinances, rules and regulations related to a wide variety of topics, unless expressly prohibited by state statute. Instead, for several important codes such as the labor, occupations, natural resource and agriculture code, HB 2127 would say Texas is not allowed to take action unless the state specifically authorizes it. Indeed the bill is radical in its approach, declaring that: “a municipal or county ordinance, order, rule, or policy that violates this section is void and unenforceable.”

This is putting the big stamp of the state government over local control and unique local issues best represented by elected officials at the local level. The Sierra Club is particularly concerned on how such a bill - if it became law - would impact issues related to the agriculture and natural resources code.

Sierra Club and its volunteers have worked cooperatively with local leaders in cities, including with local water utilities and cities on water conservation plans and ordinances (including drought management plans), tree ordinances and issues with community gardens and healthy soils, bee-friendly or native plant requirements and other related issues. In the area of the natural resource code, many cities have worked on issues related to storage tanks - such as those not currently allowed in San Antonio over

the Greater Edwards Aquifer Authority - local solid waste management, as well as issues related to trucking routes, oil and gas drilling and burn bans that could be severely impacted or overridden by HB 2127. Remember, on many issues the legislature has already taken action to assisting specific area

The way the bill is written makes it very unclear if the general authority in the local government code - or alternatively case law statutory interpretation - will be sufficient to protect these measures, or whether cities and counties would have to wait until the legislature gives specific authority to allow cities to move forward. We fear the bill will undermine existing regulations and provide a chilling effect on any future action to protect citizens or improve the quality of life.

Please vote no on HB 2127 and allow local cities and counties to plan for their own future without the long hand of the legislature freezing local action. The bill undermines local democracy and discourages local conversations that are best suited to arrive at good solutions.