

BILL ANALYSIS

Senate Research Center
85R11729 TSR-D

S.B. 1620
By: Taylor, Van
Intergovernmental Relations
3/28/2017
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Several cities across the state have ordinances that ban raising backyard chickens in residential areas. Interested parties observe that these ordinances inhibit individuals from owning chickens as pets and having safe, fresh eggs readily available. This prohibition also makes it more difficult for students in 4-H and Future Farmers of America to raise chickens for show.

S.B. 1620 removes prohibitions on residents raising six or fewer backyard chickens. This allows families to have the choice to have home-raised eggs and eliminates local barriers for students raising chickens for educational purposes. S.B. 1620 authorizes municipalities to create reasonable requirements so long as six or fewer chickens can be raised.

As proposed, S.B. 1620 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 OF NUISANCE ACTIONS 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, notwithstanding any other law and except as provided by Subsection (b), from imposing a governmental requirement that prohibits an individual from raising or keeping six or fewer chickens in the boundaries of the political subdivision.

(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 is authorized to 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 is required to 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, 2017.