



SIERRA CLUB

LONE STAR CHAPTER

To: The Honorable Chairman Brian Birdwell
Members, Senate Committee on Natural Resources

From: Cyrus Reed, Conservation Director, Lone Star Chapter, Sierra Club,
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The Sierra Club is opposed to SB 1114 by Hancock, another bill that would preempt cities and other political subdivisions from making regulations or rules that could reduce greenhouse gas emissions or conserve natural resources, to the extent they seek to prohibit or restrict the use or sale of a product. Moreover, the bill would prevent the city or political subdivision from taking action that directly or indirectly prohibits the use or sale of any product through a contract.

We believe as written the bill is overly broad and will counteract important actions taken at the local level to reduce air pollution and conserve natural resources. We are particularly concerned by (b) (2) since it could impact political subdivision's direct contracts with providers. As an example, many school districts and cities have made the decision to contract or purchase all-electric vehicles as a measure to both mitigate NOx and greenhouse gas emissions. Other cities may choose to only purchase recycled paper.

In addition there are legitimate reasons supported by local citizens to put some restrictions on the use of particular products. As an example, areas like San Marcos may want to limit the use of plastics and disposable cans and bottles near the rivers.

Suggested Amendments

We are particularly concerned by words like "restricts" and "indirectly" and would suggest the removal of certain words and a general provision that says cities are allowed to do things to the extent they do not ban or prohibit certain products. We would suggest removing the word restricts and taking out (2) involving contracting entirely. In addition we would support adding language such as a new section (c).

[\(b\) Notwithstanding any other law, a political subdivision,](#)

13 for the purpose of reducing greenhouse gas emissions or conserving

14 natural resources, may not:

15 (1) adopt or enforce an ordinance, order, regulation,

16 or other measure that prohibits (or restricts) the use or sale of a

17 product that is otherwise permitted by state and federal law; or

18 ((2) enter into a contract that directly or indirectly

19 prohibits the use or sale of any product that is otherwise permitted

20 by state and federal law.)

(c) This section does not limit the ability of a political subdivision to encourage, promote, or provide rebates for products that help conserve natural resources or lower emissions of greenhouse gases through ordinances, resolutions, regulations, codes, orders, or policies, or other measures as long as they do not directly or effectively ban, or prohibit the use, sale or lease of an engine based on its fuel source.

The Sierra Club is opposed to SB 1114 as filed. We believe the bill would be improved by narrowing the scope and extent of the bill and giving political subdivisions specific authority to regulate or encourage the conservation of resources.