

By: Cain

H.J.R. No. 162

A JOINT RESOLUTION

1 proposing a constitutional amendment allowing the legislature to
2 establish a special district to be the seat of state government.

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

4 SECTION 1. Section 58, Article III, Texas Constitution, is
5 amended to read as follows:

6 Sec. 58. (a) The Legislature shall hold its sessions at the
7 [~~City of Austin, which is hereby declared to be the~~] seat of
8 government.

9 (b) Except as provided by Subsection (c) of this section,
10 the seat of government is the City of Austin.

11 (c) If the Legislature creates a District of Austin under
12 Section 58-a, Article III, the seat of government is the District of
13 Austin.

14 SECTION 2. Article III, Texas Constitution, is amended by
15 adding Section 58-a to read as follows:

16 Sec. 58-a. (a) The legislature by local law may establish
17 from all or part of Travis County a special district, to be known as
18 the District of Austin, to be the seat of state government.

19 (b) The district shall be governed by a governing officer or
20 governing body as provided by the legislature by local law. The
21 legislature may enact local laws to govern the operation of the
22 district or to amend or repeal a law, ordinance, order, policy, or
23 other measure adopted by the governing officer or governing body of
24 the district.

1 (c) The legislature may provide that a governing officer of
2 the district serves a term of office not to exceed four years.

3 (d) In apportioning the senate and house of
4 representatives, the legislature shall consider the district to be
5 part of Travis County.

6 SECTION 3. Section 28, Article III, Texas Constitution, is
7 amended to read as follows:

8 Sec. 28. The Legislature shall, at its first regular
9 session after the publication of each United States decennial
10 census, apportion the state into senatorial and representative
11 districts, agreeable to the provisions of Sections 25 and 26 of this
12 Article. In the event the Legislature shall at any such first
13 regular session following the publication of a United States
14 decennial census, fail to make such apportionment, same shall be
15 done by the Legislative Redistricting Board of Texas, which is
16 hereby created, and shall be composed of five (5) members, as
17 follows: The Lieutenant Governor, the Speaker of the House of
18 Representatives, the Attorney General, the Comptroller of Public
19 Accounts and the Commissioner of the General Land Office, a
20 majority of whom shall constitute a quorum. Said Board shall
21 assemble at the seat of government [~~in the City of Austin~~] within
22 ninety (90) days after the final adjournment of such regular
23 session. The Board shall, within sixty (60) days after assembling,
24 apportion the state into senatorial and representative districts,
25 or into senatorial or representative districts, as the failure of
26 action of such Legislature may make necessary. Such apportionment
27 shall be in writing and signed by three (3) or more of the members of

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

15 SECTION 4. This proposed constitutional amendment shall be
16 submitted to the voters at an election to be held on November 2,
17 2021. The ballot shall be printed to provide for voting for or
18 against the proposition: "The constitutional amendment allowing
19 the legislature to establish from all or part of Travis County the
20 District of Austin to be the seat of state government."