

1-1 By: Wentworth S.B. No. 1068
1-2 (In the Senate - Filed March 2, 2007; March 14, 2007, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 10, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 4; April 10, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1068 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the reapportionment of congressional districts and the
1-11 creation, function, and duties of the Texas Congressional
1-12 Redistricting Commission.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle A, Title 3, Government Code, is amended
1-15 by adding Chapter 307 to read as follows:

1-16 CHAPTER 307. TEXAS CONGRESSIONAL REDISTRICTING COMMISSION

1-17 Sec. 307.001. DEFINITIONS. In this chapter:

1-18 (1) "Commission" means the Texas Congressional
1-19 Redistricting Commission.

1-20 (2) "Plan" means a redistricting plan for the Texas
1-21 congressional districts adopted as provided by this chapter.

1-22 Sec. 307.002. TEXAS CONGRESSIONAL REDISTRICTING
1-23 COMMISSION. The Texas Congressional Redistricting Commission
1-24 exercises the legislative authority of this state to adopt
1-25 redistricting plans for the election of the members of the United
1-26 States House of Representatives elected from this state. A plan for
1-27 congressional districts may be established or modified only by the
1-28 commission as provided by this chapter.

1-29 Sec. 307.003. MEMBERSHIP; TERMS. (a) The initial
1-30 commission consists of nine members selected as follows:

1-31 (1) two members appointed by a majority vote of the
1-32 members of the Texas House of Representatives belonging to the
1-33 political party with the most members in the house of
1-34 representatives;

1-35 (2) two members appointed by a majority vote of the
1-36 members of the Texas House of Representatives belonging to the
1-37 political party with the second highest number of members in the
1-38 house of representatives;

1-39 (3) two members appointed by a majority vote of the
1-40 members of the Texas Senate belonging to the political party with
1-41 the most members in the senate;

1-42 (4) two members appointed by a majority vote of the
1-43 members of the Texas Senate belonging to the political party with
1-44 the second highest number of members in the senate; and

1-45 (5) one member appointed by an affirmative vote of not
1-46 fewer than five of the members of the commission selected under
1-47 Subdivisions (1)-(4).

1-48 (b) The member appointed under Subsection (a)(5) is a
1-49 nonvoting member and serves as presiding officer of the commission.

1-50 (c) Each member of the commission must be a resident of this
1-51 state. At least one member appointed by the Texas House of
1-52 Representatives and one member appointed by the Texas Senate must
1-53 reside in a county not designated as a metropolitan statistical
1-54 area as defined by the United States Office of Management and
1-55 Budget. If the members of a house of the legislature entitled to
1-56 make an appointment to the commission cannot agree on whether the
1-57 members belonging to the political party with the most members or
1-58 the political party with the second highest number of members will
1-59 make the appointment required by this subsection, the presiding
1-60 officer of that house shall designate the members who must make the
1-61 appointment required by this subsection.

1-62 (d) A person is not eligible to serve on the commission if
1-63 the person:

2-1 (1) holds an elective public office;

2-2 (2) holds an office in a political party other than
 2-3 membership on a precinct committee;

2-4 (3) has served in a position described by Subdivision
 2-5 (1) or (2) within the two years preceding the date the person is
 2-6 appointed to the commission; or

2-7 (4) is required to register under Section 305.003 or
 2-8 was required to register under that section in the two years
 2-9 preceding the date the person is appointed to the commission.

2-10 (e) The full term of a member of the commission is a two-year
 2-11 term that begins on February 1 of the year ending in one in which the
 2-12 initial appointment to the position is required to be made and
 2-13 expires on January 31 of the next year ending in three.

2-14 (f) A vacancy on the commission is filled in the same manner
 2-15 as provided by this section for the original appointment, except
 2-16 that, if the commission is convened when the vacancy occurs or if
 2-17 the vacancy exists when the commission reconvenes, the supreme
 2-18 court shall fill the vacancy if the initial appointing authority
 2-19 fails to fill the vacancy on or before the 20th day after the date
 2-20 the vacancy occurs or the commission reconvenes, as applicable.
 2-21 The supreme court shall fill the vacancy not later than the ninth
 2-22 day after the earliest date on which the supreme court may fill the
 2-23 vacancy, or as soon after the ninth day as possible. The members of
 2-24 the Texas House of Representatives or Texas Senate authorized to
 2-25 appoint a member of the commission may meet as necessary to make an
 2-26 appointment or to fill a vacancy.

2-27 (g) The members of the commission appointed under
 2-28 Subsections (a)(1)-(4) shall be appointed not earlier than January
 2-29 25 or later than January 31 of each year ending in one. The member
 2-30 appointed under Subsection (a)(5) shall be appointed not later than
 2-31 the 30th day after the commission convenes under Section
 2-32 307.008(b). If a member is not appointed in the time provided by
 2-33 this subsection, the supreme court shall make the appointment
 2-34 before the sixth day after the last date on which the initial
 2-35 appointing authority could have made the appointment, or as soon
 2-36 after the sixth day as possible.

2-37 Sec. 307.004. OATH. Before serving on the commission, each
 2-38 person appointed shall take and subscribe to the constitutional
 2-39 oath of office.

2-40 Sec. 307.005. POLITICAL ACTIVITIES PROHIBITED. A member of
 2-41 the commission may not:

2-42 (1) be a candidate for or campaign for elective office
 2-43 while a member of the commission; or

2-44 (2) actively participate in or contribute to the
 2-45 political campaign of a candidate for a state or federal elective
 2-46 office while a member of the commission.

2-47 Sec. 307.006. OPERATION OF COMMISSION. (a) The
 2-48 legislature shall appropriate sufficient money for the
 2-49 compensation and payment of the expenses of the commission members
 2-50 and any staff employed by the commission.

2-51 (b) The commission shall be provided access to statistical
 2-52 or other information compiled by the state or its political
 2-53 subdivisions as necessary for the commission's reapportionment
 2-54 duties.

2-55 (c) The Texas Legislative Council, under the direction of
 2-56 the commission, shall provide the technical staff and clerical
 2-57 services that the commission needs to prepare its plans.

2-58 Sec. 307.007. DUTIES. The commission shall:

2-59 (1) adopt rules to administer this chapter; and

2-60 (2) comply with Chapters 551 and 552.

2-61 Sec. 307.008. ADOPTION OF PLAN. (a) A redistricting plan
 2-62 or modification of a redistricting plan is adopted by a vote of not
 2-63 fewer than five members of the commission.

2-64 (b) The commission shall convene on the first business day
 2-65 after January 31 of each year ending in one and shall adopt a
 2-66 redistricting plan for the members of the United States House of
 2-67 Representatives elected from this state not later than June 15 of
 2-68 that year, unless the federal decennial census is delivered to the
 2-69 appropriate officials of this state after May 1 of that year, in

3-1 which event the commission shall adopt the redistricting plan not
 3-2 later than the 75th day after the date the census is delivered.

3-3 (c) If the commission does not adopt a plan within the time
 3-4 required by Subsection (b), not later than the second day after the
 3-5 date of the deadline for commission action prescribed by Subsection
 3-6 (b), the chief justice of the supreme court shall appoint a person
 3-7 to serve as an additional voting member of the commission. The
 3-8 person appointed must be eligible to serve on the commission. The
 3-9 term of a member appointed under this section expires on the same
 3-10 day as the other voting members of the commission.

3-11 (d) Following appointment of a member under Subsection (c),
 3-12 the commission shall adopt a redistricting plan not later than the
 3-13 45th day after the date of the deadline for commission action
 3-14 prescribed by Subsection (b).

3-15 (e) If the commission does not adopt a plan within the time
 3-16 required by Subsection (d), the commission's authority to adopt a
 3-17 plan is suspended and the supreme court shall adopt the plan not
 3-18 later than the 45th day after the date of the deadline for
 3-19 commission action prescribed by Subsection (d).

3-20 Sec. 307.009. MODIFICATION OF PLAN; ADDITIONAL ACTION.

3-21 (a) Except as provided by Subsection (c), the commission may
 3-22 reconvene on the motion of at least four of its voting members filed
 3-23 with the secretary of state at any time after the adoption of the
 3-24 initial congressional redistricting plan to modify that plan if the
 3-25 plan becomes unenforceable by order of a court or by action of any
 3-26 other appropriate authority or is subject to legal challenge in a
 3-27 court proceeding. In modifying a redistricting plan, the
 3-28 commission must comply with all applicable standards imposed by
 3-29 this chapter, but is not limited to modifications necessary to
 3-30 correct legal deficiencies.

3-31 (b) The commission may reconvene in the manner provided by
 3-32 Subsection (a) to adopt a redistricting plan if the supreme court
 3-33 does not adopt a congressional redistricting plan in the time
 3-34 required by Section 307.008(e).

3-35 (c) The authority of the commission to act under this
 3-36 chapter expires on January 31 of the next year ending in three
 3-37 unless the final judgment of a court wholly or partly invalidates a
 3-38 plan after that date.

3-39 Sec. 307.010. PLAN REQUIREMENTS. (a) In a redistricting
 3-40 plan or modification of a plan adopted under this chapter:

3-41 (1) each district must be composed of contiguous
 3-42 territory;

3-43 (2) each district must contain a population, excluding
 3-44 nonresident military personnel, as nearly equal as practicable to
 3-45 the population of any other district in the plan; and

3-46 (3) to the extent reasonable, each district must be
 3-47 compact and convenient and be separated from adjoining districts by
 3-48 natural geographic barriers, artificial barriers, or political
 3-49 subdivision boundaries.

3-50 (b) For each plan or modification of a plan adopted by the
 3-51 commission, the commission shall prepare and publish a report that
 3-52 includes:

3-53 (1) for each district in the plan, the total
 3-54 population and the percentage deviation from the average district
 3-55 population;

3-56 (2) an explanation of the criteria used in developing
 3-57 the plan, with a justification of any population deviation in a
 3-58 district from the average district population;

3-59 (3) a map or maps of all the districts; and

3-60 (4) the estimated cost to be incurred by the counties
 3-61 for changes in county election precinct boundaries required to
 3-62 conform to the districts adopted by the commission.

3-63 (c) The commission shall make a copy of a report prepared
 3-64 under this section available to the public.

3-65 Sec. 307.011. SUBMISSION OF PLAN. On adoption of a plan or
 3-66 modification of a plan by the commission, the commission shall
 3-67 submit the plan or modification to the governor, the secretary of
 3-68 state, and the presiding officer of each house of the legislature.

3-69 Sec. 307.012. CESSATION OF OPERATIONS. (a) Following the

4-1 initial adoption of the plan that the commission is required to
4-2 adopt, the commission shall take all necessary steps to conclude
4-3 its business and suspend operations until the commission reconvenes
4-4 as provided by Section 307.009 if it does reconvene.

4-5 (b) The commission shall prepare a financial statement
4-6 disclosing all expenditures made by the commission. The official
4-7 record of the commission shall contain all relevant information
4-8 developed by the commission in carrying out its duties, including
4-9 maps, data, minutes of meetings, written communications, and other
4-10 information.

4-11 (c) After the commission suspends operations, the secretary
4-12 of state becomes the custodian of its official records for purposes
4-13 of election administration. Any unexpended money from an
4-14 appropriation to the commission reverts to the general revenue
4-15 fund.

4-16 Sec. 307.013. CHALLENGES TO PLAN. (a) After a plan or
4-17 modification of a plan is adopted by the commission or supreme
4-18 court, any person aggrieved by the plan or modification may file a
4-19 petition with the supreme court challenging the plan.

4-20 (b) The supreme court has original jurisdiction to hear and
4-21 decide cases involving congressional redistricting, including a
4-22 case involving a redistricting plan adopted by the supreme court
4-23 under this chapter. A member of the court is not disqualified from
4-24 participating in a redistricting case because the member has
4-25 participated or may participate in the adoption of a redistricting
4-26 plan, but may recuse himself or herself from the case. This
4-27 subsection supersedes any other law, including an applicable code
4-28 of judicial conduct, with regard to conflicts of interest by or
4-29 disqualification of a member of the court.

4-30 (c) The supreme court may consolidate any or all petitions
4-31 and shall give the petitions precedence over all other matters.

4-32 (d) This section does not limit the remedies available under
4-33 other law to any person aggrieved by a plan.

4-34 Sec. 307.014. REAPPOINTMENT OF COMMISSION FOLLOWING COURT
4-35 ACTION. (a) If the final judgment of a state or federal court
4-36 invalidates all or part of a plan or otherwise makes the plan
4-37 unenforceable and as of January 31 of the next year ending in three
4-38 the commission has not modified the plan as authorized by Section
4-39 307.009 in response to the judgment, a new commission shall be
4-40 appointed in the manner provided by Section 307.003, except that
4-41 the appointments described by Sections 307.003(a)(1)-(4) must be
4-42 made not later than the later of the 14th day after the date the
4-43 judgment becomes final or February 14 of the next year ending in
4-44 three. The commission shall convene not later than the fifth day
4-45 after the date the last appointment described by Sections
4-46 307.003(a)(1)-(4) is made, and the commission must make the
4-47 appointment described by Section 307.003(a)(5) not later than the
4-48 fifth day after the date the commission convenes.

4-49 (b) A commission appointed under Subsection (a) has the same
4-50 powers and duties under this chapter as a commission appointed
4-51 under Section 307.003 except that the terms of the members of the
4-52 commission and the authority of the commission to act under this
4-53 chapter expire on the earlier of:

4-54 (1) the date a judgment of a court approving a new plan
4-55 adopted by the commission becomes final; or

4-56 (2) the second anniversary of the date the commission
4-57 first convenes under Subsection (a).

4-58 SECTION 2. This Act takes effect January 1, 2009.

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