

BILL ANALYSIS

H.J.R. 53
By: Homer
Redistricting
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Constitution requires the legislature, at its first regular session after the publication of the United States decennial census, to apportion the state into senatorial and representative districts. However, the constitution further provides that, if the legislature fails to make such apportionment, that duty to make such appointment falls to the Legislative Redistricting Board of Texas, which is composed of five members: the lieutenant governor, the speaker of the house of representatives, the attorney general, the comptroller of public accounts, and the commissioner of the general land office.

In the event of a legal challenge to a plan adopted by the board, it is the duty of the attorney general to represent the state in such proceedings. The fact that the attorney general is a voting member of the board as well as its attorney presents a potential conflict of interest. Replacing the attorney general with the commissioner of agriculture would remedy the potential conflict of interest.

H.J.R. 53 proposes an amendment to the Texas Constitution to replace the Attorney General as a member of the Legislative Redistricting Board with the Commissioner of Agriculture.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.J.R. 53 proposes an amendment to the Texas Constitution to replace the Attorney General as a member of the Legislative Redistricting Board with the Commissioner of Agriculture or other head of the executive department that oversees agriculture in Texas.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 3, 2009.