

BILL ANALYSIS

Senate Research Center

S.B. 1564
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As Filed

DIGEST

Currently, the Texas Constitution directs the legislature to apportion the state into senate and representative districts at the legislature's first regular session after the publication of the United States decennial census. If the legislature fails to do so, then the Legislative Redistricting Board of Texas (LRB) is to do so. The LRB does not have authority to redistrict congressional districts if the legislature fails to do so.

The LRB members are the Lieutenant Governor, Speaker of the House of Representatives, Attorney General, Comptroller of Public Accounts, and the Commissioner of the General Land Office. If the legislature fails to redistrict during that regular session, then the LRB is to meet within 90 days of the final adjournment of regular session. The LRB has 60 days after assembling to reapportion the state into senate and house districts. This constitutional provision was added to the constitution after the legislature failed to redistrict the house and senate districts during the 1930s and 1940s.

An additional failure to redistrict occurred at the beginning of the century. In 1911, the governor vetoed the senate districts legislation, so the senate districts used during the first decade of the century were also used during the second and through the 1922 election.

The legislature has never reapportioned state district courts. The Texas Constitution was amended in 1985 to direct that the legislature reapportion district courts in 1993 and every 10 years after. The constitution also created the Judicial Districts Board, which is given the duty to reapportion district courts if the legislature fails to do so. The Judicial Districts Board is required to complete its work by August 31, otherwise the LRB has 150 days to do so. The district court plan of the Judicial Districts Board must be approved by the legislature, the district court plan of the LRB does not have to be approved.

The current redistricting standards in the Texas Constitution applicable to senate districts are that the state be divided into contiguous territory according to the number of qualified electors, as nearly as may be. The districts are to be single-member districts, and no single county shall be entitled to more than one senator.

The state constitutional standards applicable to house districts are that the districts be apportioned among the counties according to the population in each and that the counties in the districts be contiguous. Provides the county-line rule to avoid unnecessarily splitting of county lines. Section 26a prohibits counties from having more than seven state house districts unless the population exceeds 700,000, in which event a county is entitled to one additional house district for each extra 100,000 population.

PURPOSE

As proposed, S.B. 1564 is the enabling legislation for S.J.R. 41, which eliminates the authority of the legislature to redistrict state legislative and congressional district and gives this authority to the Texas Redistricting Commission (commission). Authorizes any registered voter to file a petition with the Texas Supreme Court (supreme court) challenging the plan. Requires that the supreme court give the petitions precedence over all other matters.

Provides that the Texas Legislative Council is to provide staff and services for the commission. Directs that the commission publish a report which include an explanation of the criteria used in

developing the plan and the estimated costs for changing election precinct boundaries. Prohibits commission members from engaging in certain political activities. Authorizes the commission to serve as the legislature's recipient of data and maps from the Census Bureau. Does not add any new redistricting standards in addition to those provided in the constitution and in the proposed constitutional amendment. Authorizes the Secretary of State to serve as custodian of records for the commission.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Redistricting Commission in SECTION 1 (Section 307.006(1), Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 3A, Government Code, by adding Chapter 307, as follows:

CHAPTER 307. TEXAS REDISTRICTING COMMISSION

Sec. 307.001. DEFINITIONS. Defines "commission" and "plan."

Sec. 307.002. OATH. Requires each person appointed, before serving on the Texas Redistricting Commission (commission), to take and subscribe to the constitutional oath of office.

Sec. 307.003. ELIGIBILITY. Provides that the eligibility of a person to serve on the commission is as prescribed by Section 28, Article III, Texas Constitution.

Sec. 307.004. POLITICAL ACTIVITIES PROHIBITED. Sets forth political activities in which members of the commission are prohibited from engaging.

Sec. 307.005. OPERATION OF COMMISSION. Requires the legislature to appropriate sufficient funds for the compensation and payment of the expenses of the commission members and any staff employed by the commission. Requires the commission to be provided access to statistical information compiled by the state or its political subdivisions as necessary for the commission's reapportionment duties. Requires the Texas Legislative Council, under the direction of the commission, to provide the technical staff and clerical services that the commission needs to prepare its plan.

Sec. 307.006. DUTIES. Sets forth the duties of the commission.

Sec. 307.007. REDISTRICTING PLAN; FORM. Requires the commission, for each redistricting plan or modification of a redistricting plan adopted by the commission, to prepare and publish a report containing certain information. Requires the commission to make a copy of a report prepared under this section available to the public.

Sec. 307.008. REDISTRICTING PLAN STANDARDS. Requires a redistricting plan adopted by the commission to conform to the standards provided by Sections 25, 26, and 28, Article III, Texas Constitution.

Sec. 307.009. SUBMISSION OF PLAN. Requires the commission, on approval of a redistricting plan or modification of a plan by the commission, to submit the plan or modification to certain persons.

Sec. 307.010. CESSATION OF OPERATIONS. Requires the commission, following the initial adoption of all plans that the commission is required to adopt, to take all necessary steps to conclude its business and suspend operations until the commission reconvenes as provided by Section 28, Article III, or Section 7a, Article V, Texas Constitution, if it does reconvene. Requires the commission to prepare a financial statement containing certain information. Provides that, after the commission suspends operations, the secretary of state

becomes the custodian of its official records for purposes of election administration. Provides that any unexpended funds of the commission revert to the general revenue fund.

Sec. 307.011. CHALLENGES TO PLAN. Authorizes any registered voter to file a petition with the supreme court challenging the plan, after a redistricting plan or modification of a redistricting plan adopted by the commission or supreme court becomes effective. Authorizes the supreme court to consolidate any or all petitions and requires the supreme court to give the petitions precedence over all other matters.

Sec. 307.012. RECONVENING OF COMMISSION FOR REAPPORTIONMENT OF JUDICIAL DISTRICTS. Sets forth procedures for statewide reapportionment of judicial districts by the commission in certain circumstances.

SECTION 2. Amends Section 24.945(e), Government Code, to make conforming changes.

SECTION 3. Amends Section 24.946(a), Government Code, to make conforming and standard recodification changes.

SECTION 4. Provides that this Act takes effect January 1, 2001, but only if the constitutional amendment proposed by the 75th Legislature, Regular Session, 1997, relating to the establishment of the Texas Redistricting Commission to redistrict the Texas Legislature and Texas congressional districts and to revise the constitutional redistricting provisions, is approved by the voters. Provides that if that proposed constitutional amendment is not approved by the voters, this Act has no effect.

SECTION 5. Emergency clause.