

## **BILL ANALYSIS**

Senate Research Center  
77R2477 JSA-F

S.B. 147  
By: Wentworth  
Redistricting  
1/24/2001  
As Filed

### **DIGEST AND PURPOSE**

Currently, the Texas Constitution directs the legislature to apportion Texas into state senate and state representative districts at the legislature's first regular session after the publication of the United States decennial census. As proposed, S.B. 147 establishes an independent, bipartisan citizens' redistricting commission to draw district lines for congressional districts, state senate districts, and state representative districts.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Redistricting Commission in SECTION 1 (Section 307.006, 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 28a (relating to the commission), Article III, Texas Constitution.

Sec. 307.004. POLITICAL ACTIVITIES PROHIBITED. Prohibits a member of the commission from:

- campaigning for elective office while a member of the commission;
- actively participating in or contributing to the political campaign of a candidate or a state or federal elective office while a member of the commission; or
- serving as or being a candidate to be a member of the Texas Legislature before the second anniversary of the last date the commission adopted a redistricting plan for that body during the member's service on the commission.

Sec. 307.005. OPERATION OF COMMISSION. (a) Requires the legislature to appropriate sufficient money for the compensation and payment of the expenses of the commission members and any staff employed by the commission.

(b) 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.

(c) Requires the Texas Legislative Council to provide, under the direction of the commission, the technical staff and clerical services that the commission needs to prepare its plan.

Sec. 307.006. DUTIES. Requires the commission to:

- adopt rules to carry out the constitutional duties of the commission and to administer this chapter;
- act as the legislature's recipient of the official census data and maps from the United States Bureau of the Census pursuant to the federal decennial census; and
- comply with Chapters 551 and 552.

Sec. 307.007. REDISTRICTING PLAN; FORM. (a) Requires the commission to prepare and publish, for each redistricting plan or modification of a redistricting plan adopted by the commission, a report that includes:

- for each district in the plan, the total population and the percentage deviation from the average district population;
- an explanation of the criteria used in developing the plan, with a justification of any population deviation in a district from the average district population;
- a map or maps of all the districts; and
- the estimated cost to be incurred by the counties for changes in county election precinct boundaries required to conform to the districts adopted by the commission.

(b) Requires the commission to make a copy of a report 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 28a (Senatorial Districts, Apportionment of Members of House of Representatives, and relating to the commission), Article III, Texas Constitution.

Sec. 307.009. SUBMISSION OF PLAN. Requires the commission to submit, on adoption of a redistricting plan or modification of a plan by the commission, the plan or modification to the governor, the secretary of state, and the presiding officer of each house of the legislature.

Sec. 307.010. CESSATION OF OPERATIONS. (a) Requires the commission to take, following initial adoption of all plans that the commission is required to adopt, all necessary steps to conclude its business and suspend operations until the commission reconvenes as provided by Section 28a, Article III, or Section 7a, Article V, Texas Constitution, if it does reconvene.

(b) Requires the commission to prepare a financial statement disclosing all expenditures made by the commission. Requires the official record of the commission to contain all relevant information developed by the commission in carrying out its duties, including maps, data, minutes of meetings, written communications, and other information.

(c) 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 money from an appropriation to the commission reverts to the general revenue fund.

Sec. 307.011. CHALLENGES TO PLAN. (a) Authorizes any registered voter, after a redistricting plan or modification of a redistricting plan is adopted by the commission or supreme court under Section 28a, Article III, Texas Constitution, to file a petition with the supreme court challenging the plan.

(b) Authorizes the supreme court to consolidate any or all petitions. Requires the supreme court to give the petitions precedence over all other matters.

(c) Provides that this section does not limit the remedies available under other law to a person aggrieved by a redistricting plan.

Sec. 307.012. RECONVENING OF COMMISSION FOR REAPPORTIONMENT OF JUDICIAL DISTRICTS. (a) Requires the commission to reconvene on September 1 of the year provided by Section 7a(e) (relating to statewide reapportionment), Article V, Texas Constitution, to make the statewide reapportionment as required by Section 24.946(a), if the Judicial Districts Board fails to make a statewide reapportionment of judicial districts under Subchapter F, Chapter 24, unless the commission is already reconvened.

(b) Requires the commission to complete the reapportionment of judicial districts as soon as possible within the time provided by Section 7a(e), Article V, Texas Constitution.

(c) Provides that the commission's reapportionment of judicial districts becomes effective as provided by Sections 24.948 and 24.949.

(d) Requires the commission to take, following the effective date of a reapportionment of judicial districts, all necessary steps to conclude its business and suspend operations in accordance with Section 307.010. Requires the commission to suspend operations after the 90th day after the September 1 on which the commission's authority to adopt a reapportionment plan for the judicial districts begins, unless the supreme court grants the commission additional time to conduct its activities.

SECTION 2. Amends Section 24.945(e), Government Code, to prohibit the legislature, the Judicial District Board, or the commission, rather than the Legislative Redistricting Board, from redistricting the judicial districts to provide for any judicial district smaller in size than an entire county except as provided by this subsection. Makes a conforming change.

SECTION 3. Amends Section 24.946(a), Government Code, to require the commission, rather than the Legislative Redistricting Board, established by Article III, Section 28a, rather than 28, of the Texas Constitution, to make a statewide reapportionment of the judicial districts not later than the 90th, rather than 150th, day after the final day for the Judicial Districts Board to make the reapportionment, and that apportionment takes effect as provided by Sections 24.948 and 24.949, if the Judicial Districts Board fails to make a statewide apportionment by the date.

SECTION 4. Effective date: January 1, 2003, provided that the constitutional amendment proposed by the 77th Legislature, Regular Session, 2001, establishing the Texas Redistricting Commission and revising the constitutional redistricting provisions, is approved by the voters. If that proposed constitutional amendment is not approved by the voters, this Act has no effect.