

BILL ANALYSIS

Senate Research Center
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S.J.R. 40
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Historically, the Texas Constitution and the legislature have not provided counties with the necessary authority to regulate land development or to adopt and enforce meaningful building codes for unincorporated areas. This lack of authority led to unregulated construction and development of substandard housing and dwellings (colonias) along the United States/Mexico border beginning in the 1950s.

County officials have argued over the years that the lack of ordinance-making authority places the safety and quality of life of residents at risk. Additionally, the absence of limited ordinance-making authority threatens neighborhoods and the dreams of families for a better life, and it can impede growth of cities, as well as the expansion of local economies.

S.J.R. 40 addresses these concerns proposing a constitutional amendment to allow a county to exercise a limited authority to regulate land use compatibility, public safety, fire hazards, land density, and use or conservation of water and other natural resources if that authority is approved by a majority vote in an election called by the county commissioners court for that purpose.

As proposed, S.J.R. 40 proposes a constitutional amendment authorizing a county to regulate land development if approved by a majority vote in a countywide election.

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 Article IX, Texas Constitution, by adding Section 15, as follows:

Sec. 15. (a) Authorizes a county to exercise limited ordinance-making authority for the purpose of regulating land development in the unincorporated area of the county if that authority is approved by a majority vote of the qualified voters voting in an election called by the commissioners court of the county for that purpose.

(b) Authorizes regulations adopted under authority granted as provided by this section to include regulations relating to land use compatibility, public safety and fire hazards, land density, and use or conservation of water and other natural resources.

(c) Sets forth the required language of the ballot.

(d) Requires that an election under this section be ordered and held as provided by general law.

SECTION 2. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 8, 2011. Sets forth the required language of the ballot.