

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 7, 2011**

**TO:** Honorable Eddie Lucio Jr., Chair, Senate Committee on International Relations & Trade

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: SJR40** by Lucio ( Proposing a constitutional amendment authorizing a county to regulate land development if approved by a majority vote in a countywide election.), **Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated**, other than the cost of publication.

The cost to the state for publication of the resolution is \$105,495.

The resolution proposes a constitutional amendment to Article IX of the Texas Constitution to authorize a county to exercise limited ordinance-making authority for the purpose of regulating land development, including land use compatibility, public safety and fire hazards, land density, and use or conservation of water and other natural resources in the unincorporated area of the county if that authority is approved by a majority of qualified voters in an election. The authority granted would not authorize the commissioners court or governing body to adopt an order that limits or impairs the rights of individuals or entities in the exploration, development, processing, refining, or production of oil, gas, or other minerals; or regulates land that is appraised as agricultural or open-space land.

The proposed amendment would be submitted to voters at an election to be held November 8, 2011.

**Local Government Impact**

There would be a fiscal impact to local governments associated with an election; however, those costs would vary by locality and are not anticipated to be significant.

Based on costs reported to the Secretary of State (SOS) in 2010 by a sampling of counties, municipalities, and special districts, the average cost incurred by a local governmental entity for an election is \$1.98 per registered voter.

**Source Agencies:**

**LBB Staff:** JOB, KM, TP