

By: Schofield

H.J.R. No. 105

A JOINT RESOLUTION

1 proposing a constitutional amendment allowing the legislature to  
2 establish a special district to be the seat of state government.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 58, Article III, Texas Constitution, is  
5 amended to read as follows:

6 Sec. 58. (a) The Legislature shall hold its sessions at the  
7 [~~City of Austin, which is hereby declared to be the~~] seat of  
8 government.

9 (b) Except as provided by Subsection (c) of this section,  
10 the seat of government is the City of Austin.

11 (c) If the Legislature creates a State District under  
12 Section 58-a, Article III, of this constitution, the seat of  
13 government is the State District.

14 SECTION 2. Article III, Texas Constitution, is amended by  
15 adding Section 58-a to read as follows:

16 Sec. 58-a. (a) The legislature by local law may establish  
17 from part of the City of Austin a special district, to be known as  
18 the State District, to be the seat of state government.

19 (b) The district shall be governed by a governing officer or  
20 governing body as provided by the legislature by local law. The  
21 legislature may enact local laws to govern the operation of the  
22 district or to amend or repeal a law, ordinance, order, policy, or  
23 other measure adopted by the governing officer or governing body of  
24 the district.

1        (c) In apportioning the senate and house of  
2 representatives, the legislature shall consider the district to be  
3 part of Travis County.

4        SECTION 3. Section 28, Article III, Texas Constitution, is  
5 amended to read as follows:

6        Sec. 28. The Legislature shall, at its first regular  
7 session after the publication of each United States decennial  
8 census, apportion the state into senatorial and representative  
9 districts, agreeable to the provisions of Sections 25 and 26 of this  
10 Article. In the event the Legislature shall at any such first  
11 regular session following the publication of a United States  
12 decennial census, fail to make such apportionment, same shall be  
13 done by the Legislative Redistricting Board of Texas, which is  
14 hereby created, and shall be composed of five (5) members, as  
15 follows: The Lieutenant Governor, the Speaker of the House of  
16 Representatives, the Attorney General, the Comptroller of Public  
17 Accounts and the Commissioner of the General Land Office, a  
18 majority of whom shall constitute a quorum. Said Board shall  
19 assemble at the seat of government [~~in the City of Austin~~] within  
20 ninety (90) days after the final adjournment of such regular  
21 session. The Board shall, within sixty (60) days after assembling,  
22 apportion the state into senatorial and representative districts,  
23 or into senatorial or representative districts, as the failure of  
24 action of such Legislature may make necessary. Such apportionment  
25 shall be in writing and signed by three (3) or more of the members of  
26 the Board duly acknowledged as the act and deed of such Board, and,  
27 when so executed and filed with the Secretary of State, shall have

1 force and effect of law. Such apportionment shall become effective  
2 at the next succeeding statewide general election. The Supreme  
3 Court of Texas shall have jurisdiction to compel such Board to  
4 perform its duties in accordance with the provisions of this  
5 section by writ of mandamus or other extraordinary writs  
6 conformable to the usages of law. The Legislature shall provide  
7 necessary funds for clerical and technical aid and for other  
8 expenses incidental to the work of the Board, and the Lieutenant  
9 Governor and the Speaker of the House of Representatives shall be  
10 entitled to receive per diem and travel expense during the Board's  
11 session in the same manner and amount as they would receive while  
12 attending a special session of the Legislature.

13 SECTION 4. This proposed constitutional amendment shall be  
14 submitted to the voters at an election to be held on November 2,  
15 2021. The ballot shall be printed to provide for voting for or  
16 against the proposition: "The constitutional amendment allowing  
17 the legislature to establish from part of the City of Austin the  
18 State District to be the seat of state government."