

BILL ANALYSIS

Senate Research Center

H.B. 150
By: Solomons (Seliger)
Redistricting
5/2/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Legislature is required to redistrict state senate and house of representatives districts in the first regular session following publication of the United States decennial census. Though no Texas constitutional or statutory provisions govern congressional and State Board of Education (SBOE) redistricting, as a practical matter, the legislature also must draw districts for the congressional seats apportioned to Texas and for SBOE before the candidates' filing period opens for the primary elections held in 2012.

The United States Supreme Court has ruled that under the Equal Protection Clause of the 14th Amendment of the United States Constitution, these districts must be substantially equal in population. This is sometimes referred to as the one-person, one-vote principle.

Based on the 2010 federal census, the total population of Texas is 25,145,561, and the ideal population of a Texas House of Representatives district is 167,637. In the plan as filed, according to the 2010 census, the largest district (District 70) has a population of 300,801, or 79.44 percent over the ideal district. The total range of deviation between the largest and smallest districts is 109.44 percent. To establish districts that satisfy the requirement to be substantially equal in population and other state interests, H.B. 150 defines new districts for the election of members of the Texas House of Representatives.

H.B. 150 amends current law relating to the composition of the districts for the election of members of the Texas House of Representatives.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

ARTICLE I

SECTION 1. (a) Provides that the members of the Texas House of Representatives are elected from the districts described by Article II of this Act.

(b) Provides that one member is elected from each district established by this Act.

(c) Provides that the districts established by this Act are identified as PLANH283 on the redistricting computer system operated by the Texas Legislative Council.

ARTICLE II

SECTION 1. Sets forth the composition of District 1.

SECTION 2. Sets forth the composition of District 2.

SECTION 3. Sets forth the composition of District 3.

SECTION 4. Sets forth the composition of District 4.

SECTION 5. Sets forth the composition of District 5.

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ARTICLE III

SECTION 1. Defines, in this Act, "tract," "block group," and "block."

SECTION 2. Provides that it is the intention of the Texas Legislature that, if any county, tract, block group, block, or other geographic area has erroneously been left out of this Act, a court

reviewing this Act should include that area in the appropriate district in accordance with the intent of the legislature, using any available evidence of that intent, including evidence such as that used by the Supreme Court of Texas in Smith v. Patterson, 111 Tex. 535, 242 S.W. 749 (1922).

SECTION 3. (a) Provides that this Act supersedes all previous enactments or orders adopting districts for the Texas House of Representatives. Provides that all previous acts of the legislature adopting districts for the Texas House of Representatives are repealed.

(b) Repealers: (1) Chapter 899 (H.B. 150), Acts of the 72nd Legislature, Regular Session, 1991 (Article 195a-10 (Representative Districts), V.T.C.S.);

(2) Chapter 2 (H.B. 1), Acts of the 72nd Legislature, 3rd Called Session, 1992 (Article 195a-11 (Representative Districts), V.T.C.S.); and

(3) Article 196 (Returns Made to Whom), Revised Statutes.

SECTION 4. Provides that the districts set out in this Act apply to the election of the members of the Texas House of Representatives beginning with the primary and general elections in 2012 for members of the 83rd Legislature. Provides that this Act does not affect the membership or districts of the House of Representatives of the 82nd Texas Legislature.

SECTION 5. Effective date: upon passage or the 91st day after the last day of the legislative session.