

ANALYSES OF PROPOSED CONSTITUTIONAL AMENDMENTS

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SUMMARY OF COMMENTS

The following comments supporting or opposing the proposed amendment reflect positions that were presented in committee proceedings, during house or senate floor debate, or in the analysis of the resolution prepared by the House Research Organization (HRO) when the resolution was considered by the House of Representatives.

Comments by Supporters

- As the state's population continues to grow and the demand for food increases, it is important to prevent municipal overregulation that could threaten agricultural production.
- Enshrining the right to engage in activities such as farming and ranching in the Texas Constitution can help avoid some of the conflict that has been experienced when suburban expansion and development encroaches on working farmland or ranchland.
- Although there are currently protections for farmers and ranchers in statute, there is no guarantee that future legislatures will keep them.
- State agencies and political subdivisions would still be able to address serious concerns involving public health and safety and animal welfare.
- The proposed amendment officially recognizes the authority of the state or a political subdivision to regulate protected activities in order to preserve or conserve the state's natural resources.

Comments by Opponents

- Limiting governments' abilities to set reasonable standards regarding food safety, water pollution, and animal welfare would enable large, industrial factory farms to operate with less accountability, which also could undermine smaller family farms.
- Requiring that a threat to health and safety be "imminent" before regulations may be imposed could hinder the ability of the state or local governments to regulate agricultural operations that could pose a threat to public safety during a natural disaster until the natural disaster was imminent. Additionally, requiring clear and convincing evidence that a regulation is necessary to protect public health and safety is too high a burden of proof.
- By using vague terminology such as "generally accepted practices" and "wildlife management practices," the proposed amendment will lead to confusion or abuses by certain entities.