

## **BILL ANALYSIS**

Senate Research Center  
86R274 TSR-D

S.B. 86  
By: Hall  
Intergovernmental Relations  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Local city ordinances often restrict or even prohibit raising chickens within city limits. Some counties impose additional requirements. This makes it difficult for students to carry out poultry projects in 4-H or Future Farmers of America (FFA). These ordinances also prevent people of all ages from enjoying the benefits of backyard chickens.

S.B. 86 would allow any citizen of Texas to raise six or fewer chickens in their backyard, regardless of where they live. The bill would still allow cities and counties to place reasonable regulations on those chickens, as long as they don't prevent six or fewer poultry. The goal of S.B. 86 is to ensure that Texans' right to use and enjoy their property is protected.

Two vibrant youth programs in Texas are 4-H and FFA. Students are encouraged to expand their knowledge of agriculture by raising animals through their programs, regardless of whether they live in the country or the city. The poultry programs are popular among students due to the ease of transporting chickens.

As proposed, S.B. 86 amends current law relating to the regulation of raising or keeping six or fewer chickens by a political subdivision.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Chapter 251, Agriculture Code, to read as follows:

#### **CHAPTER 251. EFFECT ON NUISANCE ACTION AND GOVERNMENTAL REQUIREMENTS ON CERTAIN AGRICULTURAL OPERATIONS**

SECTION 2. Amends Chapter 251, Agriculture Code, by adding Section 251.007, as follows:

Sec. 251.007. SIX CHICKENS ALLOWED. (a) Prohibits a political subdivision from imposing a governmental requirement that prohibits an individual from raising or keeping six or fewer chickens in the boundaries of the political subdivision, notwithstanding any other law and except as provided by Subsection (b).

(b) Authorizes a municipality to impose reasonable governmental requirements on the raising or keeping of poultry in the boundaries of the municipality that do not have the effect of prohibiting the raising or keeping of six or fewer chickens, including a limit on the number of chickens an individual may raise or keep in excess of six, a prohibition on breeding poultry, a prohibition on raising or keeping roosters, or the minimum distance an individual must maintain between a chicken coop and a residential structure.

(c) Provides that a governmental requirement adopted by a political subdivision that violates Subsection (a) is void.

SECTION 3. Provides that Section 251.007, Agriculture Code, as added by this Act, applies to a governmental requirement adopted before, on, or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2019.