BILL ANALYSIS

Senate Research Center

S.B. 715
By: Barrientos
Redistricting
5-23-97
Enrolled

DIGEST

On January 25, 1995, the same group of individuals who filed the suit challenging congressional districts and a few others filed a new suit challenging state legislative districts (Thomas v. Bush). The suit alleges that certain districts are racially gerrymandered and that the districts violate the right to a secret ballot. The suit challenges 17 of 31 senate districts, and 54 of 150 house districts.

On March 29 the case was transferred from Houston to Austin. The court in Austin denied the state's request for a stay. The trial date was originally scheduled for August 14 and later changed to October 3. The court allowed several groups to intervene on the side of the state: 12 of 14 Republican senators, three Democratic senators, Senator Montford, and individuals represented by NAACP-Legal Defense Fund and by MALDEF. The court also allowed a third-year law student to intervene as a plaintiff.

In July 1995, the court held a status conference on a proposed settlement of the lawsuit that would change 8 of 31 senate districts and about 40 of 150 house districts. The court decided that it could not order the proposed settlement into effect for the rest of the decade without first holding the old districts unconstitutional and the new districts constitutional. On September 15, the court decided to allow the settlement district to be used for the 1996 elections and to allow the senators who had drawn four-year terms to keep their terms. A trial would be postponed, pending the decision of the Supreme Court in the congressional case.

The lead plaintiffs in the Thomas case have said that they will drop their lawsuit if the legislature enacts the settlement plan.

Article III, Section 3, Texas Constitution, provides that "a new Senate shall be chosen after every apportionment." A group of senators filed suit in state court in late July 1996 to resolve the issue of whether the enactment without change of the lines used for the 1996 election would require all senators to run for election in 1998. On January 2, 1997, the district court ruled that all senators would have to run for election if the legislature enacts the court-ordered settlement lines. The district court's decision was appealed to the Third Court of Appeals on an expedited basis.

On April 10 the three-judge panel (Chief Justice Carroll and Justices Aboussie and B.A. Smith) disagreed with the trial court's interpretation of the constitutional provision. They reversed the trial court's judgment and rendered in favor of the appellant senators. The attorney general is contemplating appealing the decision to the Texas Supreme Court.

If all senators run in 1998, then senators will have to draw for terms in 1999. A senator who draws a four-year term would run for election in 2002. A senator who draws a two-year term would run in both 2000 and 2002, the latter of which is when all senators will have to run anyway because of new redistricting in 2001.

PURPOSE

S.B. 715 enacts the court-ordered senate settlement lines (PLANS730) used for the 1996 election as the lines to be used for the 1998 and 2000 elections. (Article II) Provides that the districts set out in Article II of the bill constitute a continuation of the districts established by the previous legislative enactment as modified by the federal court in the Thomas v. Bush case. Therefore, it is the intent that the bill is not an apportionment of the senate under Article III, Section 3, Texas Constitution.

(Article III, Section 4(a))

The attached computer reports--300B, 425B (with 1996 elections), and 425B (with 1994 elections) by the Texas Legislative Council--are part of the bill analysis and contain information by district related to population deviation, total and voting age population by race and ethnicity; voting age non-citizen population; and for the 1994 and 1996 general elections, total and Spanish surname voter registration population, voter turnout totals, and partisan composition based on statewide election returns. (hard copy only)

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

ARTICLE I

SECTION 1. (a) Provides that the districts are composed of the counties or parts of counties as specified in Article II of the bill.

(b) Indicates that each district is a single-member district.

ARTICLE II

SECTION 1. District 1 is composed of all of Bowie, Camp, Cass, Delta, Franklin, Gregg, Harrison, Hopkins, Lamar, Marion, Morris, Red River, Rusk, Titus, and Upshur counties; and part of Smith County.

SECTION 2. District 2 is composed of all of Fannin, Hunt, Kaufman, Rains, Van Zandt, and Wood counties; and parts of Dallas, Ellis, Rockwall, and Smith counties.

SECTION 3. District 3 is composed of all of Anderson, Angelina, Cherokee, Hardin, Henderson, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, and Tyler counties; and parts of Montgomery and Smith counties.

SECTION 4. District 4 is composed of all of Chambers, Jefferson, Liberty, and Orange counties; and parts of Galveston, Harris, and Montgomery counties.

SECTION 5. District 5 is composed of all of Brazos, Burleson, Falls, Freestone, Grimes, Houston, Lee, Leon, Limestone, Madison, Milam, Navarro, Robertson, Trinity, Walker, Waller, and Washington counties; and parts of McLennan and Williamson counties.

SECTION 6. District 6 is composed of part of Harris County.

SECTION 7. District 7 is composed of part of Harris County.

SECTION 8. District 8 is composed of parts of Collin and Dallas counties.

SECTION 9. District 9 is composed of parts of Dallas, Denton, Ellis, and Tarrant counties.

SECTION 10. District 10 is composed of parts of Johnson, Parker, and Tarrant counties.

SECTION 11. District 11 is composed of parts of Brazoria, Galveston, and Harris counties.

SECTION 12. District 12 is composed of part of Tarrant County.

SECTION 13. District 13 is composed of parts of Fort Bend and Harris counties.

SECTION 14. District 14 is composed of parts of Hays and Travis counties.

SECTION 15. District 15 is composed of part of Harris County.

SECTION 16. District 16 is composed of parts of Dallas and Rockwall counties.

SECTION 17. District 17 is composed of parts of Brazoria, Fort Bend, and Harris counties.

SECTION 18. District 18 is composed of all of Aransas, Austin, Bastrop, Caldwell, Calhoun, Colorado, De Witt, Fayette, Goliad, Gonzales, Jackson, Karnes, Lavaca, Matagorda, Refugio, Victoria, and Wharton counties; and parts of Fort Bend, Guadalupe, and Hays counties.

SECTION 19. District 19 is composed of all of Brewster, Crockett, Edwards, Jeff Davis, Kinney, Maverick, Pecos, Presidio, Real, Terrell, and Val Verde counties; and parts of Atascosa, Bexar, Culberson, Medina, Reeves, Sutton, and Uvalde counties.

SECTION 20. District 20 is composed of all of Brooks, Jim Wells, Kenedy, Kleberg, Nueces, San Patricio, and Willacy counties; and part of Hidalgo county.

SECTION 21. District 21 is composed of all of Bee, Dimmit, Duval, Frio, Jim Hogg, La Salle, Live Oak, McMullen, Starr, Webb, Wilson, Zapata, and Zavala counties; and parts of Atascosa, Bexar, Comal, Guadalupe, Hidalgo, and Uvalde counties.

SECTION 22. District 22 is composed of all of Bosque, Comanche, Eastland, Erath, Hamilton, Hill, Hood, Jack, Palo Pinto, Somervell, and Wise counties; and parts of Denton, Johnson, McLennan, Parker, and Tarrant counties.

SECTION 23. District 23 is composed of parts of Dallas and Tarrant counties.

SECTION 24. District 24 is composed of all of Bell, Brown, Burnet, Callahan, Coke, Coleman, Concho, Coryell, Lampasas, McCulloch, Menard, Mills, Mitchell, Nolan, Runnels, San Saba, Shackelford, Stephens, and Young counties; and parts of Llano and Taylor counties.

SECTION 25. District 25 is composed of all of Bandera, Blanco, Gillespie, Kendall, Kerr, Kimble, Mason, and Schleicher counties, and parts of Bexar, Comal, Guadalupe, Llano, Medina, Sutton, Tom Green, Travis, and Williamson counties.

SECTION 26. District 26 is composed of part of Bexar County.

SECTION 27. District 27 is composed of all of Cameron County and part of Hidalgo County.

SECTION 28. District 28 is composed of all of Borden, Crane, Crosby, Dawson, Garza, Glasscock, Hale, Hockley, Howard, Hudspeth, Irion, Lamb, Loving, Lynn, Martin, Reagan, Sterling, Terry, Upton, and Ward counties; and parts of Culberson, Ector, El Paso, Reeves, and Tom Green counties.

SECTION 29. District 29 is composed of part of El Paso County.

SECTION 30. District 30 is composed of all of Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Cooke, Cottle, Dickens, Donley, Fisher, Floyd, Foard, Grayson, Hall, Hardeman, Haskell, Jones, Kent, King, Knox, Montague, Motley, Scurry, Stonewall, Swisher, Throckmorton, Wheeler, Wichita, and Wilbarger counties; and parts of Collin, Denton, and Taylor counties.

SECTION 31. District 31 is composed of all of Andrews, Bailey, Cochran, Dallam, Deaf Smith, Gaines, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Midland, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Winkler, and Yoakum counties; and part of Ector County.

ARTICLE III

SECTION 1. (a) Except as provided by Subsection (b), defines "tract," "block numbering group,"

and "block" as the geographic areas identified by that term on the maps and computer files received by the state from the United States Commerce Department (USCD) as set out in the Texas Legislative Council's Redistricting Map Data Base. If one of these geographic areas in the Legislative Council system differs from the area as defined by the information received from USCD, the information in the Council's system controls.

(b) If the area of a water block in the Council's system differs from the area as defined by USCD, then the description in USCD information controls.

(c) This subsection only applies if a tract is divided between two or more districts. If a water block in USCD's information is not listed in this bill, then the water block or the portion of a water block is included in the contiguous block in which the water block is contained. If the water block is contiguous with more than one block, then it is included in the block with which it shares the longest common boundary according to USCD information.

(d) Defines "block group" and indicates how they are designed.

SECTION 2. Provides that it is the intent of the legislature that if any geographic area is erroneously left out of the bill, a court reviewing the bill should include that area in the appropriate district in accordance with the intent of the legislature using any available evidence of that intent, including such evidence as used by the Supreme Court in a 1922 case involving house districts (Smith v. Patterson).

SECTION 3. Effective January 12, 1999, repeals the previous legislative enactment of senate districts (PLANS560).

SECTION 4. (a) Provides that the districts created by Article II apply to the election of members of the senate beginning with the primary and general elections in 1998 for members of the 76th Legislature. The districts set out in Article II of the bill constitute a continuation of the districts established by the previous legislative enactment as modified by the federal court in the Thomas v. Bush case. Therefore, it is the intent that the bill is not an apportionment of the senate under Article III, Section 3, Texas Constitution.

(b) Article II does not affect the membership or districts of the senate of the 75th Legislature.

SECTION 5. Emergency clause.
Effective date: upon passage.