

By: Hochberg

H.B. No. 49

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the reapportionment 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.

12 (2) "Plan" means a redistricting plan for the Texas
13 congressional districts adopted as provided by this chapter.

14 Sec. 307.002. TEXAS CONGRESSIONAL REDISTRICTING
15 COMMISSION. The Texas Congressional Redistricting Commission
16 exercises the legislative authority of this state to adopt
17 redistricting plans for the election of the members of the United
18 States House of Representatives elected from this state. Districts
19 for that legislative body may not be established while the
20 commission has authority to act under this chapter.

21 Sec. 307.003. MEMBERSHIP; TERMS. (a) The commission
22 consists of nine members selected as follows:

23 (1) two members appointed by a majority vote of the
24 members of the Texas House of Representatives belonging to the

1 political party with the most members in the house of
2 representatives;

3 (2) two members appointed by a majority vote of the
4 members of the Texas House of Representatives belonging to the
5 political party with the second highest number of members in the
6 house of representatives;

7 (3) two members appointed by a majority vote of the
8 members of the Texas Senate belonging to the political party with
9 the most members in the senate;

10 (4) two members appointed by a majority vote of the
11 members of the Texas Senate belonging to the political party with
12 the second highest number of members in the senate; and

13 (5) one member appointed by an affirmative vote of not
14 fewer than five of the members of the commission selected under
15 Subdivisions (1) through (4).

16 (b) The member appointed under Subsection (a)(5) is a
17 nonvoting member and serves as presiding officer of the commission.

18 (c) Each member of the commission must be a resident of this
19 state. A person is not eligible to serve on the commission if the
20 person:

21 (1) holds an elective public office;

22 (2) holds an office in a political party other than
23 membership on a precinct committee; or

24 (3) has served in a position described by Subdivision
25 (1) or (2) within the two years preceding the date the person is
26 appointed to the commission.

27 (d) The full term of a member of the commission is a two-year

1 term that begins on February 1 of the year ending in one in which the
2 initial appointment to the position is required to be made. At the
3 conclusion of a member's two-year term, the authority of the
4 commission to act under this chapter expires until the appointment
5 of new members in the subsequent year ending in one.

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

19 (f) The members of the commission appointed under
20 Subsections (a)(1) through (4) shall be appointed not earlier than
21 January 25 or later than January 31 of each year ending in one. The
22 member appointed under Subsection (a)(5) shall be appointed not
23 later than the 30th day after the commission convenes under Section
24 307.008(b). If a member is not appointed in the time provided by
25 this subsection, the supreme court shall make the appointment
26 before the sixth day after the last date on which the initial
27 appointing authority could have made the appointment, or as soon

1 after the sixth day as possible.

2 Sec. 307.004. OATH. Before serving on the commission, each
3 person appointed shall take and subscribe to the constitutional
4 oath of office.

5 Sec. 307.005. POLITICAL ACTIVITIES PROHIBITED. A member of
6 the commission may not:

7 (1) campaign for elective office while a member of the
8 commission; or

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

12 Sec. 307.006. OPERATION OF COMMISSION. (a) The
13 legislature shall appropriate sufficient money for the
14 compensation and payment of the expenses of the commission members
15 and any staff employed by the commission.

16 (b) The commission shall be provided access to statistical
17 or other information compiled by the state or its political
18 subdivisions as necessary for the commission's reapportionment
19 duties.

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

23 Sec. 307.007. DUTIES. The commission shall:

24 (1) adopt rules to administer this chapter; and

25 (2) comply with Chapters 551 and 552.

26 Sec. 307.008. ADOPTION OF PLAN. (a) A redistricting plan
27 or modification of a redistricting plan is adopted by a vote of not

1 less than five members of the commission.

2 (b) The commission shall convene on the first business day
3 after January 31 of each year ending in one and shall adopt a
4 redistricting plan for the members of the United States House of
5 Representatives elected from this state not later than July 1 of
6 that year, unless the federal decennial census is delivered to the
7 appropriate officials of this state after May 1 of that year, in
8 which event the commission shall adopt the redistricting plan not
9 later than the 90th day after the date the census is delivered.

10 (c) If the commission does not adopt a plan within the time
11 required by Subsection (b), the commission's authority to adopt a
12 plan is suspended and the supreme court shall adopt the plan not
13 later than September 1 of the year in which the census is delivered,
14 or the 60th day after the last date by which the commission is
15 directed to adopt a plan under Subsection (b), whichever date is
16 later.

17 Sec. 307.009. MODIFICATION OF PLAN; ADDITIONAL ACTION. (a)
18 The commission may reconvene on the motion of at least four of its
19 voting members filed with the secretary of state at any time after
20 the adoption of the initial congressional redistricting plan to
21 modify that plan if the plan becomes unenforceable by order of a
22 court or by action of any other appropriate authority or is subject
23 to legal challenge in a court proceeding. In modifying a
24 redistricting plan, the commission must comply with all applicable
25 standards imposed by this chapter, but is not limited to
26 modifications necessary to correct legal deficiencies.

27 (b) The commission may reconvene in the manner provided by

1 Subsection (a) to adopt a redistricting plan if the supreme court
2 does not adopt a plan for the applicable body in the time provided
3 by Section 307.008(c), if the supreme court is required to adopt a
4 plan for that body because the commission did not adopt an initial
5 plan for that body as required by Section 307.008(b).

6 Sec. 307.010. PLAN REQUIREMENTS. (a) In a redistricting
7 plan or modification of a plan adopted under this chapter:

8 (1) each district must be composed of contiguous
9 territory;

10 (2) each district must contain a population, excluding
11 nonresident military personnel, as nearly equal as practicable to
12 the population of any other district in the plan; and

13 (3) to the extent reasonable, each district must be
14 compact and convenient and be separated from adjoining districts by
15 natural geographic barriers, artificial barriers, or political
16 subdivision boundaries.

17 (b) The commission or supreme court may not draw a
18 redistricting plan purposely to favor or discriminate against a
19 political party or any other group.

20 (c) For each plan or modification of a plan adopted by the
21 commission, the commission shall prepare and publish a report that
22 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 (d) The commission shall make a copy of a report prepared
7 under this section available to the public.

8 Sec. 307.011. SUBMISSION OF PLAN. On adoption of a plan or
9 modification of a plan by the commission, the commission shall
10 submit the plan or modification to the governor, the secretary of
11 state, and the presiding officer of each house of the legislature.

12 Sec. 307.012. CESSATION OF OPERATIONS. (a) Following the
13 initial adoption of the plan that the commission is required to
14 adopt, the commission shall take all necessary steps to conclude
15 its business and suspend operations until the commission reconvenes
16 as provided by Section 307.009 if it does reconvene. On expiration
17 of the terms of the members of the committee, the committee shall
18 suspend its operations until the appointment of new members in the
19 subsequent year ending in one.

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

26 (c) After the commission suspends operations, the secretary
27 of state becomes the custodian of its official records for purposes

1 of election administration. Any unexpended money from an
2 appropriation to the commission reverts to the general revenue
3 fund.

4 Sec. 307.013. CHALLENGES TO PLAN. (a) After a plan or
5 modification of a plan is adopted by the commission or supreme
6 court, any person aggrieved by the plan or modification may file a
7 petition with the supreme court challenging the plan.

8 (b) The supreme court has original jurisdiction to hear and
9 decide cases involving congressional redistricting, including a
10 case involving a redistricting plan adopted by the supreme court
11 under this chapter. A member of the court is not disqualified from
12 participating in a redistricting case because the member has
13 participated or may participate in the adoption of a redistricting
14 plan, but may recuse himself or herself from the case. This
15 subsection supersedes any other law, including an applicable code
16 of judicial conduct, with regard to conflicts of interest by or
17 disqualification of a member of the court.

18 (c) The supreme court may consolidate any or all petitions
19 and shall give the petitions precedence over all other matters.

20 (d) This section does not limit the remedies available under
21 other law to any person aggrieved by a plan.

22 SECTION 2. This Act takes effect January 1, 2005.