

By: Duncan

S.J.R. No. 41

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."