

## **BILL ANALYSIS**

Senate Research Center  
88R19817 KBB-D

H.J.R. 126  
By: Burns et al. (Perry)  
Water, Agriculture & Rural Affairs  
4/28/2023  
Engrossed

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

There is a need to protect the right to farm and ranch in Texas in order to ensure our future food security. Farmers and ranchers who engage in production agriculture within municipal boundaries are being subjected to broad overregulation by municipal ordinances that prohibit and greatly restrict normal practices of agricultural operations, such as the raising and keeping of livestock, the production of hay, and the cultivation of certain row crops. H.J.R. 126 seeks to address this issue and empower landowners in the state by constitutionally protecting their right to engage in certain generally accepted agricultural practices on their own property.

H.J.R. 126 proposes a constitutional amendment protecting the right to engage in farming, ranching, timber production, horticulture, and wildlife management.

### **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 Article I, Texas Constitution, by adding Section 36, as follows:

Sec. 36. (a) Provides that the people have the right to engage in generally accepted farm, ranch, timber production, horticulture, or wildlife management practices on real property they own or lease.

(b) Provides that this section does not affect the authority of the legislature to authorize by general law the regulation of generally accepted farm, ranch, timber production, horticulture, or wildlife management practices by:

(1) a state agency or political subdivision when there is clear and convincing evidence that the law or regulation is necessary to protect the public health and safety from imminent danger;

(2) a state agency to prevent a danger to animal health or crop production;  
or

(3) a state agency or political subdivision to preserve or conserve the natural resources of this state under Section 59 (Conservation and Development of Natural Resources; Development of Parks and Recreational Facilities; Conservation and Reclamation Districts; Indebtedness and Taxation Authorized), Article XVI (General Provisions), of this constitution.

(c) Provides that this section does not affect the authority of the legislature to authorize by general law the use or acquisition of property for a public use, including the development of the natural resources of this state under Section 59, Article XVI, of this constitution.

SECTION 2. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 7, 2023. Sets forth the required language of the ballot.