

By: Homer, Gutierrez

H.J.R. No. 53

A JOINT RESOLUTION

1 proposing a constitutional amendment to replace the attorney  
2 general on the legislative redistricting board with the  
3 commissioner of agriculture.

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

5 SECTION 1. Section 28, Article III, Texas Constitution, is  
6 amended to read as follows:

7 Sec. 28. The Legislature shall, at its first regular  
8 session after the publication of each United States decennial  
9 census, apportion the state into senatorial and representative  
10 districts, agreeable to the provisions of Sections 25 and 26 of this  
11 Article. In the event the Legislature shall at any such first  
12 regular session following the publication of a United States  
13 decennial census, fail to make such apportionment, same shall be  
14 done by the Legislative Redistricting Board of Texas, which is  
15 hereby created, and shall be composed of five (5) members, as  
16 follows: The Lieutenant Governor, the Speaker of the House of  
17 Representatives, the Commissioner of Agriculture or other head of  
18 the executive department that oversees agriculture in this state  
19 [~~Attorney General~~], the Comptroller of Public Accounts and the  
20 Commissioner of the General Land Office, a majority of whom shall  
21 constitute a quorum. Said Board shall assemble in the City of  
22 Austin within ninety (90) days after the final adjournment of such  
23 regular session. The Board shall, within sixty (60) days after  
24 assembling, apportion the state into senatorial and representative

1 districts, or into senatorial or representative districts, as the  
2 failure of action of such Legislature may make necessary. Such  
3 apportionment shall be in writing and signed by three (3) or more of  
4 the members of the Board duly acknowledged as the act and deed of  
5 such Board, and, when so executed and filed with the Secretary of  
6 State, shall have force and effect of law. Such apportionment shall  
7 become effective at the next succeeding statewide general election.  
8 The Supreme Court of Texas shall have jurisdiction to compel such  
9 Board to perform its duties in accordance with the provisions of  
10 this section by writ of mandamus or other extraordinary writs  
11 conformable to the usages of law. The Legislature shall provide  
12 necessary funds for clerical and technical aid and for other  
13 expenses incidental to the work of the Board, and the Lieutenant  
14 Governor and the Speaker of the House of Representatives shall be  
15 entitled to receive per diem and travel expense during the Board's  
16 session in the same manner and amount as they would receive while  
17 attending a special session of the Legislature.

18 SECTION 2. This proposed constitutional amendment shall be  
19 submitted to the voters at an election to be held November 3, 2009.  
20 The ballot shall be printed to permit voting for or against the  
21 proposition: "The constitutional amendment to replace the  
22 attorney general on the legislative redistricting board with the  
23 commissioner of agriculture."