

BILL ANALYSIS

Senate Research Center
82R24740 DRH/CDD-D

C.S.H.B. 600
By: Solomons (Seliger)
Redistricting
4/27/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Legislature is required to redistrict state senate and house 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 the 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 an SBOE district is 1,676,371. In the current plan, according to the 2010 census, the largest district, District 8 has a population of 1,691,564, or 0.91 percent over the ideal district. The smallest district, District 3 has a population of 1,660,515, or 0.95 percent less than the ideal district. The total range of deviation between the largest and smallest districts is 1.86 percent. To establish districts that satisfy the requirement to be substantially equal in population and other state interests, C.S.H.B. 600 defines new districts for the election of members of SBOE.

C.S.H.B. 600 amends current law relating to the composition of the districts for the election of members of the State Board of Education.

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 State Board of Education (SBOE) 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 PLANE120 on the redistricting computer system operated by the Texas Legislative Council.

(d) Provides that for purposes of Section 7.104 (Terms), Education Code, this Act constitutes a decennial reapportionment.

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.

SECTION 6. Sets forth the composition of District 6.

SECTION 7. Sets forth the composition of District 7.

SECTION 8. Sets forth the composition of District 8.

SECTION 9. Sets forth the composition of District 9.

SECTION 10. Sets forth the composition of District 10.

SECTION 11. Sets forth the composition of District 11.

SECTION 12. Sets forth the composition of District 12.

SECTION 13. Sets forth the composition of District 13.

SECTION 14. Sets forth the composition of District 14.

SECTION 15. Sets forth the composition of District 15.

ARTICLE III

SECTION 1. Provides that in this Act, "tract," "block group," and "block" mean the geographic areas identified by those terms on the 2010 Census TIGER/Line Shapefiles, prepared by the federal Bureau of the Census for the Twenty-third Decennial Census of the United States, enumerated as of April 1, 2010.

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) Amends Section 7.101(a), Education Code, to delete existing text providing that each district from which an SBOE member is elected is composed as provided by former Sections 11.2101(b)-(t), as enacted by Chapter 2, Acts of the 72nd Legislature, 2nd Called Session, 1991.

(b) Provides that this Act supersedes all previous enactments or orders adopting districts for SBOE. Repeals all previous acts of the legislature adopting districts for SBOE.

SECTION 4. Provides that the districts established by this Act apply to the election of the members of SBOE beginning with the primary and general elections in 2012 for members of the board in 2013. Provides that this Act does not affect the membership or districts of SBOE before January 1, 2013.

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