

By: Rodriguez

H.B. No. 2170

A BILL TO BE ENTITLED

AN ACT

relating to the reapportionment of state legislative, congressional, and judicial districts and the creation, function, and duties of the Texas Redistricting Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

CHAPTER 307. TEXAS REDISTRICTING COMMISSION

Sec. 307.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Redistricting Commission established by Section 28a, Article III, Texas Constitution.

(2) "Plan" means a redistricting plan for the Texas Senate, Texas House of Representatives, or Texas congressional districts adopted as provided by Section 28a, Article III, Texas Constitution, and this chapter.

Sec. 307.002. OATH. Before serving on the commission, each person appointed shall take and subscribe to the constitutional oath of office.

Sec. 307.003. ELIGIBILITY. The eligibility of a person to serve on the commission is as prescribed by Section 28a, Article III, Texas Constitution.

Sec. 307.004. POLITICAL ACTIVITIES PROHIBITED. A member of the commission may not:

1 (1) campaign for elective office while a member of the
2 commission;

3 (2) actively participate in or contribute to the
4 political campaign of a candidate for a state or federal elective
5 office while a member of the commission;

6 (3) serve as or be a candidate to be a member of the
7 Texas Legislature before the second anniversary of the date the
8 commission adopted a redistricting plan for that body during the
9 member's service on the commission; or

10 (4) perform an activity for which a person is required
11 to register under Section 305.003.

12 Sec. 307.005. 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. 307.006. DUTIES. The commission shall:

24 (1) adopt rules to carry out the constitutional duties
25 of the commission and to administer this chapter;

26 (2) act as the legislature's recipient of the official
27 census data and maps from the United States Bureau of the Census

1 pursuant to the federal decennial census; and

2 (3) comply with Chapters 551 and 552.

3 Sec. 307.007. REDISTRICTING PLAN; FORM. (a) For each plan
4 or modification of a plan adopted by the commission, the commission
5 shall prepare and publish a report that includes:

6 (1) for each district in the plan, the total
7 population and the percentage deviation from the average district
8 population;

9 (2) an explanation of the criteria used in developing
10 the plan, with a justification of any population deviation in a
11 district from the average district population;

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

13 (4) the estimated cost to be incurred by the counties
14 for changes in county election precinct boundaries required to
15 conform to the districts adopted by the commission.

16 (b) The commission shall make a copy of a report prepared
17 under this section available to the public.

18 Sec. 307.008. REDISTRICTING PLAN STANDARDS. A plan adopted
19 by the commission must conform to the standards provided by
20 Sections 25, 26, and 28a, Article III, Texas Constitution.

21 Sec. 307.009. SUBMISSION OF PLAN. On adoption of a plan or
22 modification of a plan by the commission, the commission shall
23 submit the plan or modification to the governor, the secretary of
24 state, and the presiding officer of each house of the legislature.

25 Sec. 307.010. CESSATION OF OPERATIONS. (a) Following the
26 initial adoption of all plans that the commission is required to
27 adopt, the commission shall take all necessary steps to conclude

1 its business and suspend operations until the commission reconvenes
2 as provided by Section 28a, Article III, or Section 7a, Article V,
3 Texas Constitution, if it does reconvene.

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

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

15 Sec. 307.011. CHALLENGES TO PLAN. (a) After a plan or
16 modification of a plan is adopted by the commission or supreme court
17 under Section 28a, Article III, Texas Constitution, any person
18 aggrieved by the plan or modification may file a petition with the
19 supreme court challenging the plan.

20 (b) The supreme court may consolidate any or all petitions
21 and shall give the petitions precedence over all other matters.

22 (c) This section does not limit the remedies available under
23 other law to any person aggrieved by a plan.

24 Sec. 307.012. RECONVENING OF COMMISSION FOR
25 REAPPORTIONMENT OF JUDICIAL DISTRICTS. (a) If the Judicial
26 Districts Board fails to make a statewide reapportionment of
27 judicial districts under Subchapter F, Chapter 24, unless the

1 commission is already reconvened, the commission shall reconvene on
2 September 1 of the year provided by Section 7a(e), Article V, Texas
3 Constitution, to make the statewide reapportionment as required by
4 Section 24.946(a).

5 (b) The commission shall complete the reapportionment of
6 judicial districts as soon as possible within the time provided by
7 Section 7a(e), Article V, Texas Constitution.

8 (c) The commission's reapportionment of judicial districts
9 becomes effective as provided by Sections 24.948 and 24.949.

10 (d) Following the effective date of a reapportionment of
11 judicial districts, the commission shall take all necessary steps
12 to conclude its business and suspend operations in accordance with
13 Section 307.010. The commission shall suspend operations after the
14 90th day after the September 1 on which the commission's authority
15 to adopt a reapportionment plan for the judicial districts begins,
16 unless the supreme court grants the commission additional time to
17 conduct its activities.

18 SECTION 2. Section 24.945(e), Government Code, is amended
19 to read as follows:

20 (e) The legislature, the Judicial Districts Board, or the
21 Texas [~~Legislative~~] Redistricting Commission [~~Board~~] may not
22 redistrict the judicial districts to provide for any judicial
23 district smaller in size than an entire county except as provided by
24 this subsection. Judicial districts smaller in size than the
25 entire county may be created subsequent to a general election in
26 which a majority of the persons voting on the proposition adopt the
27 proposition "to allow the division of _____ County

1 into judicial districts composed of parts of _____
2 County." A redistricting plan may not be proposed or adopted by the
3 legislature, the Judicial Districts Board, or the Texas
4 [~~Legislative~~] Redistricting Commission [~~Board~~] in anticipation of
5 a future action by the voters of any county.

6 SECTION 3. Section 24.946(a), Government Code, is amended
7 to read as follows:

8 (a) The board shall meet in accordance with its own rules.
9 The board shall meet at least once in each interim between regular
10 sessions of the legislature and shall exercise its reapportionment
11 powers only in the interims between regular legislative sessions.
12 Meetings of the board shall be subject to the provisions of Chapter
13 551, except as otherwise provided by this subchapter. A
14 reapportionment may not be ordered in the interim immediately
15 following a regular session of the legislature in which a valid and
16 subsisting statewide reapportionment of judicial districts is
17 enacted by the legislature. Unless the legislature enacts a
18 statewide reapportionment of the judicial districts following each
19 federal decennial census, the board shall convene not later than
20 the first Monday of June of the third year following the year in
21 which the federal decennial census is taken to make a statewide
22 reapportionment of the districts. The board shall complete its
23 work on the reapportionment and file its order with the secretary of
24 state not later than August 31 of the same year. If the Judicial
25 Districts Board fails to make a statewide apportionment by that
26 date, the Texas [~~Legislative~~] Redistricting Commission [~~Board~~]
27 established by Article III, Section 28a [~~28~~], of the Texas

1 Constitution shall make a statewide reapportionment of the judicial
2 districts not later than the 90th [~~150th~~] day after the final day
3 for the Judicial Districts Board to make the reapportionment, and
4 that apportionment takes effect as provided by Sections 24.948 and
5 24.949.

6 SECTION 4. This Act takes effect January 1, 2006, but only
7 if the constitutional amendment proposed by the 79th Legislature,
8 Regular Session, 2005, establishing the Texas Redistricting
9 Commission to redistrict the Texas Legislature and Texas
10 congressional districts and revising the constitutional
11 redistricting provisions, is approved by the voters. If that
12 proposed constitutional amendment is not approved by the voters,
13 this Act has no effect.