

## **BILL ANALYSIS**

Senate Research Center  
78R1408 JSA-D

S.B. 6  
By: Wentworth  
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. 6 establishes a nine member 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 Subtitle A, Title 3, 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 to take and subscribe to the constitutional oath of office, before serving on the Texas Redistricting Commission (TRC).

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

Sec. 307.004. POLITICAL ACTIVITIES PROHIBITED. Prohibits a member of TRC from campaigning for elective office while a member of TRC; actively participating in or contributing to the political campaign of a candidate for a state or federal elective office while a member of TRC; or serving as or being a candidate for the Texas Legislature before the second anniversary of the date TRC adopted a redistricting plan for that body during the member's service on TRC.

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

(b) Requires TRC 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 (TLC), under the direction of TRC, to provide the technical staff and clerical services that TRC needs to prepare its plans.

Sec. 307.006. DUTIES. Requires TRC to adopt rules to carry out its constitutional duties 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 (Open Meetings) and 552 (Public Information).

Sec. 307.007. REDISTRICTING PLAN; FORM. (a) Requires TRC, for each plan or modification of a plan adopted by it, to prepare and publish a report that includes certain information.

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

Sec. 307.009. SUBMISSION OF PLAN. Requires TRC, upon adoption of a plan or modification of a plan, to submit the plan or modification to the governor, the secretary of the senate, and the presiding officer of each house of the legislature.

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

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

(c) Establishes that the secretary of state becomes the custodian of TRC's official records for purposes of election administration, after TRC suspends operations. Provides that any unexpended money from an appropriation to TRC reverts to the general revenue fund.

Sec. 307.011. CHALLENGES TO PLAN. (a) Provides that after a plan or modification of a plan is adopted by TRC or the supreme court under Section 28a, Article III, Texas Constitution, any person aggrieved by the plan or modification may file a petition with the supreme court challenging the plan.

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

(c) Provides that this section does not limit the remedies available under other laws to any person aggrieved plan.

Sec. 307.012. RECONVENING OF COMMISSION FOR REAPPORTIONMENT OF JUDICIAL DISTRICTS. (a) Requires TRC, if the Judicial Districts Board fails to make a statewide reapportionment of judicial districts under Subchapter F, Chapter 24, unless the TRC 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 TRC 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 TRC's reapportionment of judicial districts becomes effective as provided by Sections 24.948 and 24.949.

(d) Requires TRC, 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 TRC to suspend operations after the 90th day after the September 1 on which TRC's authority to adopt a reapportionment plan for the judicial districts begins, unless the supreme court grants TRC additional time to conduct its activities.

SECTION 2. Amends Section 24.945(e), Government Code, to prohibit the legislature, the Judicial Districts Board, or the Texas Redistricting Commission, rather than the Texas Legislative 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 provide that if the Judicial District Board fails to make a statewide apportionment by that date, the Texas Redistricting Commission, rather than the Texas Legislative Board established by Article III, Section 28a, rather than Section 28, of the Texas Constitution shall 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.

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. Specifies that if the proposed constitutional amendment is not approved by the voters, then this Act has no effect.