

ANALYSES OF PROPOSED CONSTITUTIONAL AMENDMENTS

88th Texas Legislature November 7, 2023, Election

Published by the Texas Legislative Council August 2023

Lieutenant Governor Dan Patrick, Joint Chair Speaker Dade Phelan, Joint Chair
Jeff Archer, Executive Director

SUMMARY ANALYSIS

The proposed constitutional amendment creates a new right for people to engage in generally accepted farm, ranch, timber production, horticulture, and wildlife management practices on land they own or lease. The proposed amendment does not affect the legislature's authority to authorize state or local regulation of those agricultural practices when necessary to protect health and safety, animal health and crop production, or natural resources, or to use the power of eminent domain.

BACKGROUND AND DETAILED ANALYSIS

Farmland and ranch land in this state is being impacted by the growth of urban areas and increasing municipal regulation. The proposed amendment provides constitutional protection to farmers and ranchers engaged in normal practices of agricultural operations on property they own or lease.

H.J.R. 126 amends the Bill of Rights to the Texas Constitution (Article I) by adding Section 36, which would protect the people's right to engage in generally accepted farm, ranch, timber production, horticulture, or wildlife management practices on land they own or lease.

The proposed amendment maintains the legislature's authority to enact laws authorizing the regulation of generally accepted agriculture practices under three circumstances. First, the legislature may authorize a state agency or political subdivision to regulate those practices when there is clear and convincing evidence that the law or regulation is necessary to protect the public health and safety from imminent danger. Second, the legislature may authorize a state agency to regulate those practices to prevent a danger to animal health or crop production. Third, the legislature may authorize a state agency or political subdivision to regulate those