

TESTIMONY OF COLLYN A. PEDDIE, ON BEHALF OF THE CITY OF HOUSTON, IN
OPPOSITION TO SENATE BILL 3016ⁱ

Senate Business and Commerce Committee, April 22, 2025.

Chairman Schwertner and members of the Committee,

I am Houston's City Solicitor General. Tomorrow, I will defend the final judgment Houston obtained that declared unconstitutional House Bill 2127, a virtually identical "super preemption" bill, passed in 2023. If SB 3016 is enacted, Houston and Texas home-rule cities will make sure 3016 suffers the same fate.

First, no one in the Legislature or Attorney General's office, *in 3 years*, has been able to define what a "field occupied by" a code provision is with the "unmistakable clarity" the Supreme Court requires of preemption statutes, ***because they can't***. Consequently, 3016 can never operate constitutionally.

Second, 3016 violates the Texas Constitution's home-rule provision, which authorizes *local* solutions to *local* problems. The Texas Constitution contains ***no*** supremacy clause; therefore, this body may preempt local laws only by passing directly conflicting statutes. It may not constitutionally hijack whole regulatory areas for itself. If this body wants to outlaw home-rule, as 3016 does, it needs to pass a constitutional amendment with a super-majority, then let Texans vote on it.

Third, these bills are radical solutions in search of a problem. If anyone tells you home-rule cities are regularly passing conflicting local laws, ***they are lying***. There are less than a dozen reported state/local preemption cases, some initiated by cities themselves, and all close calls. There is, therefore, no support for the notion that home-rule cities need to be strictly disciplined like errant teenagers caught smoking under the bleachers.

Consequently, the draconian AG investigations and financial penalties these bills authorize are not just unnecessary but would mean financial suicide for both ***the State and cities***. You cannot stop feeding and giving water to a golden goose, stifle its growth, or take a baseball bat to it, as 3016 does, and expect it to continue to produce the golden eggs for which this Administration so loves to take credit. The Constitution's home-rule amendment mandates a complementary, co-regulatory marriage between cities and the State, not the State's becoming the abusive spouse unleashed here.

Finally, be careful what you wish for. Home rule was enacted largely because the Legislature was overwhelmed with local bills without it, as many as 25% of its workload. So be prepared for a year-round Legislature. Be prepared for cities to send thousands of residents to *your* office to solve their problems because cities are no longer authorized to do so. Be prepared to appropriate additional funds and personnel to enable the State to assume or immediately delegate the thousands of individual tasks, programs, and decisions undertaken in Texas' home-rule cities every day that 3016 would immediately displace. In sum, be prepared for chaos, not the false stability 3016 promises.

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ⁱ Collyn Peddie is a 43-year attorney and the first Solicitor General of the City of Houston. She has been responsible for all of Houston’s numerous state/local preemption appeals for the last seven years, including several before the Texas Supreme Court. In particular, she is lead lawyer in the lawsuit, *Houston, et al., v. Texas*, that obtained a final judgment holding unconstitutional HB 2127, an almost identical “super-preemption bill,” enacted in 2023. In private practice, she spent 14 years focusing preemption issues on both the defense and plaintiffs’ sides. She chaired the American Association of Justice’s national Preemption Litigation Group for several years and has written amicus briefs and assisted in the preparation for several of the U.S. Supreme Court’s landmark preemption cases. In addition, she also obtained a *writ of certiorari* for her clients and was on brief in another preemption appeal involving the Vaccine Act. Ms. Peddie has written and spoken extensively on preemption issues for almost twenty-five years, including testifying on preemption issues before the U.S. Senate Judiciary Committee.