



SIERRA CLUB

LONE STAR CHAPTER

April 4, 2023

To: The Honorable Dr. Charles Schwertner
Members, Committee on Business and Commerce
Re: SB 814 by Burrows Relating to state preemption of certain municipal and county regulation.

SB 814 is a “Super-Preemption” Bill that removes the potential for local control for hundreds of important issues: Please Vote No

SB 814 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, SB 814 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, surface operations of oil and gas drilling and burn bans that could be severely impacted or overridden by SB 814. Remember, on many issues the legislature has already taken action to limit city power such as HB 40, but cities still maintain some rights to deal with operations and transportation. But because SB 814 deals with the natural resource code it would even eviscerate those limited rights.

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. The bill appears to be written in a way that is retroactive, essentially destroying thousands of hours of work of local volunteers, city council and many organizations, both secular and faith-based. It is the type of action we would expect to see in communist states or authoritarian regimes, not in Texas as it declares that the Legislature has the right to decimate local democracy and action by going back in time.

Please vote no on SB 814 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.