

By: Hochberg

H.B. No. 42

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the redistricting of congressional districts and the  
3 creation, function, and duties of the Texas Congressional  
4 Redistricting Commission.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle A, Title 3, Government Code, is amended  
7 by adding Chapter 307 to read as follows:

8 CHAPTER 307. TEXAS CONGRESSIONAL REDISTRICTING COMMISSION

9 Sec. 307.001. DEFINITIONS. In this chapter:

10 (1) "Commission" means the Texas Congressional  
11 Redistricting Commission established by Section 28a, Article III,  
12 Texas Constitution.

13 (2) "Plan" means a redistricting plan for the Texas  
14 congressional districts adopted as provided by Section 28a, Article  
15 III, Texas Constitution, and this chapter.

16 Sec. 307.002. OATH. Before serving on the commission, each  
17 person appointed shall take and subscribe to the constitutional  
18 oath of office.

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

22 Sec. 307.004. POLITICAL ACTIVITIES PROHIBITED. A member of  
23 the commission may not:

24 (1) campaign for elective office while a member of the

1 commission; or

2 (2) actively participate in or contribute to the  
3 political campaign of a candidate for a state or federal elective  
4 office while a member of the commission.

5 Sec. 307.005. OPERATION OF COMMISSION. (a) The  
6 legislature shall appropriate sufficient money for the  
7 compensation and payment of the expenses of the commission members  
8 and any staff employed by the commission.

9 (b) The commission shall be provided access to statistical  
10 or other information compiled by the state or its political  
11 subdivisions as necessary for the commission's reapportionment  
12 duties.

13 (c) The Texas Legislative Council, under the direction of  
14 the commission, shall provide the technical staff and clerical  
15 services that the commission needs to prepare its plans.

16 Sec. 307.006. DUTIES. The commission shall:

17 (1) adopt rules to carry out the constitutional duties  
18 of the commission and to administer this chapter; and

19 (2) comply with Chapters 551 and 552.

20 Sec. 307.007. REDISTRICTING PLAN; FORM. (a) For a plan or  
21 modification of a plan adopted by the commission, the commission  
22 shall prepare and publish a report that includes:

23 (1) for each district in the plan, the total  
24 population and the percentage deviation from the average district  
25 population;

26 (2) an explanation of the criteria used in developing  
27 the plan, with a justification of any population deviation in a

1 district from the average district population;

2 (3) a map or maps of all the districts; and

3 (4) the estimated cost to be incurred by the counties  
4 for changes in county election precinct boundaries required to  
5 conform to the districts adopted by the commission.

6 (b) The commission shall make a copy of a report prepared  
7 under this section available to the public.

8 Sec. 307.008. REDISTRICTING PLAN STANDARDS. A plan adopted  
9 by the commission must conform to the standards provided by Section  
10 28a, Article III, Texas Constitution.

11 Sec. 307.009. SUBMISSION OF PLAN. On adoption of a plan or  
12 modification of a plan by the commission, the commission shall  
13 submit the plan or modification to the governor, the secretary of  
14 state, and the presiding officer of each house of the legislature.

15 Sec. 307.010. CESSATION OF OPERATIONS. (a) Following the  
16 initial adoption of the plan that the commission is required to  
17 adopt, the commission shall take all necessary steps to conclude  
18 its business and suspend operations until the commission reconvenes  
19 as provided by Section 28a, Article III, Texas Constitution, if it  
20 does reconvene.

21 (b) The commission shall prepare a financial statement  
22 disclosing all expenditures made by the commission. The official  
23 record of the commission shall contain all relevant information  
24 developed by the commission in carrying out its duties, including  
25 maps, data, minutes of meetings, written communications, and other  
26 information.

27 (c) After the commission suspends operations, the secretary

1 of state becomes the custodian of its official records for purposes  
2 of election administration. Any unexpended money from an  
3 appropriation to the commission reverts to the general revenue  
4 fund.

5 SECTION 2. This Act takes effect January 1, 2005, but only  
6 if the constitutional amendment proposed by the 78th Legislature,  
7 3rd Called Session, 2003, establishing the Texas Congressional  
8 Redistricting Commission to redistrict Texas congressional  
9 districts is approved by the voters. If that proposed  
10 constitutional amendment is not approved by the voters, this Act  
11 has no effect.