



TEXAS MUNICIPAL LEAGUE  
*Empowering Texas cities to serve their citizens*

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President **David Rutledge**, Mayor, Bridge City  
Executive Director **Bennett Sandlin**

March 15, 2023

The Honorable Briscoe Cain  
Chairman, House Agriculture and Livestock Committee  
Texas House of Representatives  
P.O. Box 2910  
Austin, TX 78768-2910

Dear Chairman Cain,

I am writing on behalf of the Texas Municipal League to provide comments on **H.B. 1750** by **Representative Burns**. We appreciate the author's intent to highlight the unique nature of agricultural operations and distinguish the applicability of certain city codes and ordinances to such operations. However, as currently drafted, we are concerned that the bill will prevent a city from quickly and effectively addressing real public health and safety concerns.

The bill would, among other things, prohibit a city from imposing a governmental regulation on agricultural operations located anywhere within city limits until:

- (1) a city prepares a report by the city health officer that: (a) identifies a specified health or safety hazard posed by the agricultural operation; (b) states whether enforcement would restrict or prohibit a generally accepted agricultural practice; and (c) provides clear and convincing evidence that enforcing an applicable regulation is necessary to protect nearby persons and property and that enforcement is the least restrictive means to address the hazard;
- (2) a city presents the health officer's report to the city council; and
- (3) the city council adopts a resolution authorizing the city to enforce the regulation.

Section 251.005 of the Agriculture Code establishes heightened code enforcement thresholds and standards for pre-existing annexed agricultural operations. The rationale behind these heightened standards is that such operations require substantial financial investment and effort, are vital to the state's food security, and are generally located far from denser residential developments.

H.B. 1750 would expand these heightened standards to any agricultural operation within city limits. Specifically, it would limit the scope of health and safety hazards that a city can address and delay the city's ability to protect nearby persons and property by requiring the city council to adopt a formal resolution before the city can act.

H.B. 1750 would also eliminate a city's ability to impose zoning regulations on any agricultural operation within city limits. As drafted, a governmental regulation under H.B. 1750 includes a zoning regulation. In many cases zoning is key to preserving neighborhood character, encouraging and planning for growth, and protecting the public. H.B. 1750 would prevent a city from enforcing its zoning regulations unless the city meets the heightened standards described above.

For these reasons, we respectfully request that the committee consider the two following revisions to H.B. 1750 to properly balance preserving agricultural operations and protecting public health, safety, and welfare: (1) remove zoning regulations from the definition of governmental regulation to protect a city's authority to enforce its zoning regulations within city limits; and (2) limit the application of the heightened code enforcement standards in Section 251.0055 to pre-existing annexed agricultural operations under Section 251.005.

Alternatively, we would request that the committee consider allowing a city to enforce its applicable codes and ordinances against agricultural operations, but provide an express affirmative defense to prosecution for conditions: (1) that are consistent with existing zoning regulations; (2) that are recognized as a generally accepted agricultural practice under the bill; and (3) for which the owner or operation has taken reasonable steps to protect nearby neighbors and property against the health and safety hazards posed by the condition.

City governments are uniquely positioned to make informed decisions about local land uses and local health and safety concerns. We believe that H.B. 1750, in its current form, would undermine a city's ability to honor its obligation to protect its residents. We welcome the ability to work with the committee and bill author to make changes that would retain the legislation's overall goal while supporting local decision-making.

Sincerely,

A handwritten signature in black ink, appearing to read "Monty Wynn". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Monty Wynn  
*Director, Grassroots and Legislative Services*  
*Texas Municipal League*