

1-1 By: Lucio, Davis S.J.R. No. 40
1-2 (In the Senate - Filed March 9, 2011; March 22, 2011, read
1-3 first time and referred to Committee on International Relations and
1-4 Trade; April 7, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 0; April 7, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.J.R. No. 40 By: Lucio

1-8 SENATE JOINT RESOLUTION

1-9 proposing a constitutional amendment authorizing a county to
1-10 regulate land development if approved by a majority vote in a
1-11 countywide election.

1-12 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Article IX, Texas Constitution, is amended by
1-14 adding Section 15 to read as follows:

1-15 Sec. 15. (a) A county may exercise limited
1-16 ordinance-making authority for the purpose of regulating land
1-17 development in the unincorporated area of the county if that
1-18 authority is approved by a majority vote of the qualified voters
1-19 voting in an election called by the commissioners court of the
1-20 county for that purpose.

1-21 (b) Regulations adopted under authority granted as provided
1-22 by this section may include regulations relating to land use
1-23 compatibility, public safety and fire hazards, land density, and
1-24 use or conservation of water and other natural resources.

1-25 (c) The authority granted under this section does not
1-26 authorize the commissioners court or governing body to adopt an
1-27 order that:

1-28 (1) limits or otherwise impairs the rights of
1-29 individuals or entities in the exploration, development,
1-30 processing, refining, or production of oil, gas, or other minerals;
1-31 or

1-32 (2) regulates a tract of land that is appraised as
1-33 agricultural or open-space land.

1-34 (d) The ballot proposition for an election held by a county
1-35 under this section shall permit voting for or against the
1-36 proposition: "Granting (name of county) the authority to regulate
1-37 land development in the unincorporated area of the county."

1-38 (e) An election under this section shall be ordered and held
1-39 as provided by general law.

1-40 SECTION 2. This proposed constitutional amendment shall be
1-41 submitted to the voters at an election to be held November 8, 2011.
1-42 The ballot shall be printed to provide for voting for or against the
1-43 proposition: "The constitutional amendment authorizing a county to
1-44 regulate land development if approved by a majority vote in a
1-45 countywide election."

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