School
Floresville High School

Senate Committee
N/A

Senate Author
Jaelyn Spinx

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Right to Farm Compensation Act

HB 41

Bill Analysis

BACKGROUND & PURPOSE

In 2023, the Legislature amended state law to preserve the right to farm and ranch in Texas and to provide stronger protections against municipal overreach. Almost one year after voters in Texas overwhelmingly supported the constitutional amendment protecting the right to farm, farmers and ranchers continue to report issues with municipalities infringing on their ability to carry out agricultural practices. This bill amends Chapter 251 of the Agriculture Code with the addition of Section 251.009 that allows for farmers and ranchers to initiate legal action by obtaining declaratory or injunctive relief against the political subdivision that enforces a governmental requirement in violation of this chapter. Furthermore, this bill also allows a person who prevails in an action to recover court costs and reasonable attorney's fees.

This bill amends current law relating to equitable relief from the enforcement of certain governmental requirements that affect agricultural operations.

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 Chapter 251, Agriculture Code, by adding Section 251.009, as follows:

Sec. 251.009. RIGHT OF ACTION. (a) Defines "person."

(b) Provides that, if a political subdivision enforces the governmental requirement in violation of Chapter 251 (Effect of Nuisance Actions and Governmental Requirements on Certain Agricultural Operations) or Section 36 (Right to Engage in Certain Agricultural Practices), Article I (Bill of Rights), Texas Constitution, a person aggrieved by the violation is authorized to bring an action against the political subdivision to obtain declaratory or injunctive relief to block the enforcement of the governmental requirement.

(c) Authorizes a person who prevails in an action under this section to seek and requires the court to award court costs and reasonable attorney's fees.

STUDENT LEGISLATIVE SESSION
TEXAS STATE CAPITOL
EST. 2003

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SECTION 2. Makes application of Section 251.009, Agriculture Code, as added by this Act, prospective.

EFFECTIVE DATE
January 1, 2027.