

BILL ANALYSIS

Senate Research Center
78R1408 JSA-D

S.B. 90
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Jurisprudence
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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. 90 would establish a nine-member independent, bipartisan citizen 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 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 appointee, 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, Article III, Texas Constitution.

Sec. 307.004. POLITICAL ACTIVITIES PROHIBITED. Prohibits a member of the commission from performing certain political activities.

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 or other information compiled by the state or its political subdivisions as necessary for the commission's reapportionment duties.

(c) 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 plans.

Sec. 307.006. DUTIES. Requires the commission to perform certain duties.

Sec. 307.007. REDISTRICTING PLAN; FORM. (a) Requires the commission, for each plan

or modification of a plan adopted by the commission, to prepare and publish a report that includes certain information.

(b) 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 plan adopted by the commission to conform to the standards provided by Sections 25, 26, and 28a, Article III, Texas Constitution.

Sec. 307.009. SUBMISSION OF PLAN. Requires the commission, on adoption of a plan or modification of a plan by the commission, to submit 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, 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 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 the 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 person, after a plan or modification of a plan is adopted by the commission or supreme court under Section 28a, Article III, Texas Constitution, who is aggrieved by the plan or modification to file a petition with the supreme court challenging the plan.

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

(c) Prohibits this section from limiting the remedies available under other law to any person aggrieved by the plan.

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

(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, following the effective date of a reapportionment of judicial districts, to take 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 make conforming changes.

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

SECTION 4. Provides that this Act takes effect January 1, 2005, but only if the constitutional amendment proposed by the 78th Legislature, Regular Session, 2003, establishing the Texas Redistricting Commission to redistrict the Texas Legislature and Texas congressional districts and revising 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.