BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

An amendment to the Texas Constitution was adopted more than 25 years ago giving rural counties with less than 5,000 citizens the flexibility to construct and maintain private roads.

In small counties there are rarely private contractors available, so private roads are often poorly maintained, creating public safety hazards for citizens and emergency services. For years, counties have relied on this provision to maintain these roads and make them passable.

To utilize this provision, private landowners must not only consent, but they must pay for this service as well. If the landowner does not wish to have their road paved or does not believe that the cost is a reasonable rate, they do not have to participate.

Interested parties report that in the last decade, a certain rural county built a prison that subsequently caused the county to exceed the population threshold. Such parties contend that this case highlights the need to raise the population cap under which a county is authorized to construct and maintain private roads.

S.J.R. 17 seeks to ensure the flexibility of affected rural counties to construct and maintain private roads by proposing an increase in the statutory population cap to 7,500.

S.J.R. 17 proposes a constitutional amendment relating to private road work by certain counties.

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 Section 52f, Article III, Texas Constitution, to authorize a county with a population of 7,500 or less, rather than 5,000 or less, according to the most recent federal census, to construct and maintain private roads if it imposes a reasonable charge for the work.

SECTION 2. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 3, 2015. Sets forth the required language of the ballot.